

**RICHLAND COUNTY PLANNING COMMISSION**  
**June 3, 2019**

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*[Members Present: Beverly Frierson, Prentiss McLaurin, Jason Branham, Heather Cairns, Stephen Gilchrist, Mettauwer Carlisle, David Tuttle, Wallace Brown, Sr.; Absent: Karen Yip*

Called to order: 3:02 pm

CHAIRMAN GILCHRIST: I'd like to call the June 3<sup>rd</sup> Planning Commission meeting to order. Please allow me to read into the Record, In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio, TV stations, newspapers, and persons requesting notification, and posted on the bulletin board located in the County administration building. So we thank all of you for being here with us today. First up on our Agenda is the Consent Agenda.

MS. CAIRNS: Good afternoon, everybody. So in terms of the Consent Agenda I'll jump forward quickly to the Map Amendments. Based on who is signed up we will be pulling Item 1, which is Rabon Road as well as Item 4, which is Langford Road, so those are matters that we will have discussion. The rest of the Map Amendments, Killian Road, Atlas Way and Bluff and Longtown, nobody signed up against, unless if there's any Planning Commission Member that wanna hear on those? Okay, so in the Consent Agenda we will have the Minutes from last meeting, the Road Names, and then Map Amendments 2, 3 and 5.

MR. PRICE: Yes, Madam Vice Chair, I think from a Staff standpoint, so you're looking at pulling Items 2, 3 and 5, keeping those on the Consent?

MS. CAIRNS: Right.

CHAIRMAN GILCHRIST: Yes.

1 MR. PRICE: Okay, I think it's requested that we pull Item 2 and also have some  
2 discussion, and I base that on the fact that we as a Staff, we had a good bit of  
3 discussion regarding that particular case and I think it might be a good one just to kinda  
4 discuss with the Planning Commission also.

5 MS. CAIRNS: I would, okay so we will have discussion on Items 1, 2 and 4. Okay  
6 so I'll put forward a motion to approve the Consent Agenda including the Minutes from  
7 last meeting, the Road Names and Map Amendments on Atlas Way and Bluff and  
8 Longtown.

9 MR. BROWN: Second.

10 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we  
11 approve the Consent Agenda based upon the recommendation from our Commissioner.  
12 All in favor signify by raising your hand.

13 MR. PRICE: Alright, those in favor: Frierson, McLaurin, Branham, Cairns,  
14 Gilchrist, Carlisle, Tuttle, Brown.

15 *[Approved: Frierson, McLaurin, Branham, Cairns, Gilchrist, Carlisle, Tuttle, Brown;*  
16 *Absent: Yip]*

17 CHAIRMAN GILCHRIST: Okay. None opposed. Alright, thank you. Staff, we're  
18 ready for the first case.

19 **CASE NO. 19-019 MA:**

20 MR. PRICE: My apologies. Alright the first Item is Case 19-019 MA. The  
21 Applicant is Sherri Latosha McCain. The Applicant is requesting to rezone about 1.25  
22 acres from RS-MD to OI. The location is along Rabon Road. Staff recommends  
23 disapproval of this particular request just based on the guidelines of the Comprehensive

1 Plan. However, if you look over the years there've been a number of zonings in this  
2 particular area and I believe that's highlighted in the history of the area that –

3 CHAIRMAN GILCHRIST: Please ma'am, please sir, if you have cell phones or  
4 whatever the case may be please silence those for us. We appreciate it, thank you.  
5 Sorry about that.

6 MR. PRICE: Oh, no problem. But as I was saying based on the previous  
7 rezonings that have taken place in this particular area, as stated in your package under  
8 the conclusion that the current development pattern and land uses within the general  
9 area would make this particular request to OI contextually appropriate at this location.

10 CHAIRMAN GILCHRIST: Any questions for the Staff? The Applicant, Sherri  
11 Latosha McCain? We don't have anyone signed up to speak on this case. Are there any  
12 motions? Questions?

13 MR. BROWN: Question, Mr. Chairman.

14 CHAIRMAN GILCHRIST: Mr. Brown?

15 MR. BROWN: The recommendation of disapproval is not something that you're  
16 standing by?

17 MR. PRICE: No, sir. We always stand by the Comprehensive Plan. However, we  
18 wanted to point out that when you go out and you take a look at the characteristics of  
19 the area and also the existing zoning pattern, that I think it's worth the Planning  
20 Commission taking a second look at this particular request, and also what the  
21 recommendations of the Comprehensive Plan are.

22 MR. BROWN: Thank you.

23 CHAIRMAN GILCHRIST: Any additional questions?

1 MS. CAIRNS: And I would offer a comment that, you know, looking at the  
2 surrounding zoning it did seem odd to see a recommendation of disapproval,  
3 understanding that it comes from the Comp Plan, you know, yet the aerial photograph  
4 shows, you know, not full development of what's been zoned for General Commercial.  
5 But I believe that recognizing the existing zoning as well as some of the existing land  
6 uses that letting this go to OI would be consistent and appropriate in that particular area.  
7 So I would make a motion to send Item 09-09 [sic] MA forward to Council with a  
8 recommendation of approval.

9 MR. CARLISLE: Second.

10 CHAIRMAN GILCHRIST: It's been moved and properly seconded that we send  
11 Case No. 19-019 MA forward to Council with a recommendation of approval per Ms.  
12 Cairns' recommendation. Mr. Price, at our last Commission meeting we discussed  
13 whenever we make a recommendation against the Staff's recommendation that we  
14 need to make sure that that's clearly – so does that fit the bill for what you need to make  
15 sure –

16 MR. PRICE: Yes.

17 CHAIRMAN GILCHRIST: Okay, alright.

18 MS. CAIRNS: I apologize. Just real quick for Commission Members in particular.  
19 The other thing we talked about, and I think this will be most helpful, is that if you are  
20 voting contrary to the discussion and have said nothing, to please speak up as to why,  
21 and I do this all the time I don't speak up and I vote against things, so I'm as guilty as  
22 anyone, but if you're gonna vote other than the motion, absolutely but please offer, so  
23 that Council knows why you felt that the motion was not one you could support.

1 CHAIRMAN GILCHRIST: Thank you, Ms. Cairns.

2 MR. BROWN: I second the motion [inaudible].

3 CHAIRMAN GILCHRIST: Yes, I think Mr. Carlisle had seconded it, Mr. Brown.

4 MR. BROWN: Oh, I'm sorry.

5 CHAIRMAN GILCHRIST: Yes, sir, not a problem. Alright, so all in favor of  
6 sending Case No., again, 19-019 MA forward to Council with a recommendation of  
7 approval per Ms. Cairns' recommendation please signify by raising your hand.

8 MR. PRICE: Alright, those in favor: Frierson, McLaurin, Branham, Cairns,  
9 Gilchrist, Carlisle, Tuttle, Brown.

10 *[Approved: Frierson, McLaurin, Branham, Cairns, Gilchrist, Carlisle, Tuttle, Brown;*  
11 *Absent: Yip]*

12 CHAIRMAN GILCHRIST: Again, we are – no opposed I don't think – we're a  
13 recommending Body to County Council and they'll meet back in these chambers on  
14 June 25<sup>th</sup>. Next case.

15 **CASE NO. 19-020 MA:**

16 MR. PRICE: Okay. The next Item is Case 19-020 MA. The Applicant is James  
17 McKenzie. Its location is 245 Killian Road, in that general vicinity. The Applicant is  
18 requesting to rezone about 3.78 acres total from Rural to General Commercial. The  
19 recommendation of Staff is for approval. Looking at the Comp Plan this particular, these  
20 parcels fall within the economic development center corridor future land use  
21 designation, which recommends the zoning that is requested. However, one of the  
22 things that Staff was looking at, there's two parts to this, one there's some concern that  
23 this could be viewed as an encroachment into a residential area even though there is no

1 access, they would not be able to access it through where the residential development  
2 is taking place but there is some concern with this being an encroachment. And also  
3 one of the things that, I'm not sure if you can make this out, along Killian Road, once  
4 you get to this particular section the road changes from a four lane to a two lane, so that  
5 is actually kind of starting, it starts to get away from the commercial and industrial  
6 zonings that are located near the I-77 intersection. It seems like it kinda changes more  
7 to a residential and we just wanted to bring that before you.

8 CHAIRMAN GILCHRIST: Are there any questions for the Staff? I do have a  
9 couple persons signed up to speak. When we call your name please approach the  
10 podium, you may use either of the podiums on each side of the room. Give us your  
11 name and address for the Record and we're allowing you two minutes to present to the  
12 Commission. James McKenzie, the Applicant.

13 **TESTIMONY OF ROBERT ASHLEY:**

14 MR. ASHLEY: If I could. My name's Robert Ashley, I'm one of the listed people  
15 on the agenda to speak. I'm Mr. McKenzie's attorney, I've represented Mr. McKenzie for  
16 over 30 years. I represent his corporation, Palmetto Land Investments or Homes and  
17 Investments. Mr. McKenzie's blind and he has trouble getting around and he couldn't be  
18 here today, but he's asked me to be here on his behalf. I did both of the closings when  
19 Mr. McKenzie bought these two pieces of property over 10 years or better ago. And  
20 when he bought them he bought them with the intent that, knowing Walmart was getting  
21 ready to come in the area he expected everything would boom and ultimately the  
22 property would be a viable commercial piece of property. And obviously the, to all of us,  
23 the Walmart area has brought a lotta growth into that area, and it's all pushing further in

1 the direction from Walmart toward his property. There's a, as I understand it a Tractor  
2 Mart right across the street from his piece of property so it's commercial activity already  
3 in the area. I've got an adjacent landowner who's here in support of us, a realtor who's  
4 been helping study the situation to see what could be done, so we feel like it'd be  
5 appropriate to make the change, that it's destined for commercial property, and that it  
6 would be beneficial for the area. Thank you.

7 CHAIRMAN GILCHRIST: Thank you, Mr. Ashley. Any questions for Mr. Ashley?  
8 Mr. Brown?

9 MR. BROWN: How close is this to Walmart?

10 MR. ASHLEY: To be honest I don't know exactly, I wanna say a mile or less but I  
11 may be wrong about that.

12 MR. BROWN: Is this under two lanes area of Killian Road?

13 MR. ASHLEY: It is a two lane area of Killian Road. I understand that there had  
14 been some –

15 MR. BROWN: It's before the divide?

16 MR. ASHLEY: It's, after you get off the interstate if you go towards Walmart it's  
17 gonna narrow from a four to a two.

18 MR. BROWN: What I'm saying is just before the divide, that's near where  
19 [inaudible].

20 CHAIRMAN GILCHRIST: It's beyond it. Am I right, Staff?

21 MR. PRICE: Yes, sir. Mr. Brown, the answer to one of your questions, just as the  
22 crow flies it's about 900' from where the parcel is to the entrance to go into the Walmart  
23 shopping center. One of the things that you're being shown now is the actual, you know,

1 to answer your question of when the road starts to narrow to a two lane. Mr. DeLage is  
2 pulling up the street view right now to show you that view so we can show you exactly  
3 where the parcel is in relation to the road. Alright, so you can see it starts to narrow and  
4 the parcel is just, I guess just down this area.

5 MR. BROWN: Yeah, they're going to four lane that further down from where that  
6 is?

7 MR. PRICE: There are no planned or programmed improvements for this section.

8 MR. BROWN: Thank you.

9 MR. ASHLEY: Thank you.

10 CHAIRMAN GILCHRIST: Thank you, sir. Shirley Ann Montgomery?

11 **TESTIMONY OF SHIRLEY ANN MONTGOMERY**

12 MS. MONTGOMERY: A great afternoon.

13 CHAIRMAN GILCHRIST: Please give us your name and address for the Record.

14 MS. MONTGOMERY: Yes, sir. My name is Shirley Ann Montgomery and I'm a  
15 realtor at S&M Realty of South Carolina, 10240 Two Notch Road. And Mr. Brown, your  
16 point is very correct, I've been working with Mr. McKenzie on this. The Tractor Supply  
17 store is also in the two lane area, and what I would say to you all, even to the Council  
18 when that happens or whatever, my question becomes when do we expand, will we do  
19 it like we're doing right now on Hardscrabble? I live on that end down there where Killian  
20 Road and this mayhem and everything is coming forth, and so my commitment to Mr.  
21 McKenzie as well as to Richland County as well instead of me having to drive to Atlanta,  
22 Charlotte and other areas, is to seek out a buyer once this land is rezoned and look for  
23 someone to bring in family events. I live right in that particular area and everything is



1 fast foods. Coming from the other end of Killian Road trying to get onto 77 is just  
2 ridiculous, so I would propose to the Commission at large to look at expanding that four  
3 lane sooner than later because of the chaos that we have on Clemson Road as well as  
4 Hardscrabble. We're experiencing that, and I'm saying when will Richland County  
5 expand and keep tax dollars within and allow the growth that has happened in  
6 Greenville, Spartanburg and other areas. And again, I'm not a native of South Carolina  
7 but we moved here via military, I like what it offers but I'd like to also be able to do a lot  
8 more family things locally within my area and that's why we were going for that land to  
9 be changed from Rural to General Commercial, to bring in businesses that would  
10 support family-oriented things.

11 CHAIRMAN GILCHRIST: Thank you, Ms. Montgomery.

12 MS. MONTGOMERY: Yes. Sir.

13 CHAIRMAN GILCHRIST: Mark Meadows?

14 **TESTIMONY OF MARK MEADOWS:**

15 MR. MEADOWS: I'm Mark Meadows and I own the piece of property to the west  
16 of Mr. McKenzie and I own 261 and 265 on Killian Road, which is to the east of Mr.  
17 McKenzie. My sister-in-law owns the lots that's directly to the east of Mr. McKenzie.  
18 She's not here, I've talked with her. We don't have any problem with him looking to  
19 rezone that. That property, I grew up in that area, go back 40, 50 years ago, whatever,  
20 when I went there. Planning Commission way back then, originally Clemson Road and  
21 all that was to be four laned to go all the way across Wilson Boulevard, go through the  
22 swamp and tie into 26 over near Irmo, so that was originally part of the plans years and  
23 years and years ago. All that property there, if you go back 20 years ago, whatever it

1 was, I was not in the area whenever that, there used to be a zoning was called D1, if  
2 anybody remembers that. I don't think it's a zoning anymore. But that property was D1  
3 when the interstate was put through there and then some years ago they came back  
4 and just changed it to RU. But like I said I live on the west side on that property where  
5 the lake was. That's my residence and my house. The other pieces of property that I  
6 own [inaudible]. I don't have any problem with Mr. McKenzie changing it to GC.

7 CHAIRMAN GILCHRIST: Thank you, sir. That's all we have signed up to speak.  
8 Questions for Staff? Go ahead, Mr. Brown.

9 MR. BROWN: Sorry, Mr. Chairman. Again, I understand the request of where the  
10 property is but if you drive out there once you get to the divided area, of course they're  
11 working on that bridge across 77, that bridge [inaudible]. However, [inaudible]. My  
12 concern is that [inaudible – away from mic].

13 CHAIRMAN GILCHRIST: Thank you. I have a question for the Staff. This  
14 particular parcel falls within the priority investment area, is that right?

15 MR. PRICE: Yes, sir.

16 CHAIRMAN GILCHRIST: What does – sorry, what does that mean more  
17 comprehensively?

18 MR. PRICE: I'm sorry, we'll bring our comprehensive planner up to give you that  
19 information.

20 CHAIRMAN GILCHRIST: Alright. Who is that? Oh, okay. Alright.

21 MR. PRICE: Oh, I'm sorry. Mr. Bryan Crooks.

22 CHAIRMAN GILCHRIST: Sorry to put you on the spot, Bryan.

1 MR. CROOKS: No, you're fine. Bryan Crooks, comp planner. So priority  
2 investment areas are essentially areas of interest for the County that we're saying,  
3 these are areas we wanna invest in. So they're part of the Planning Act by the State and  
4 we're saying these are areas that we kinda wanna look at, where we wanna spend  
5 resources, where we think infrastructure should kind ago. And this has been identified  
6 as one of those different areas, so we have 10 or 11 or so throughout the County and  
7 this is listed as essentially PIA #7 and it's listed as commercial and industrial node  
8 located within economic development corridor. And the intent of this PIA is a prime  
9 location for future industrial business park users as well as visiting tourists, so  
10 investments include insuring adequate infrastructure is in place to support future  
11 economic development efforts. So that's kinda really all the guidance that the Comp  
12 Plan has in regards to this, but as far as the Comp Plan is concerned at the moment  
13 that's really all it kinda says about the PIAs.

14 CHAIRMAN GILCHRIST: Okay.

15 MR. BROWN: Mr. Chairman, I go back to the same question I raised with you,  
16 what's the plan dealing with that road problem?

17 MR. CROOKS: Well, that would be a DOT maintained road so that would be  
18 something that –

19 MR. BROWN: I understand that but, I mean, if y'all are planning further  
20 development there and so forth, something's gotta happen because of the amount of  
21 traffic that's on Killian Road coming from Wilson Road to the interstate.

22 MR. CROOKS: Sorry, I don't, that's something that DOT would be in charge of.  
23 Sorry.

1 MR. PRICE: Yeah, Mr. Brown, may I interject here? I believe one of the things,  
2 and this comes up a lotta times when we're discussing the Comprehensive Plan, you  
3 have certain areas that fall within a particular designation but again as we stated it was  
4 kinda broadly painted, and so it says, we are doing this parcel by parcel, that sometimes  
5 you may have an area that may fall in with the, maybe the intent wasn't for it to be, like  
6 in this particular case, part of the economic development designation. So that's one of  
7 the things we always have to kind of look at a little bit. So I understand your question is,  
8 okay if we're gonna recommend for this particular type of development in this area what  
9 are we doing from an infrastructure standpoint to encourage that. But again, I think we  
10 have to look at the parcels cause maybe in some cases, and I think that was part of the  
11 debate Staff was having, exactly where does the economic development center corridor  
12 actually begin and end.

13 CHAIRMAN GILCHRIST: Ms. Cairns?

14 MS. CAIRNS: Yeah, I would offer that, you know, reading the package this time  
15 around and getting to this one and, you know, sort of saddened to a certain extent that it  
16 was a recommendation of approval, understanding the Comp Plan and stuff, but I will  
17 forever be disappointed at the just commercial that just continues down virtually every  
18 significant road in the County. I mean, when I saw in the Comp Plan that it shows, you  
19 know, mixed use corridor all the way out to Wilson Boulevard, and I just, I think that  
20 having economic, you know, commercially viable property simply end and allow  
21 residential property to start is a good thing. I mean, so I will offer at this point that if the  
22 motion is for recommendation I would vote against it because I think that, and you  
23 know, given the road situation but also just given that there's, from this point east there

1 is tons of commercial development in this area. I think there's plenty of land to satisfy  
2 the needs, nobody has offered that there isn't enough, and so I just think that this is  
3 potentially a very good break point to allow the land west of this spot to remain non-  
4 commercial use.

5 CHAIRMAN GILCHRIST: Okay, is there any additional comments?

6 MR. MCLAURIN: I wanted to ask, you said it might, does it overlap the  
7 developments there?

8 MR. PRICE: I'm sorry, what was that, Mr. McLaurin?

9 MR. MCLAURIN: Does it overlap developments, do you have developments  
10 down that way?

11 MR. PRICE: On that particular side, you mean commercial developments? No,  
12 sir, on that side, on the northern side of Killian Road the commercial development stops  
13 at the entrance for the Walmart.

14 MR. TUTTLE: Mr. Chairman, if I may. On that side of the street –

15 MR. PRICE: Northern side of Killian.

16 MR. TUTTLE: - yeah, on the southern side directly across from the parcel it's  
17 already GC.

18 MR. PRICE: Yes, sir.

19 MR. TUTTLE: Okay.

20 CHAIRMAN GILCHRIST: So the tractor place, yeah.

21 MR. PRICE: Yes. The tractor place, that was at one – I guess it's been zoned  
22 M1, it was zoned M1 for the longest time. It was later rezoned to General Commercial  
23 but it always had a designation that would've allowed for some type of commercial or

1 even a light industrial use there during that time. It's just been there for a while so we  
2 never had a chance to debate whether that was an appropriate location for commercial  
3 or industrial.

4 CHAIRMAN GILCHRIST: That's interesting.

5 MS. CAIRNS: I mean, it's interesting if you just look at the nuance. I mean, it  
6 appears that the entrance to the Tractor Supply place is off of this Haleyburg Road, the  
7 eastern end, you know, so allowing the western end. And so if you say, well yeah but a  
8 portion overlaps, well then we're just gonna keep leapfrogging down every road cause  
9 there's almost always gonna be irregular property lines. I mean, so then it's like, well  
10 let's do the next one on the south side and the next one on the south side, well now we  
11 might as well grab some of the north side, and I just, I think with the road narrowing at  
12 that point and Killian Road completely changing character as soon as you pass the  
13 Tractor Supply, I think it's appropriate to just leave it rural.

14 CHAIRMAN GILCHRIST: Mr. Branham, did you have a comment?

15 MR. BRANHAM: Question for Staff. Just under the Staff Report under the traffic  
16 characteristics, can you confirm the level of service there? There's a reference made to  
17 –

18 MR. PRICE: Yes, thank you for pointing that out. The level of service is correct,  
19 but instead of, and he's referring to page 11 on the, which would be the last sentence  
20 under the first paragraph, it should actually Killian Road rather than Old Hilton, however,  
21 the level of service is correct.

22 MR. TUTTLE: Mr. Chairman, if I may.

23 CHAIRMAN GILCHRIST: Mr. Tuttle, yes, sir.

1 MR. TUTTLE: The level of service is in the current condition, not contemplating  
2 all the improvements that are currently underway that are designed to lessen the traffic  
3 in that particular area.

4 MR. PRICE: That's correct.

5 MR. TUTTLE: Okay, thank you.

6 CHAIRMAN GILCHRIST: So there are improvements.

7 MR. PRICE: The improvements are taking place east of the site going towards  
8 the, I guess the bridge over 77.

9 CHAIRMAN GILCHRIST: Right, right.

10 MR. PRICE: Yes.

11 MR. TUTTLE: Well, and I would argue that on a larger scale all the  
12 improvements on Clemson Road, Hardscrabble Road, etc. would all impact this area  
13 and improve the D to some other –

14 MR. PRICE: Yes, sir, I was just referring to the immediate area.

15 CHAIRMAN GILCHRIST: Okay, any additional comments?

16 AUDIENCE: Can I make a comment?

17 CHAIRMAN GILCHRIST: No. Sir, I'm sorry, we've closed the public session.

18 MR. TUTTLE: Mr. Chairman, I'd like to make a motion –

19 CHAIRMAN GILCHRIST: Yes, sir, Mr. Tuttle.

20 MR. TUTTLE: - that we move Case 19-020 MA forward to Council with a  
21 recommendation of approval.

22 CHAIRMAN GILCHRIST: Okay, is there a second?

23 MR. CARLISLE: I second.

1 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that we  
2 send Case No. 19-020 MA forward to Council with a recommendation of approval. Are  
3 there any comments or discussions? All in favor signify by raising your hand.

4 MR. PRICE: Those in favor: Frierson, McLaurin, Branham, Carlisle, Tuttle.

5 CHAIRMAN GILCHRIST: Those opposed?

6 MR. PRICE: Those opposed: Those opposed: Cairns, Gilchrist, Brown.

7 *[Approved: Frierson, McLaurin, Branham, Carlisle, Tuttle; Opposed: Cairns, Gilchrist,*  
8 *Brown; Absent: Yip]*

9 CHAIRMAN GILCHRIST: Okay, and again we are a recommending Body – did  
10 you get that right? You're looking kinda strange there.

11 MR. PRICE: Yes.

12 CHAIRMAN GILCHRIST: Folks, please –

13 MS. CAIRNS: You gotta kill your cell phones.

14 CHAIRMAN GILCHRIST: - silence the cell phones or whatever that is out there.  
15 Again, we're a recommending Body to County Council and they'll meet back in these  
16 chambers again on the 25<sup>th</sup> of June. Thank you. Next case.

17 **CASE NO. 19-022 MA:**

18 MR. PRICE: Just one second, Mr. Gilchrist. Okay, the next Item is Case 19-022  
19 MA. The Applicant is Robert F. Fuller and the location is on Langford Road. The  
20 Applicant is requesting to rezone approximately 185 acres from TROS, which is  
21 Traditional Recreation Open Space and Rural to RS-LD, which is Residential, single-  
22 family residential, low density. Based on the Comprehensive Plan Staff recommends  
23 approval of this particular request as it falls within the neighborhood medium density



1 future land use designation and RS-LD is one of the recommended zoning  
2 designations. One of the things to point out from Staff is that while the uses and the  
3 density allowed under the RS-LD are consistent with the recommendations of the Plan,  
4 just wanted to point out approval of the request may promote a density which is not  
5 consistent with that of the established and proposed developments of the adjacent and  
6 approximate subdivisions. And I'm referring in this particular case to Hunter's Run,  
7 Baymont and Crickentree. Hunter's Run and Baymont were both developed under using  
8 the open space provision in which some, a good portion of the land was either not used  
9 or could not be used, and in turn they were allowed to reduce the lot sizes but yet not  
10 increase the density. And Crickentree while zoned RS-LD, the lots were built a lot larger  
11 than the minimum requirements of the RS-LD.

12 MR. BROWN: Mr. Chairman?

13 CHAIRMAN GILCHRIST: Yes, sir, Mr. Brown?

14 MR. BROWN: May I ask Staff a question?

15 CHAIRMAN GILCHRIST: Sure.

16 MR. BROWN: This matter was before us before and we took action on it. Why is  
17 it so quickly back before us again?

18 MR. PRICE: The Applicant withdrew when it went to, before County Council and  
19 resubmitted to come back.

20 MR. BROWN: Was that a County Council decision?

21 MR. PRICE: No, sir, the Applicant made a request to have his case withdrawn  
22 and County Council accepted it.

23 MR. TUTTLE: Mr. Chairman?

1 CHAIRMAN GILCHRIST: Mr. Tuttle?

2 MR. TUTTLE: I'm under the impression this is a new application with a different  
3 zoning.

4 MR. PRICE: Yes.

5 MR. TUTTLE: Thank you.

6 CHAIRMAN GILCHRIST: So which one is it, is it that they withdrew or is it a new  
7 application?

8 MR. PRICE: Well it's both, they, the Applicant previously came forward with a  
9 request for RS-MD. They withdrew that request and actually, you know, subsequently  
10 submitted a new application for RS-LD.

11 CHAIRMAN GILCHRIST: I guess a clarification point I wanted to make is that it's  
12 not the same.

13 MR. PRICE: It is not the same request.

14 CHAIRMAN GILCHRIST: Okay.

15 MR. PRICE: Correct.

16 CHAIRMAN GILCHRIST: Yes, sir, Mr. Branham?

17 MR. BRANHAM: Thank you. Question for Staff. I was surprised in the Report to  
18 find virtually no reference to the existing zoning which is TROS. Does the Staff have an  
19 opinion as to whether that existing zoning TROS have any impact on your  
20 recommendation in this Report?

21 MR. PRICE: No, sir.

22 MR. BRANHAM: No impact?

23 MR. PRICE: No, sir.

1 MR. TUTTLE: Mr. Price if you would, if you would help reeducate me. So TROS  
2 is a zoning category just like any other zoning category. Correct?

3 MR. PRICE: Yes. The TROS is a zoning designation just like all of the other  
4 zoning categories we have within our Code; allows a certain number of uses, also  
5 prohibits a certain number of uses. It is not, it's nothing I guess special about it as in –  
6 and I think there's been some discussion about whether it was intended to be  
7 permanent. It was not intended to be a permanent zoning designation, it's just like all of  
8 the other ones. If an applicant has enough acreage or meets certain requirements they  
9 can ask for a rezoning.

10 MR. TUTTLE: There are examples in the County where people have limited their  
11 zoning through a conservation easement or perhaps a deed restriction.

12 MR. PRICE: Yes, sir.

13 MR. TUTTLE: In TROS there are no restrictions or no permanency to that  
14 particular classification so it's no different than going from RS-MD to RS-LD, I mean, it's  
15 the same process.

16 MR. PRICE: Correct.

17 MR. TUTTLE: And if I remember the process a TROS was put in place because  
18 the underlying zoning on golf courses was whatever the land was zoned for before, so  
19 this provided a mechanism and process for that land to have to go publicly and be  
20 heard publicly to be rezoned rather than automatically being able to develop on  
21 whatever the underlying zoning was.

22 MR. PRICE: Yes, sir, that was one of the reasons, and the other one was  
23 because the underlying zoning for a number of the golf courses was, made the golf

1 courses nonconforming because they were not allowed in, let's say in the single-family  
2 districts and so the TROS actually made them come into compliance.

3 MR. TUTTLE: Thank you.

4 CHAIRMAN GILCHRIST: Yes, sir, Mr. Tuttle. Additional comments? The  
5 Applicant, Robert Fuller? Please give us your name and your address for the Record.

6 **TESTIMONY OF ROBERT FULLER:**

7 MR. FULLER: Thank you, Mr. Chairman. My name is Robert Fuller, I'm an  
8 attorney here today representing E Capital US who is the owner of this property. And  
9 indeed it does sound familiar to you because we were here a little more than a month  
10 ago with an RS-MD recommendation or application. That has been withdrawn  
11 completely, started over, paid a new filing fee and this is a brand new consideration for  
12 you here today. The RS-LD classification is the most restrictive residential zoning  
13 classification in the Richland County Ordinance. It is precisely the one that controls the  
14 residential development at Crickentree, which is next door to this proposed  
15 development, and in fact shares a property line with them. The reason that we came  
16 back to you today was the information that you heard and that you reported gave some  
17 concern for the prospect of us being able to add lots into that MD zoning classification at  
18 8,500 square feet, regardless of the fact that we were not seeking to do that. Now under  
19 the LD application and the restrictions on the classification itself every lot in this  
20 development, the whole 185 acres, however many of them there would be, would be  
21 restricted at no less than 12,000 square feet. What the developer has done here is to  
22 considerably alter the prospect for the full development and has pledged in this  
23 application that we would voluntarily restrict the number of lots to 207. Your report

1 indicated that doing the math to say how many could be developed under LD zoning  
2 would be 672. No intention to do that. This is an application that is straight up  
3 residential, single-family, just like exists in Crickentree next door to it with 150' buffer  
4 against Crickentree which is nearly 30 acres of buffer land that is not required by any  
5 zoning, provisions of zoning ordinance; suggesting to you that this is the only way the  
6 owner of this property can make anything of it. The opposition is clear in what their  
7 position is. They're all wearing a tag, it is 'NO REZONING'. For the owner that is  
8 certainly an impossible economic prospect to live with over the long-term.

9 CHAIRMAN GILCHRIST: Thank you, Mr. Fuller. We certainly appreciate that. We  
10 have a number of persons signed up to speak so when we call your name please come  
11 to the podium. Feel free to use either podium, and I'm gonna try to call up a few names  
12 so that you know that you're next in line. We're gonna ask you to try to keep it to, very  
13 close to the minimum primarily because we wanna make sure that we give everybody  
14 an opportunity to speak. So first on the list is Larry Ellis? Then Russell Mark and Val  
15 Hutchinson. In that order.

16 **TESTIMONY OF LARRY ELLIS:**

17 MR. ELLIS: Good afternoon, Mr. Chairman. I'm Larry Ellis, I live at 112  
18 Stonebrook Drive in Blythewood, South Carolina. I'm an 18 year resident of Crickentree.  
19 And I have a kindly request of the Commission and that is, that if any Member of this  
20 Commission is in the process of trying to buy a golf course or is part of a group that's  
21 trying to buy a golf course, that he or she recuse themselves from this discussion.

22 CHAIRMAN GILCHRIST: Thank you, Mr. Ellis. Mr. Mark?

23 **TESTIMONY OF RUSSELL ST. MARIE:**

1 MR. ST. MARIE: Good afternoon, Mr. Chairman. Before I start I already cleared  
2 with the Chairman is that I just have a brief statement just for everybody in here, and it  
3 just states that: each of the people that you hear from today are not speaking just for  
4 themselves or the Crickentree community. We represent literally thousands of Richland  
5 County residents that will be affected by your votes. They're also speaking for future  
6 generations whom have yet to benefit or possibly lose from the decision you make here  
7 today. And in regards to something Mr. Branham said earlier, regards Chapter 26 of the  
8 Richland County Ordinances clearly states that TROS is on an overlay district which is  
9 on the conservation overlay district and that the regulation clearly states that if there is a  
10 conflict between the overlay and the underlying district, that the overlay controls. So that  
11 is a fact, that is not mentioned anywhere but that is in the Richland County Land  
12 Development Code. And with that I'll go ahead and start, my name is Russell St. Marie,  
13 I'm a 30 year retired veteran and I currently live at 317 Crickentree Drive. And the  
14 citizens of Richland County humbly ask that the Richland County Planning Commission  
15 and County Council only abide by and enforce the laws set forth and approved by this  
16 very Commission and County Council and identified in Chapter 26 of the Richland  
17 County Ordinances, which states that these lands and all their current uses will be  
18 preserved and protected to the zoning request. TROS amounts for less than one-half of  
19 1% of the entire Richland County Northeast. Is it really so vital that we develop this  
20 single piece of property when there are literally thousands of acres already zoned  
21 residential development in the Northeast. There's no need. We've also provided a letter  
22 of recommendation from the Conservation Committee whom has recommended you  
23 deny this request. We also provided you each with a copy of a petition with 568

1 signatures and it's still growing. And we finally, we ask that you please think carefully  
2 before you make your decision and please remember this, should you vote yes to this  
3 request to rezone we fear you could be leading the County down a path from which  
4 there is no turning back, it could have a detrimental impact on our County as other  
5 properties protected by TROS are likely quickly to follow suit based on the precedent  
6 set here today, all while benefiting only E Capital who will merely flip that property and  
7 take that money back to Texas. And we also hear about property owner's rights, my  
8 final piece is that we understand that property owners have rights, however, as you  
9 likely know zoning ordinances supersede property owner's rights. So if a person  
10 purchases a residential property on say Hardscrabble Road, which you've seen lately  
11 and then request to have it rezoned commercial, it is not automatically rezoned just  
12 because they have property rights. E Capital purchased this property zoned TROS, they  
13 knew it was zoned TROS, this was not down zoned on them, they knew what they were  
14 getting and that's all I have.

15 CHAIRMAN GILCHRIST: Thank you.

16 MR. ST. MARIE: Thank you.

17 CHAIRMAN GILCHRIST: Ms. Hutchinson, and Iris Morrell, Debra Rioux and Dr.  
18 Tracy Cooper.

19 MR. PRICE: Excuse me, Mr. Chair? For clarification, the TROS zoning  
20 designation, it is zoning category, not an overlay district.

21 CHAIRMAN GILCHRIST: Yeah, we've got it.

22 MR. PRICE: Just for the Record.

23 **TESTMONY OF VALERIE HUTCHINSON:**

1 MS. HUTCHINSON: Good afternoon, Mr. Chairman and Members of the  
2 Commission. My name is Valerie Hutchinson and I live at 213 Wood Duck Road. In  
3 June 2007, County Council approved adding eight golf courses to a new Traditional  
4 Recreation Open Space District. This action was supported by the Conservation  
5 Commission, the Recreation Commission, the Planning Staff, the Planning Commission,  
6 and many major developers such as Don Tomlin, Edwin Cooper, and Heath Manning.  
7 We had five sponsors on County Council and I was one of them. The purpose was to  
8 preserve green spaces, improve air quality, prevent storm water runoff, provide public  
9 and private recreational activities and maintain quality of life of existing and future  
10 residents, all of which were goals of both the Richland County Land Development Code  
11 of 2005, and the Imagine Richland County Comprehensive Plan 2020. The rezoning  
12 was also meant to provide stability and predictability of growth for the future. Many  
13 people retire to South Carolina for the climate and recreational activities and desire to  
14 live on a golf course or green space. These retired citizens are a boon to the county  
15 placing no burdens on our schools or police force and volunteering for many worthwhile  
16 causes in our communities. We should be actively recruiting them as many states are.  
17 We live in a county rich with wetlands and have already experienced severe flooding  
18 due to rainfall. Storm water runoff has caused serious and expensive damage in  
19 Richland County. We need more, not less, buffer zones with vegetation that absorbs  
20 and stores the water from rainfall. A booming metropolitan area such as Charlotte,  
21 North Carolina has added greenways with paths in many of their neighborhoods, which  
22 helps with storm water management and is the added benefit of adding tax value to  
23 those homes, a win-win for Charlotte. County Council has actively improved parks and



1 green spaces in each district for the enjoyment of their citizens over the years. The golf  
2 courses are existing green spaces that require no investment, financial investment for  
3 the county but enhance the development planning goals of county government. Please  
4 do not change the environmentally protective zoning of the Crickentree golf course and  
5 green space. Please vote no. Thank you.

6 CHAIRMAN GILCHRIST: Thank you, Ms. Hutchinson. Iris Morrell?

7 **TESTIMONY OF IRIS ST. MARIE:**

8 MS. ST. MARIE: Good afternoon. We're gonna work on his handwriting cause  
9 my name is Iris St. Marie.

10 CHAIRMAN GILCHRIST: I can't even read it, yeah.

11 MS. ST. MARIE: Okay, we'll work on that. Okay, we live on 317 Crickentree  
12 Drive. Okay and what I want to do is I just want to read excerpts from the Planning  
13 Commission statement of 2007. And I'll just tag on to what Ms. Hutchinson said cause  
14 my question after that would be, what has changed. So in the conclusion of the  
15 recommendation 2007 it said that Richland County Comprehensive Plan 2020 has as  
16 an objective to provide and reserve common open space, recreational open space and  
17 parks which preserve for posterity our green spaces, reducing the storm water runoff,  
18 enhancing air quality, maintaining a quality life for the citizens of Richland County and  
19 those to come. Open space preservation is an important part of land development  
20 recognized by all levels of government, its officials and staff. Establishment of the  
21 Traditional Recreation Open Space District is an initiative to bring consistency to  
22 existing land uses and preserve the recreational open space for the communities for the  
23 greater good of the county. The Richland County Comprehensive Plan objective of

1 preservation of open space is to provide its own district. Each development brought to  
2 fruition a recreational project with wide open spaces, tree protection, storm water runoff  
3 protection and protection of our air quality. The lands with all their existing land use will  
4 be protected and preserved. If it was not for this statement I would've never bought a  
5 parcel at a premium price and traded in my six acres that I had before to live on less  
6 than an acre if it wasn't for the promises made in the Comprehensive Plan 2007, 2009,  
7 2015, and even the future Comprehensive Plan. Thank you all. Please vote no.

8 CHAIRMAN GILCHRIST: Thank you. Ms. Debra.

9 **TESTIMONY OF DEBRA RIOUX:**

10 MS. RIOUX: Hi. And it's Rioux, R-I-O-U-X.

11 CHAIRMAN GILCHRIST: Alright, alright.

12 MS. RIOUX: Yeah. Thank you for the opportunity to speak. Oh, it's 116 Stone  
13 Brook Drive, Blythewood. Okay, TROS was voted on, approved and became an  
14 ordinance in the Comprehensive Plan with no asterisks, no original intent, no back  
15 story, no subsection that would lead you to believe that it was something other than  
16 what it states in the first line of the purpose, "In order to ensure the preservation of  
17 conservation, recreation and/or open space." That's a powerful statement, to ensure.  
18 The definition of ensure: "To make certain of something occurring." TROS was not  
19 imposed on E Capital, they knowingly purchased land not zoned for development. Land  
20 that came with an assurance of preservation. According to the Richland County Court of  
21 Appeals, *Case Hampton v. Richland*, a zoning classification is not unconstitutional. A  
22 property owner is not entitled to have his property rezoned for its most profitable use.  
23 Does E Capital's proposal for development fill a need? The answer is no. With the

1 explosion of development that has already occurred and the 2,000 homes currently  
2 proposed there is no need for more housing. Is there a necessity for what E Capital is  
3 proposing? The answer is no. In my travels around Blythewood I've never come across  
4 tent cities or people in dire need because lack of housing. Will E Capital's proposal be a  
5 benefit? The answer is no. There is no benefit to further crowd our schools or add to the  
6 congestion on our roadways. Their proposal for a housing development does not fill a  
7 need, necessity or hold a benefit. To grant E Capital a zone change simply for their  
8 most profitable use would be in total disregard to the countless people who stayed in  
9 the community and those that have come in the last 13 years and invested their money  
10 on that certainty written in the Comprehensive Plan under Purpose. To ensure the  
11 preservation of conservation, recreation and/or open space. I ask that you honor the  
12 promise of preservation and disapprove. Thank you.

13 CHAIRMAN GILCHRIST: Thank you. Dr. Tracy Cooper, Carroll Lucas and Ron  
14 Johnson.

15 **TESTIMONY OF TRACY COOPER:**

16 DR. COOPER: Good afternoon, Mr. Chairman, Members of the Commission. I  
17 am Dr. Tracy Young Cooper, I reside at 120 Stone Brook Drive and I am a 16 year  
18 resident of Blythewood and the community of Crickentree. I'd first like to express my  
19 sincere appreciation for the time, consideration and attention that you have yielded to  
20 this rezoning matter over the past few months. As you near the closing of your public  
21 hearing, deliberate and reach consensus I once again appeal to each of you to reject  
22 the request to rezone this property on the following basis. Concern for the preservation  
23 of green space and conservation of Richland County, which you've heard about,

1 empathy for your constituents and fairness to adjacent landowners. Citizens possessing  
2 a reasonable understanding of explicit protections through the protection and  
3 purchasing of golf front lots, not interior lots, golf course lots, explicit protections as  
4 clearly expressed through the provisions of the TROS and implied guarantees by living  
5 adjacent to what was a fully operational golf course at the time. We ask, ladies and  
6 gentlemen, that in good faith and sound governance practice that you protect the TROS  
7 and mandate that there is no rezoning or changes to this framework. TROS is a positive  
8 visionary ideology and prescription that is designed to protect land, communities and  
9 the people that live and reside in them. If you alter this in any way what will happen to  
10 Crickentree, Wildewood, Spring Valley, Columbia Country Club, the Windermere Club  
11 and Forest Lake Club? Additionally, what will happen to our broader community, the  
12 environment and the school system? I'm an educator and you cannot build schools  
13 faster than you can build homes; years versus days. And by not being conscientious  
14 and smart about this growth you will have schools that are overpopulated with an  
15 abundance of portables which will cause security threats from intruders or natural  
16 disasters. Brick and mortar should not be our default action. E Capital bought this land  
17 under the TROS provision and should be mandated to operate within the current zoning  
18 restrictions. They can use the land within the TROS provisions and the land should not  
19 be rezoned simply to suit their needs and retrofit it to ensure them the greater yield or  
20 profit. Ladies and gentlemen, please act boldly, responsibly, reasonably and with  
21 empathy. Thank you.

1 CHAIRMAN GILCHRIST: Thank you. Alright, Carroll Lucas? [Applause] Please,  
2 please, folks. Carroll Lucas, Ron Johnson and John ?, at Brookwood, 219 Brookwood.  
3 Okay, Carrol Lucas.

4 **TESTIMONY OF CARROLL LUCAS:**

5 MR. LUCAS: Thank you for allowing me to speak. I am a 29 year Army veteran  
6 and I reside at 236 Brookwood Forest Drive, Blythewood, South Carolina 29016. I am  
7 requesting that each of you go out to the golf course if you haven't been out there, and  
8 go out to the surrounding area and just take a look at the area itself. And what you will  
9 find is that they're building more houses than people and that's major. You know, having  
10 been in the military for 29 years I can tell you the infrastructure cannot support the  
11 growth that's going on out there. And a lotta people have said and so I'm not gonna  
12 reiterate what they've already, the points they've already covered. But the bottom line  
13 up front is that I think the area could be used as a sports complex for a lotta youth,  
14 because with all this development that you have coming out there, you're gonna have to  
15 have places for kids to play. And that area was zoned for TROS and when E Capital  
16 bought the property they knew it was zoned TROS. And their goal is to make money  
17 and so the bottom line is do we put our youth and your kids first or do we put E Capital  
18 that resides in Texas to make millions and millions of dollars? We have veterans out  
19 there, we have young people, and so I ask you to disapprove the rezoning and I also  
20 ask you to basically consider that our youth should come first. Our youth, our veterans  
21 should come first over E Capital, a company that's gonna take all the profit right back to  
22 Texas and we are stuck with the aftermath. Thank you for your time and your  
23 consideration.

1 CHAIRMAN GILCHRIST: Thank you, sir. Ron Johnson?

2 **TESTIMONY OF RONALD JOHNSON:**

3 MR. JOHNSON: Good afternoon. My name is Ronald Johnson. I reside at 305  
4 Crickentree Drive. I am a 25 year veteran of the New York State Police Department  
5 where I served as a detective and a World Trade Center First Responder. I, like most  
6 people, decided to come to South Carolina to retire. Buying a home is one of the most  
7 expensive investments you're gonna make in a lifetime. During the time you own that  
8 home we invest in that property so that we at least can get a return from it, some way,  
9 somehow. I don't wanna reiterate what people have said already because we all share  
10 the same common thread here, we wanna protect what is ours and we wanna protect  
11 what's ours for the future. We are tearing down more homes in the Northeast section of  
12 Richland County, there's already 75 acres right next to Crickentree that's been torn  
13 down, trees, they're building there. There's the southwest corner that another 100  
14 something acres have been torn down. It's getting to the point we're trying to get from  
15 Farrow Road on Hardscrabble to Kelly Mill during rush hour takes you over an hour  
16 because of the housing communities we have, Avabury(?), Highlands, Summit and  
17 Lake Carolina. They cannot build Hardscrabble Road fast enough. Is there one school  
18 proposal in this northeast section of Richland County for all these kids to go to? Is there  
19 one? What cost are we paying for progress? What progress are we getting out of this?  
20 We're building faster than we can keep up with, the infrastructure. It's going too fast.  
21 We're losing everything. We're gonna be like Atlanta and Charlotte, soon Columbia's  
22 gonna be bulging at the seams. At what cost? What's our moral obligation to

1 conservation of our area, the green space? So I implore all of you, please, vote no.

2 Thank you.

3 CHAIRMAN GILCHRIST: Thank you, sir. John and I think this is Blaber, 219  
4 Brookwood? Tom Yonker, is that right, 223 Brookwood? Y'all had somebody to sign,  
5 use the same handwriting for all of you, I can't read this person's handwriting.

6 AUDIENCE: Russ is the culprit.

7 CHAIRMAN GILCHRIST: Okay. And then Michael Cosco.

8 **TESTIMONY OF JOHN BLABER:**

9 MR. BLABER: Well first of all my name is John Blaber. I live at 219 Brookwood  
10 Forest Drive, and it's okay to say Blabber. It happens. Parochial school, high school,  
11 [inaudible] college, blabber was has took. In any event, first of all thank you very much  
12 for giving us a forum to have our voices heard on this very important matter for all the  
13 folks in Crickentree. My family and I relocated to Blythewood from Upstate New York in  
14 2007. And we purchased a home in the Crickentree Community and for the past 12  
15 years I've paid property taxes that reflect the fact that my backyard abuts the T at #14.  
16 And as many, and my overall tab for the past years that I've lived in Crickentree is about  
17 \$45,000 in total property taxes, so that's probably something in the range of 18 to 22%  
18 higher than what I would have paid had I not lived on the golf course. The point being is  
19 that being a golf course lot property taxes are higher to reflect the market value and the  
20 appraised value. Many of the homes bordering the golf course in Crickentree have  
21 similar appraised values. The point is many of us have a very strong financial  
22 commitment and we have contributed to Richland County over the past five, 10, 15  
23 years that we've lived in this community. Today my neighbors and I are here to protect

1 the TROS from an effort by E Capital, a company from Dallas, Texas. They purchased a  
2 golf course of South Carolina at Crickentree which borders many lots and homes in  
3 Crickentree including mine. They hired a local attorney, they purchased this property out  
4 of bankruptcy with the full understanding that this golf course, as many in South  
5 Carolina, are protected with TROS zoning. Venture capital firms like E Capital take  
6 these kinds of risks every day and the risks in a normal course of business. Sometimes  
7 they work out, sometimes they don't. I would like to ask Richland County Planning and  
8 Council to keep the existing TROS zoning and deny E Capital's request, as well as any  
9 future requests, to change the TROS zoning that might be presented to Richland  
10 County Council in the future.

11 CHAIRMAN GILCHRIST: Thank you, sir.

12 MR. BLABER: Thank you very much for your time.

13 CHAIRMAN GILCHRIST: Thank you. Mr. Tom, 223 Brookwood?

14 **TESTIMONY OF TOM HECKER:**

15 MR. HECKER: Some last name, huh? I'm Tom Hecker, I live at 223 Brookwood  
16 Forest Drive, right next to John. I'm one of the newest residents within the community,  
17 been there about a year and a half. This is my 18<sup>th</sup> home. I've had the opportunity to live  
18 all around the country. What I would offer to you is to do a little research before you  
19 make a decision on this. If you go back to 2007 there are articles that have been posted  
20 where Councilmembers have made certain promises in writing about the TROS and  
21 how it was gonna prevent certain things from happening. So there were commitments  
22 that are out there for you to review. But what I would suggest is that instead of rezoning  
23 this for another subdivision, take a look at alternate uses – parks and rec, maybe a



1 partnership where you can go in with private equity. And I work with private equity all  
2 over the country, I was just in LA and San Diego last week, I'll be down in Florida next  
3 week. You can develop a shared partnership where there's shared revenue, where  
4 there's shared responsibilities, where you can do something really nice with this  
5 property that could have a much broader impact than just developing for housing. You  
6 could give kids a place to play, elderly people that are moving in, like me, a place to go  
7 play pickle ball or maybe some golf or do something where you're building a community  
8 instead of just staying inside and being very dysfunctional. This is an opportunity within  
9 a high growth area to really do something special and leave a legacy in that part of the  
10 county. I suggest and would offer that, you know, it's a great opportunity for everybody  
11 on this board to make a difference. Thank you so much.

12 CHAIRMAN GILCHRIST: Thank you, sir. Michael Cosco? Mickey Kelly and Bob  
13 McClure. Please give us your name and address for the Record.

14 **TESTIMONY OF MICHAEL COSCO:**

15 MR. COSCO: Michael Cosco, 110 Stonebrook Drive. I've been a resident of  
16 Richland County for 25 years. I'm a business owner. I've lived for 14 years on the 5<sup>th</sup> T  
17 box at Crickentree. Low density that they're asking for does not fit the character of the  
18 surrounding, the character of the surrounding land that does fit is RU. Traffic and  
19 infrastructure is not in place. I noticed y'all just ruled about the two lanes near Walmart,  
20 we're talking about a problem 100 times that much of an issue. If you would go out and  
21 look at Kelly Mill and Hardscrabble Road and sit there for an hour between 5:00 and  
22 6:30 in the evening you would know exactly what we're talking about. The schools can't  
23 handle the number of students. Blythewood High School is already at capacity. These

1 students who would go into the new neighborhood would have to be bused. The  
2 property has wetlands and flooding as mentioned by Robert Fuller in his first  
3 presentation to this group. The flooding issue is of tremendous magnitude. I live on high  
4 ground and during the "1000 year flood" I had a thousand gallons of water under my  
5 house. We had to encapsulate, we had to put dehumidifiers, we had to put in French  
6 drains, it was \$25,000 of foundation work just to dry out the ground under my piece of  
7 property where my house is, and my house is on high ground. This other ground that's  
8 on the golf course is truthfully unbuildable. The soil will not handle the houses. The  
9 Army Corps of Engineering did a study for a FOI request, we requested that information.  
10 It's over 10 years old when they did the study so they don't have it anymore. Diminished  
11 property values, in TROS is a promise to keep the property values up for the local  
12 residents and it's not just the value of the houses. When you lose 40% on a house,  
13 many of my neighbors will be upside down on their mortgages. Many houses can be  
14 foreclosed. And the biggest thing, and I'll make this the last one cause I'm getting the  
15 look from my good friend or acquaintance Steven, Mr. Gilchrist, basically you have a  
16 domino effect. You're gonna have this golf course this week and you're gonna have  
17 Windermere and you're gonna have Wildewood and when you get through, I'm an  
18 economist, that's what I went to college, Wofford College, graduated with honors,  
19 economics and business finance, you're gonna have a 1 billion dollar deficit in economic  
20 activity in Richland County. I've done the math, I'd be glad to prove it to you if you give  
21 me 15 minutes. I did not bring a presentation of 15 minutes today cause I didn't think I'd  
22 be allowed to. But thank you for your time.

1 CHAIRMAN GILCHRIST: You bet, thank you. Mickey Kelly, Bob McClure, Gail  
2 Bragg. And Richard Schafer

3 **TESTIMONY OF MICHELLE KELLY:**

4 DR. KELLY: Thank you for your service and for listening to us all today. My  
5 name is Dr. Michelle Kelly and I live in my dream home at 203 Brookwood Forest Drive.  
6 So I grew up dirt poor and I have worked my fingers to the bone to afford my dream  
7 home. Because of the trauma I suffered growing up a huge part of feeling safe and at  
8 peace in my own home is not having houses sit behind my own. Please understand it  
9 was only because of the TROS ordinance that Richland County put in place that we  
10 moved forward with the purchase of this particular home in 2013 at a hefty premium.  
11 Because we were buying so much more than a house. Please understand we were  
12 buying peace and quiet and serenity, literally we were buying our sanity. And now all of  
13 that is under threat. If Richland County intended to overturn TROS at its first challenge  
14 as was suggested today by Mr. Tuttle basically, then what was the purpose of ever  
15 having created it? Because in my mind if that is true then all the county did was dupe  
16 many South Carolinians into buying houses they wouldn't have otherwise bought and  
17 paying more for them than they should've paid. And to suggest that rezoning away from  
18 TROS is no different than rezoning away from LD or MD is ludicrous because what  
19 does LD and MD say about its purpose being to protect property values. That is in the  
20 first line of the TROS, to not only protect green space but also to protect against the  
21 loss of the surrounding property values. With over 2,000 homes already approved for  
22 development within a five mile radius of this property and several parcels for sale can  
23 anyone honestly say there is a need to rezone this parcel? If not, then does not

1 Richland County case law argue against rezoning here? Please remember as has been  
2 said, E Capital was fully aware this property was zoned TROS when they purchased it,  
3 they took a gamble hoping they could put money into their pockets by taking it out of  
4 ours. I understand that property ownership comes with many rights, however, these  
5 rights are not, are often superseded by local zoning ordinance to protect the rights of all  
6 members of a community. If Richland County sees no path forward but to overturn  
7 TROS this is not the way to do it. It is incumbent upon the county to first develop a set  
8 of governing standards that protects its citizens through this process, a set of standards  
9 where people are not mentally and financially devastated. Again, I thank you for your  
10 time and service and I just beg you to put yourself in our shoes.

11 CHAIRMAN GILCHRIST: Thank you, Ms. Kelly. Bob McClure, Gail Bragg,  
12 Richard Schafer.

13 **TESTIMONY OF BOB MCCLURE:**

14 MR. MCCLURE: Thank you. My name is Bob McClure.

15 CHAIRMAN GILCHRIST: Y'all are killing me with this today. [Laughter]

16 MR. MCCLURE: No problem. 224 Stormy Creek Lane, Blythewood. Just got a  
17 couple of points. It's been brought up earlier about the environmental, ecological  
18 situation out there. We have groves of 100' tall hardwoods, we have ponds, we have  
19 streams where all the runoff goes eventually down to the lake. You turn that into  
20 concrete you're gonna have a real problem. For 30 years, we've lived in our house  
21 nearly 30 years there, we were the second house built, played golf there for many,  
22 many years, going across the dam on 17 water would flow over that with any amount of  
23 rain at all water flows over that dam. And that's with the wetlands in place. You turn that

1 to concrete it's an environmental train wreck. Oh, one more thing. My wife and I are  
2 trying to sell our house out there, we're downsizing. I've dropped the price 30% already.  
3 No takers.

4 CHAIRMAN GILCHRIST: Thank you, sir. Gail Bragg? Richard – I'm gonna stop  
5 calling these. Who signed all these names on this list?

6 AUDIENCE: I did. I was getting a little tired towards the end.

7 CHAIRMAN GILCHRIST: Yeah, I can see. Absolutely. Alright, Gail Bragg and  
8 Richard Schafer. Go right ahead, please.

9 **TESTIMONY OF GAIL BRAGG:**

10 MS. BRAGG: My name is Gail Bragg. I live at 301 Wood Duck Road. I have been  
11 a resident there for 30 years. I have a daughter who is an administrator at Westwood  
12 High School and her husband, my son-in-law, is a teacher at Blythewood High School.  
13 They're very familiar with some of the challenges out in that area as am I. I'm also the  
14 president of the Wildewood I-IV HOA representing 625 lots in the Wildewood area. I've  
15 been on the board for five years, I've been president for two years. I wanna say in the  
16 beginning thank you for your service, you have a hard job. You're the first stop to  
17 implementing the County's vision for the benefit of all the residents of this County. The  
18 vision for the County is more than just a tax base. Zoning needs to take into  
19 consideration the rest of the story. The most current County Comprehensive Plan calls  
20 for coordinated land and infrastructure planning to efficiently provide public service and  
21 support and preferred growth pattern. As such it calls for the implementation of quality  
22 of life by fostering livable communities through promotion of health benefits of open  
23 space protection and providing access to recreational amenities. All these words are in

1 the County plan. Further, under the Cultural Resources element it lists a strategy where  
2 the County should focus on the development of new parks and open space recreation  
3 facilities in areas where there are none or where the public is underserved. Later it is  
4 espouses the County should ensure facilities and services must keep pace with the  
5 growth. You've heard from residents, school superintendents, and other government  
6 leaders in prayer meetings and today on this zoning application that the schools are  
7 already problematic, recreation is turning existing residents' children, existing roads are  
8 already overwhelmed, and the golf course was zoned with TROS which the public and  
9 residents of Crickentree took as a guarantee of protection, not just a roadblock  
10 mechanism to new zoning. Even if the residents were late to the party as this golf  
11 course failed, they still deserve the vision they had when they bought their property and  
12 promises were made by this Body and by County Council. Thank you. You have an  
13 opportunity today to show your leadership and listen to your community.

14 CHAIRMAN GILCHRIST: Thank you so much for being here today. Richard  
15 Schafer? And Margaret, is that – Houck? Terry and Kathy, what's that last name, Terry  
16 and Kathy Fancy. Boy, y'all killing me today. Thank you.

17 **TESTIMONY OF RICHARD SCHAFER:**

18 MR. SCHAFER: Hello. I'm Richard Schafer, my wife and reside at 1105 Ashlyn  
19 Drive, Columbia. We relocated here just a little over three years ago, and we're here  
20 also to express our concern and our support for no zoning change to the Crickentree  
21 golf course. Thank you.

22 CHAIRMAN GILCHRIST: Thank you, sir. Ms. Margaret?

23 **TESTIMONY OF MARGARET HOUCK:**

1 MS. HOUCK: Good afternoon. My name is Margaret Houck. I live at 120 Norse  
2 Drive, Columbia, and that's part of the Woodlands neighborhood. I am the vice  
3 president of the Woodlands Homeowners Association. I would like to make three points  
4 which may underscore what has already been said. First, what is decided regarding  
5 open spaces protected by TROS affects many neighborhoods, including the  
6 Woodlands. Second, green spaces are a value for recreation of course. They're also a  
7 value for their particular environmental impact such as reduced road surfaces, reduced  
8 construction materials, reduced water redirection. Third, there's an aesthetic quality to  
9 open spaces. With open spaces people can appreciate beauty of land rather than  
10 buildings. This particular quality of life would be lost with increased residential  
11 development. I support no rezoning of golf courses. Please vote no. And consider  
12 alternative open space uses. Thank you.

13 CHAIRMAN GILCHRIST: Thank you. Fancy? Andrea McLean and Bill  
14 McDougall.

15 **TESTIMONY OF TERI FANCY:**

16 MR. FANCY: I can truly say, fancy meeting you here. I live at 509 Hogan's Run in  
17 Columbia and that's the Woodlands Links subdivision, part of Woodlands. And again  
18 what you decide here is gonna have a far future impact on all golf course areas and  
19 communities. I would just ask, basically what I can see in the zoning is it allows 12,000  
20 square foot lots. I doubt very much they're gonna be building 3,000 square foot homes  
21 on those. And that's the character that I've been told of the Crickentree was fairly large  
22 homes and half acre to acre sized lots. So whatever is built there would not at all fit in  
23 with the character. Secondly, when you buy property you have to look at what is legally

1 permissible, what is physically possible and what is financially appropriate. And  
2 financially this may make a lotta money for the people who bought it to develop into  
3 homes, but right now it's not legally permissible. And physically I don't know how you're  
4 gonna develop that and put the roads in and infrastructure and sewerage and all that in  
5 to handle all the growth that's taking place. We have problems in the Northeast now.  
6 Last thing I would, second thing, third thing is we've all heard that phrase, buyer  
7 beware. Every investment has a risk associated with it. Sometimes you maximize your  
8 development and sometimes you get nothing from it. And lastly, this is something the  
9 County has done before. If you call can reckon back to the Green Diamond days of  
10 Lower Richland County when a company from Myrtle Beach was gonna come in and  
11 take several hundred acres and try to turn it into a huge major development smack dab  
12 in the middle of a floodway and flood plain. If you drive by on 77 and look on either  
13 sides, you'll see a manhole cover six feet tall cause that's what the maximum flooding  
14 that could happen in that area. So this has been done before, it's not something brand  
15 new. I just ask you to vote against this.

16 CHAIRMAN GILCHRIST: Thank you, sir. Sandra McLean, Bill McDougall.

17 **TESTIMONY OF SANDRA MCLEAN:**

18 MS. MCLEAN: My name is Sandra McLean, I live at 129 Dibble Lane and I'm in  
19 the Wildewood area. I've lived there for 32 years and plan to continue living there. I just  
20 want to say that everything that these people have already brought up is absolutely  
21 factual and true and I'm not gonna add any more facts to all that. But I do want people  
22 to know I'm vehemently opposed to Richland County changing the zoning laws to  
23 protect our golf courses. Our neighborhood is very concerned that this change would



1 have a ripple effect to all golf courses in Richland County and any change will have a  
2 detrimental effect, not only on the property owners but also on the County as a whole.  
3 Living in Richland County would become much less desirable. Appreciate you thinking  
4 about all this, considering it, and appreciate a vote no. Thank you.

5 CHAIRMAN GILCHRIST: Thank you. Mr. McDougall.

6 **TESTIMONY OF BILL MCDOUGALL:**

7 MR. MCDOUGALL: Thank you, Mr. Chairman. My name is Bill McDougall. I live  
8 at 100 Cricket Hill Road in Columbia, which is in the Wildewood subdivision. I'm a  
9 Columbia native, I've lived in Wildewood this time for 25 years. My career took me other  
10 places, I've probably got 37 or so years total in Wildewood, and at the time in 2007  
11 when we did the TROS with the help of the Staff and some Members of the  
12 Commission. Now I was president of the Wildewood Section I-IV HOA and we looked  
13 around at the issues with golf courses at the time. We also looked at the way Richland  
14 County had adopted zoning in the '70s where the golf course land was just zoned as the  
15 surrounding residential property was, and we looked at how this had been handled  
16 elsewhere. And one neighborhood we found was in Summerville, a neighborhood called  
17 Kings Grant, they had suffered through a golf course closure and a purchase by a  
18 builder that lost a court case over whether a golf course was acquired by their deed  
19 restriction – well actually they split, the court ruled that a golf course was required by  
20 their deed restrictions but it didn't specify how many holes constituted a golf course. So  
21 the end result was they split the land with the HOA and the developer and 15 years later  
22 that land has not been developed, it's sitting abandoned with no one caring for it  
23 essentially. It's being used for mitigation for conservation problems elsewhere in

1 Downtown Charleston. So the builder, the developer that bought it went out of business,  
2 etc. So we hope to avoid that by putting in and working hard to get the TROS as it's  
3 called now, we worked hard to get the end and to get seven or eight golf courses  
4 classified into it, and only two were not included and the Planning Commission voted on  
5 individual properties as we went along. So the two that were not included were not in  
6 residential neighborhoods, Northwoods and Sedgewood. And the process has worked.  
7 This is exactly what we hoped would happen is rather than Crickentree be zoned rural  
8 and have E Capital already have started building on it, the residents not have any say  
9 so, this is what we hoped would happen. The balance is that you and the County  
10 Council, we count on you guys to weigh our rights as residents against those of a short-  
11 term property owner who's in it for profit. So I urge that you vote no to the rezoning.

12 Thank you.

13 CHAIRMAN GILCHRIST: Thank you, sir. That's all we have signed up to speak.

14 MR. FULLER: Mr. Chairman? Might I -

15 CHAIRMAN GILCHRIST: Mr. Fuller, yes. Please come up, we'll give you an  
16 opportunity to, two minutes to address this.

17 MR. FULLER: This is just more in the manner of correcting a factual issue,  
18 simply to clarify the Record. Whether it convinces anybody otherwise or not. E Capital  
19 acquired this property through a foreclosure of a loan on the golf course property. That  
20 loan preceded TROS by nine years. It was in place in 1998. TROS was put in in 2007.  
21 And so E Capital, although it took title to the property after the foreclosure, has been  
22 involved with this property for a lengthy period of time, as many of these residents. But  
23 that is simply an issue that I think is important to understand in that the golf courses that

1 were put under TROS did not apply to be put in TROS, they were imposed in by  
2 Richland County. And in this particular instance it was before, the lender was already  
3 engaged in the property before that took place.

4 CHAIRMAN GILCHRIST: Thank you, Mr. Fuller. Any questions for the Applicant?

5 MR. BRANHAM: I've got a question for Mr. Fuller.

6 CHAIRMAN GILCHRIST: Yes, sir, Mr. Branham.

7 MR. BRANHAM: So in reviewing the foreclosure judgment in this case there was  
8 a finding that the assignment of the mortgage passed into the plaintiff in this case in the  
9 year 2010? Is that correct?

10 MR. FULMER: I do not know the answer to that. The foreclosure attorney is here  
11 today. And can answer that perhaps. I cannot tell you the date specifically.

12 MR. BRANHAM: Okay, thank you.

13 MR. TUTTLE: Mr. Chairman, while Mr. Fuller's up here I have a couple  
14 questions.

15 CHAIRMAN GILCHRIST: Mr. Tuttle, yes, sir.

16 MR. TUTTLE: Last time we were here we heard some alternative uses were  
17 proposed, I think even the mayor of Blythewood had even said something about maybe  
18 coming from Blythewood and creating a park for baseball and football and so forth. And  
19 then there was also some folks that thought maybe Richland County should have a park  
20 there as well. Has your client received an offer from the Town of Blythewood or  
21 Richland County to buy the property?

22 MR. FULLER: No, sir.

1 MR. TUTTLE: Okay. And have you had any conversations with anybody in  
2 Richland County about – I know I saw the Councilwoman had come out publicly and  
3 said that that wasn't really possible, but.

4 MR. FULLER: There has been no discussion about a purchase of the entirety of  
5 the property by anybody. There have been some overtures about pieces of it from time  
6 to time.

7 AUDIENCE MEMBER: That's not true.

8 CHAIRMAN GILCHRIST: Please, please guys, please. We've closed off the  
9 public session, please.

10 AUDIENCE MEMBER: You've gotta let us respond to the lies.

11 CHAIRMAN GILCHRIST: No, we can't. I apologize. We have to give the  
12 Applicant an opportunity –

13 AUDIENCE MEMBER: I offered to buy the whole course.

14 CHAIRMAN GILCHRIST: Sir.

15 AUDIENCE MEMBER: I offered to buy the whole course.

16 CHAIRMAN GILCHRIST: Michael, you can't do that. Can't do that. Thank you,  
17 Mr. Fuller. Mr. Price, I have a question for you. 2007 is when this designation was put in  
18 place, is that right?

19 MR. PRICE: Yes.

20 CHAIRMAN GILCHRIST: Were you here in 2007?

21 MR. PRICE: I've been here forever. Yes, I was.

1 CHAIRMAN GILCHRIST: Okay good, well then you would have an appreciation  
2 for what we're trying to figure out. Can you give this Planning Commission kind of a  
3 brief, from our history here, what was the intended purpose of the TROS?

4 MR. PRICE: I could. I actually think it was actually explained pretty thoroughly by  
5 Councilwoman or former Councilwoman Hutchinson with the intent. I don't know what  
6 more I can add to it. I think it was primarily designed to give residents basically kind of a  
7 heads up when the property that was a golf course would be rezoned, or excuse me,  
8 would be developed because the TROS kept it out of the residential uses. So what it did  
9 was it gave an opportunity so that if it was going to be developed it would have kind of  
10 public hearing where people would have an opportunity to come in and speak, you  
11 know, for or against it.

12 CHAIRMAN GILCHRIST: In your professional opinion was that some level of  
13 protection to golf courses in the County?

14 MR. PRICE: I don't – I mean, I think it was more or less just to give some  
15 warning to the residents of an area.

16 AUDIENCE MEMBER: Read the Purpose.

17 CHAIRMAN GILCHRIST: Please, please, audience. Please, please. Okay, thank  
18 you, Mr. Price.

19 MR. TUTTLE: Mr. Chairman, if I could interject.

20 CHAIRMAN GILCHRIST: Mr. Tuttle? Yes, sir.

21 MR. TUTTLE: I was around in 2007, in fact I worked with Councilwoman  
22 Hutchinson on that and Don Tomlin and I thought it was a good thing. We came and  
23 actually spoke at the Council hearing because we thought there should be a measure

1 between the underlying and being automatically allowed to develop and making it more  
2 in line with a typical rezoning. It was not our understanding at the time that it provided  
3 protections in perpetuity by virtue of a zoning. Our zoning laws don't allow that, there  
4 are other mechanisms for that, that's not what it was about. It was really about a real  
5 estate investment trust that owned Wildewood that was going bankrupt and they were  
6 concerned that this entity, this foreign entity that didn't reside in Wildewood and then  
7 have a stake in Wildewood would just sell the golf course to be developed and it was  
8 an, oh by the way we just realized that they could do that, what can we do quickly to do  
9 this and ensure some safeguards to not only this golf course but other golf courses  
10 throughout the County. And I was intimate with that, I was with the group that  
11 Wildewood from the real estate investment trust. My parents were 30 year residents of  
12 Wildewood, I have an affinity for Wildewood. I spent as much time on the Wildewood  
13 golf course as I have anywhere else in my entire life. I appreciate that. I think we're in a  
14 difficult position, however, I do think that people that own property have rights to follow  
15 the mechanisms that are afforded to them and come publicly and let those things be  
16 heard. And I think that, it's a tough thing, golf's a tough business, I don't think the golf  
17 course at Crickentree is viable. You know, the original Crickentree golf course was not  
18 part of the development, it was Blythewood Country Club. It failed.

19 CHAIRMAN GILCHRIST: Sir, sir, sir please, allow the Commissioner to finish  
20 speaking.

21 MR. TUTTLE: I think it was Bill Turbeville was one of the original founders of  
22 Blythewood Country Club which was not part of Crickentree. So I think that we have to  
23 be aware that we have to take everybody's thoughts into consideration but you also

1 have to provide property owners with an opportunity to do what they feel is appropriate  
2 with their land. And this is, everybody that lives in Crickentree, there was a developer  
3 before you lived there that took a piece of land that was not residentially zoned and  
4 rezoned it to be residential, and they were a short-term profiteer, too, because they  
5 developed the land, they sold it to a builder, a builder built the house and you moved in.  
6 That's what Heath and Donnie Boyd did in Wildewood, that's what's been done in  
7 Woodcreek, that what we did in Lake Carolina, that's the course. We don't get the  
8 luxury of predetermining what every zoning throughout the County is on day one, things  
9 change. There were other golf courses in Richland County that have failed and have  
10 become other things. Columbia Country Club was originally called Ridgewood Country  
11 Club and it was in the Eau Claire neighborhood. There was a nine-hole golf course in  
12 Southeast Columbia that turned into a neighborhood probably 10 or 12 years ago.  
13 Sedgewood's closed, I don't know what will become of it. As cities and towns and  
14 counties grow things change and property uses change and we don't normally get  
15 involved with if somebody wants to, has the right to change their property from a rural  
16 zoning to a commercial zoning, they come before us and we weigh it on its merits  
17 without some overlying misunderstanding from my perspective that there were some  
18 protections guaranteed in the zoning. That's not there, it wasn't there when it was an  
19 ordinance, it wouldn't have been approved had that been there. I think many of the  
20 lenders of these golf courses would've had to show *en masse* in court because if that  
21 were true that would've been a taking at the time. So I just wanna make sure that we  
22 understand what's in front of us, it's a rezoning. You either think that the proposed  
23 density, which is very similar to the neighborhood, it's less dense than some other

1 neighborhoods around there, is appropriate or you don't. But the fact that it was a golf  
2 course and not a golf course, should be a park or not a park is not really relevant to  
3 what's in front of this Body given what we're allowed to weigh in on. Thank you.

4 CHAIRMAN GILCHRIST: Thank you, Mr. Tuttle. Ms. Frierson?

5 MS. FRIERSON: Mr. Chairman, as part of our packet there're two newspaper  
6 ads, one dated April 1<sup>st</sup>, 2007, the other one dated October 21<sup>st</sup>, 2006, from *The State*  
7 *Newspaper*, and in them there's a reference to Crickentree golf course lots, etc. My  
8 question is this, in that the Crickentree golf course area failed some time ago and some  
9 of the witnesses before us today talked about property value, Geo Price or whomever  
10 can answer this question for me, how does a failed golf course piece of property affect  
11 property values?

12 MR. PRICE: I am not able to answer that.

13 MS. FRIERSON: I couldn't hear you.

14 MR. PRICE: I am unable to answer that.

15 MS. FRIERSON: Any Commissioner with experience in property matters, can  
16 you answer that for me? Mr. Tuttle maybe?

17 MS. CAIRNS: I'll try to bail you out on this, David. I mean, there's no exact  
18 answer and, you know, lots that back up to somebody else's land that gives their land a  
19 bump in value doesn't control the neighbor's land though. I mean, a failed golf course  
20 that goes into fallow could easily be a negative. I know one person said she doesn't  
21 know homeless people living in tents, they're out there. You know, so I mean, it's  
22 possible that if this just sat as empty land it could become a huge problem and be an  
23 enormous negative, and so it being converted to houses could then raise it back up. So



1 I mean, it's just in general, you know, so there is no great answer, okay? I mean, we're  
2 charged with trying to help use zoning as a way to keep the County as economically  
3 sound as we can through that mechanism. And somebody commented about zoning,  
4 the residential zoning protection, all zoning is designed and allowed to exist because it  
5 protects property values, whatever the zoning classification is. The fact that you're  
6 protected from your neighborhood putting in a gas station protects your property value  
7 and, I mean, every part of zoning, the whole constitutional construct of zoning as a  
8 police power of the State is to protect property values and health safety and welfare of  
9 the citizens. So whether it's zoned high industrial or rural, it's all to protect property  
10 values and we do have to, you know, we're, for us to maintain a zoning classification  
11 that has no economic viability when the property owner comes forward and says, you  
12 know, I mean, there's a lotta land that may not, we can't do anything about, whether it  
13 has economic viability. I mean, it's got all kinds of market forces, environmental forces,  
14 all this and that. But when a property owner comes forward and says, look you know, I  
15 think we can make this property more economically viable for everybody, here's my  
16 thoughts, here's my request and here's I think it fits in the Comp Plan, we don't just say,  
17 okay sounds good, go for it, okay? We look at it and we try to look at the impact on the  
18 immediate community and the impact on the overall community and the impact on the  
19 Comp Plan which we spend a lotta time trying to guide development in broad brush,  
20 you've heard us use that in some of the earlier cases, about whether or not, you know,  
21 something fits the Comp Plan, which is a broad brush. But it's not like we do it off the  
22 cuff either. So, and I will offer, as Geo, I've been here forever and I've gotten a whole lot  
23 fewer paychecks, but I was on Planning Commission at the time, Ms. Hutchinson will

1 remember, and had been for I think at least a year before this came forward. So I've  
2 been in these seats for an awful long time and I specifically remember as a Member of  
3 this Commission and a member of, a resident of Richland County, what was going on at  
4 that time from my perspective, which is a little different than Mr. Tuttle's. But Coldstream  
5 in Lexington had closed and all of a sudden it became apparent that they could just roll  
6 bulldozers and build houses and nobody could say a thing because pretty much all land  
7 has a zoning classification and therefore every owner has a by-right right to do  
8 something. I mean, a lotta the farmland in Richland County, if somebody wanted to they  
9 could just start putting houses on it cause virtually all of it is zoned for residential use  
10 under the rural classification. So that's what happened in Coldstream and it really did  
11 scare a lotta people cause as a lot of you have offered you bought a home based on the  
12 fact that you had a golf course to look at and that you wanted some certainty that that  
13 would always be there. We can't do that. The only way to do that is to buy it as a public  
14 body or convince somebody to put deed restrictions on it. And even if you buy it as a  
15 public body it doesn't guarantee it stays a golf course, but increases it. But what we did  
16 was the next best thing, I think, which was to create a zoning classification and we did  
17 proactively impose it on golf courses that were not part of PDDs and that, you know, as  
18 it was offered the two were left out, Sedgewood and Northwoods cause they weren't in  
19 residential developments, but the other ones were in PDDs and therefore had zoning  
20 that matched their use. And the, it's not a permanent thing, it doesn't stay zoned  
21 TROS, it stays zoned TROS so long as that's an economically viable, realistic thing. But  
22 what the zoning classification did was allow this, you guys to get together, a pause in  
23 the plan. You know, had the old zoning been in place houses could already be there,

1 okay? The developer had to go through so, I mean, the owner had to request rezoning,  
2 there've been some changes to those rezoning requests, it gave you guys a chance to  
3 figure out if there was anything that could happen, it gave the County a chance to look  
4 at whether it was something that they could look at taking over and maintaining or  
5 creating into something else. It put a pause into the system. I wasn't meaning to go into  
6 such a lecture but I guess I got going. And so, you know, so I just, that's what the TROS  
7 is and it's been offered no zoning is permanent –

8 AUDIENCE MEMBER: [Inaudible]

9 CHAIRMAN GILCHRIST: Please.

10 MS. CAIRNS: We take into effect property value on everything. We can't – no,  
11 no, no, but the thing is, I mean, I get it that property values will go up and down based  
12 on what's going on around them all the time. Okay? Sometimes somebody owns a  
13 piece of property and an interstate goes in nearby and all of a sudden that property  
14 zooms up in value. Other times somebody owns a house and an interstate goes down  
15 and their house dies in value. Okay? We try to minimize that and we take a global, we  
16 can't look at one lot and say, we gotta make sure that lot or those 10 lots never have a  
17 decrease in value. We can't do that. I mean, you just can't. So what we do is the best  
18 we can and so to, but to tell the property owner here, you can't change the zoning,  
19 sorry, that's a huge problem. I mean, so what we do is, you know, try to do the best we  
20 can, look at it, how can this request of the applicant be taken in context of everything so  
21 as to do the best change for the County in this area that we can figure out. I don't know  
22 what that answer is, but to just say no isn't what we do.

23 MS. FRIERSON: May I make one more comment?

1 CHAIRMAN GILCHRIST: Ms. Frierson?

2 MS. FRIERSON: Thank you very much, Heather, I appreciate your, the  
3 information you provided. I listened last month carefully to the people that came and  
4 spoke to us, I also listened to Mr. Fuller cause I wanna try to be fair. And I also was  
5 concerned because it's before us again and understand now that the zoning request is  
6 for a lower density. One of the things that concerned me, you know, environmental  
7 impact, etc. so what I really did do was take the time to actually drive to the area  
8 yesterday, my sister and I, cause I live near there and whether it's against the law or  
9 not, we rode onto the old golf course and explored and looked. We rode up and down  
10 the various neighborhoods in Crickentree. So I paid attention and took note of where  
11 you all said you lived cause I wanted to see with my eyes what the impact would be and  
12 I wanted to be fair, because I know there has to be a balancing act between, as Heather  
13 said, what a person might want when he or she attempts to sell property and also the  
14 concerns of the neighborhood. So that's why I took the time to look carefully with my  
15 own eyes and drive the property yesterday. One thing that would be helpful to me, Geo,  
16 a little while ago when we were on the case about the land adjacent to Walmart, you  
17 had a view that really was helpful. Can you pull up a view for us of the particular area  
18 that we're talking about so that we can visually see it? That would be very helpful to me.

19 MR. PRICE: You want an aerial of the location or you were looking at a street  
20 view?

21 MS. FRIERSON: You can show me both, that'll be fine.

22 MR. PRICE: Okay, well right now what you have before you is an aerial of the  
23 property.

1 MS. FRIERSON: No, I don't want that one. I see now. I want the other one. Yes,  
2 that's the one I want. As you're showing that to us, when we were driving around  
3 yesterday we went down a road called, I think it was EJW or something like that? EJ, is  
4 that it? And that's where I saw a yellow sign about zoning. Is that the area we're talking  
5 about, it was a dirt road?

6 AUDIENCE MEMBER: Yes, ma'am.

7 MS. FRIERSON: We drove from one end of it to the other.

8 AUDIENCE MEMBER: That's where the dam is.

9 MS. FRIERSON: Okay. If I understand that correctly it's not on the property of  
10 Crickentree but adjacent to is, is that correct?

11 AUDIENCE MEMBER: Correct.

12 MS. FRIERSON: That's where I was driving yesterday. And that area was how  
13 many acres? Was it 185?

14 MR. PRICE: 185.29.

15 MS. FRIERSON: So both sides of that road called EJW, an entrance can be front  
16 Langford Road or from Kelly Mill, is that correct?

17 AUDIENCE MEMBER: Correct, Ms. Frierson.

18 MS. FRIERSON: Yeah, that's the area I drove. Okay, thank you.

19 MR. PRICE: Right now it looks like clearly an entrance can come off of Langford  
20 Road. I'm not sure about Kelly Mill because, one there is an actual development that's  
21 taking place currently along Kelly Mill Road which is –

22 MS. FRIERSON: We did it, I don't know if it was legal or not, but we drove from  
23 one end to the other yesterday.

1 AUDIENCE MEMBER: No, you're okay, Ms. Frierson.

2 CHAIRMAN GILCHRIST: Guys, listen. We've gotta stop the commentary from  
3 the audience. I apologize for that but we really need to make sure that we're asking the  
4 Staff clarification questions as we debate this, so thank you so much for your patience  
5 on this. Ms. Frierson?

6 MS. FRIERSON: No, that was helpful. I just wanted to see that actual area to  
7 make certain that I was looking at the correct piece of property.

8 CHAIRMAN GILCHRIST: Okay, thank you. Let me, Mr. Price, let me ask you a  
9 question here. Under the Conclusion it states that approval of the request may promote  
10 a density which is not consistent with that of the proposed developments, and it lists out  
11 those developments. Can you kinda help me understand a little bit?

12 MR. PRICE: Okay. Mr. Crooks will have to help me with the exact numbers. Now  
13 again, what that's based on, so we have, there were three developments that Staff  
14 referenced; so there's Crickentree, which is zoned RS-LD, which is the same as what  
15 the Applicant's requesting, however, the way it was developed the density is a lot lower  
16 because I guess it was determined the lots would be a lot larger than what the minimum  
17 requirements were for the RS-LD district. So of course that's gonna lower the density.  
18 The subdivision Baymont, Tommy, can you highlight that one, maintained a rural  
19 designation which is 1.3 units per acre but they used the open space provision which  
20 meant that they were not gonna use the entire, I think it's like almost 68 acres, they  
21 were going to concentrate a lot of the development in one particular area, reduce the lot  
22 sizes. But again, it's like 93 homes that are proposed for 68 acres, so again that's going  
23 to be a lower density but it's just how it was developed. And the same thing applies to

1 Hunter's Run which is across the street from the development off of Langford Road, still  
2 zoned Rural, however, by using a open space green code, I'm not sure which one was  
3 in place during that time, provision it allowed them because of some restraints on the  
4 property and they weren't gonna use that it, it wouldn't be developed, they were able to  
5 reduce the lot sizes, the density didn't increase. But if you just take a look at the number  
6 of lots based on the total acreage of parcel or the parent tract, those densities are a lot  
7 lower than the 3.63. Now of course that doesn't take into consideration you can take this  
8 piece, the subject parcel for the rezoning, how that would be developed because they  
9 could actually come in, build certain size lots, take the infrastructure, open space they  
10 may provide, and then if we go back and re-do those calculations it may be a lot lower  
11 than 3.63.

12 CHAIRMAN GILCHRIST: Okay. Do you wanna add something to that?

13 MR. CROOKS: I was gonna, I can give you the specific numbers. So Crickentree  
14 is 1.04 units per acre, Hunter's Run is 1.48 units per acre, Baymont is 1.37 units per  
15 acre. And those are total densities including the open space. Crickentree's 1.04.

16 CHAIRMAN GILCHRIST: Have I got that right? Hunter's Run 1.48? Baymont  
17 1.37? And Crickentree 1.04?

18 MR. CROOKS: Yes.

19 MS. CAIRNS: I have a question for Geo, if possible, I'm not exactly sure but Mr.  
20 Fuller at one point referenced that the RS-LD was the most restrictive residential  
21 development zoning. Can you offer maybe how that might be interpreted?

22 MR. PRICE: Okay. The RS-LD is the most restrictive single-family designation  
23 that we have. And when I say single-family it pretty much allows only detached

1 residential structures. So we have the RS-LD 3.63, RS-MD 5.12 units per acre, and the  
2 RS-HD I think is 8.7. We do have other residential designations where homes could be  
3 built, Rural, the RR and the RSE, but those also allow other residential types such as  
4 manufactured homes and in some cases duplexes. So strictly for single-family  
5 detached, for designations that only allow single-family detached units, the RS-LD is the  
6 least dense.

7 MS. CAIRNS: Thank you.

8 MS. FRIERSON: May I ask one more?

9 CHAIRMAN GILCHRIST: Sure, Ms. Frierson, then Mr. Branham.

10 MS. FRIERSON: Geo, you can help with this. Can you pull up on your view a  
11 picture of EJW again and show me exactly where that dam is? Cause I'm concerned  
12 about the flooding, potential flooding and I wanna see how close it is to that area.

13 MR. DELAGE: Yeah, Ms. Frierson, if you can see here we can kinda get it into  
14 the aerial but it's – on our street view if you see where the blue is there's no blue on  
15 EJW so the street view is gonna basically be here along the road, so.

16 MS. FRIERSON: That's EJW right there, right?

17 MR. DELAGE: Yes, ma'am, that's correct.

18 MS. FRIERSON: Okay. Now what's that thing next to those pickup trucks? I  
19 mean, I know that's not a dam but what is that?

20 AUDIENCE MEMBER: Maintenance shed.

21 MS. FRIERSON: Okay, well how close is it to the maintenance shed then?

22 AUDIENCE MEMBER: Right where the green is. Sorry.



1 MS. CAIRNS: Just to help Ms. Frierson, I mean, as you can see on the map that  
2 we have on our things right now, the orange is all flood zone stuff and there's the lake  
3 on the left-hand side, you can kinda see it underneath. The dam to that lake is on the  
4 right edge of that lake and it is true that any kind of rain event that dam spills over, I  
5 mean, the water spills over the top of that dam during, like after any kinda rain event.  
6 But in terms of dam safety, floodwater, storm water management and all of that, that's  
7 all outside, I mean, we don't just willy-nilly rezone something that clearly the underlying  
8 land is incapable of sustaining. That was sorta the Green Diamond kind of issue. I  
9 mean, there's no point in zoning absolute flood land into residential development. But  
10 the issue of that dam and the spilling and its capacity and all of that, that's, I would offer  
11 beyond the question of the Planning Commission.

12 MS. FRIERSON: The reason I'm concerned about that, Heather, and I appreciate  
13 what you just said, we experienced a horrible dam situation traveling a few years ago,  
14 but as I listened to one of the gentleman talk about when we had the "1,000 year flood"  
15 and what he had to do to his home, those concerns are real to me and when we talk  
16 about when we build and you have lots of asphalt and there's really no good place for  
17 the water to run off, I know that we don't intentionally do certain things but as thinking  
18 individuals who have to be careful about the environment and the effects of  
19 overbuilding, I'm extremely concerned about that. And that's why I'm asking about it  
20 cause I don't want to vote for something that might potentially devastate, even people  
21 who are not near me. If I have some knowledge that we're perhaps doing things that  
22 might overtax our wetlands or something of that nature then I, it gives me pause. That's  
23 why I was asking all these questions. Thank you.

1 MR. TUTTLE: Mr. Chairman, if I might respond to Ms. Frierson for just a minute.

2 CHAIRMAN GILCHRIST: Yes, sir, Mr. Tuttle. And I think Mr. Branham was next,  
3 then we'll come to you.

4 MR. TUTTLE: I'm sorry. Okay, so absent the rezoning a development would go  
5 through a process and it's governed by the County and South Carolina DHEC, and they  
6 have very strict and stringent rules in place as to how much water can leave the site at  
7 what rate, what the buffers are on wetlands and streams and so forth. In fact, all that's  
8 been redone in the last 10 years in Richland County and become much more stringent.  
9 So all those things are kinda taken care of after the rezoning if there is one, and they're  
10 not really in our purview but those are all mandated and handled in an appropriate way.  
11 And you're more apt to get a, in a new neighborhood you're gonna have fewer problems  
12 than you would in an older neighborhood when the regulations aren't in place relative to  
13 that.

14 MS. FRIERSON: Well one question to follow up on what you said, and you're  
15 very helpful Mr. Tuttle, you know how with some dams that are older in our County and  
16 elsewhere, if they have not been properly maintained and, you know, I think we're all  
17 familiar with the fact that a number of dams in various locations have not been properly  
18 maintained, and then we unfortunately see the results of that when there's a major rain  
19 event as they say. So I understand what you're saying, I understand DHEC does deal  
20 with that, but just dealing with the reality of the fact that our infrastructure has not been  
21 as it should be, not only in our County but in our State, all of this gives me concern  
22 cause I know some of these things are ancient an in my opinion they're just accidents  
23 and tragedies waiting to happen, so you know, again that's why I voice my concern.

1 MR. TUTTLE: I would think that if this property be redeveloped all those things  
2 would be looked at anew by DHEC and the Army Corps of Engineers, etc. and  
3 probably, I don't know, maybe be, the developer be asked to bring it up to a different  
4 standard.

5 MS. FRIERSON: Thank you.

6 CHAIRMAN GILCHRIST: Let me ask a question, Mr. Price, excuse me Ms.  
7 Cairns, while this is fresh on my mind. So what we're attempting to do here today would  
8 impact all golf courses in the County?

9 MR. PRICE: No, sir.

10 CHAIRMAN GILCHRIST: Okay, just those that are associated with housing  
11 developments?

12 MR. PRICE: No, sir. No, sir, this is no different than any of the other parcels that  
13 you've looked at today. If there was a rural piece of property and you decided to zone  
14 that commercial that does not affect other rural pieces within Richland County.

15 CHAIRMAN GILCHRIST: So if there's any other potential place like this they  
16 would have to actually come before the County.

17 MR. PRICE: If there's another TROS zoned property it would have to go through  
18 the same process.

19 CHAIRMAN GILCHRIST: Got it. Ms. Cairns, sorry, then Mr. Branham.

20 MS. CAIRNS: I just, the storm that happened in 2015 was a storm that, one I  
21 think it's important to understand that nobody, we as a culture and a country do not  
22 design things to withstand the magnitude of storm that occurred that – so anything that  
23 failed during that storm does not mean that it was *per se* not maintained or improperly

1 designed. It's just that when you get events like that there will be things fail. But I think  
2 it's interesting to note that the Crickentree withstood that storm cause that pond is still  
3 full. So the fact that water spills over it does not mean that there's anything faulty with it.  
4 But I just, I just, I'm sorry, I get a little irritated at the fact that because a dam failed in a  
5 1,000 year storm that somehow there was a failure by somebody. It's called an act of  
6 God.

7 CHAIRMAN GILCHRIST: Mr. Branham?

8 MR. BRANHAM: Thank you, Mr. Chair. So I wasn't here for the last hearing when  
9 the application was made for the medium density because I was not on the Planning  
10 Commission at that time. So this is my second meeting. I was previously serving on the  
11 County's Board of Zoning Appeals. I wasn't here in 2007 whenever this new district was  
12 enacted by County Council's ordinance but I was a practicing attorney back then, I'm  
13 still a practicing attorney now, I've been a practicing attorney for a long time. Despite the  
14 fact that I know I look like I'm 12 years old. And so –

15 MS. CAIRNS: He and I got to graduate at the same time so, you know.

16 MR. BRANHAM: Classmates. I was very young at that time.

17 MS. CAIRNS: I was not.

18 MR. BRANHAM: So it's not an easy application, it's not an easy file for review. I  
19 think a lot of us have spent a lotta time on it, hopefully as has been demonstrated  
20 through the discussion that's already occurred. And I just wanna share with you all my  
21 thoughts and my analysis as I've reviewed it. I've spent lots of time on it, it's very  
22 important to me, it's not an easy decision [inaudible]. So being a lawyer my first thought  
23 is definitely to look to my responsibilities as a Commissioner on this Commission. And

1 they are set forth both in state law and in the county ordinances, so I do wanna  
2 reference a few of those without going into a whole lotta detail. But §26-52 is the one  
3 that deals with the factors that we're supposed to review when it comes to an  
4 amendment of the zoning map and many of those four factors that are enumerated  
5 have been discussed from many different directions [inaudible]. So that's very much  
6 appropriate. Section 26-83 says that the regulations in the chapter that we're talking  
7 about here should be applied uniformly to all the different parcels of land within our  
8 jurisdiction. There's no exception for the TROS district, we're supposed to apply the  
9 ordinances [inaudible]. 26-85 is the section that, you know, we've all looked at and  
10 we've all talked about which is the creation of the TROS district, which has been quoted  
11 from here and there today. My point is to say that I reviewed some of the other districts  
12 and the purposes set forth. I found none of them to be nearly as [inaudible] potentially  
13 forthright. It's very clear as to their purpose and even restrictive in their use. As an  
14 attorney, eh, I took a few looks at that. It's extremely restrictive. When I think about the  
15 laws related to procedural takings and that, but we're not here to talk about that today  
16 and it's not my place to get into whether it was wise to have created this district,  
17 whether it was wise to include the language that is set forth here in the ordinance for  
18 this district. I think it's abundantly clear that the existing district assignment which is  
19 TROS is very important to my analysis and it should be for the Commission's analysis of  
20 a potential map amendment. In order to ensure the preservation of conversation,  
21 recreation and/or open space, and to lessen the diminution of property values from the  
22 loss of open space commonly provided for in a community. To provide opportunities for  
23 improved public and/or private recreational activities. And to provide for a community-

1 wide network of open space, buffer zones and recreational spaces. I was looking over  
2 the chart for potential uses with those that are permitted, those allowed under Special  
3 Exceptions. It's extremely restricted. Again, I'm not here to really go down that line any  
4 further but my point is that I wanna be loyal to the law and I feel like I don't need to  
5 speculate about the purpose of this district, why it was enacted, because I feel like more  
6 so than any other district potentially which is described in this ordinance, that the TROS  
7 purpose is very specific and as such I feel quite compelled to apply a very serious  
8 weight to purposes that are set forth therein. And it's not lost on me that the current  
9 record owner of the property took title through an assignment of bid, of the foreclosure  
10 bid at the foreclosure sale. It's now held in the name of E Capital something, something,  
11 South Carolina. The plaintiff in that case was E Capital something else and according to  
12 the Record of the Judgment that I have here in front of me, they took title in the year  
13 2010, title to the note and the mortgage which they later foreclosed. So the 2007  
14 application of the TROS district to this subject parcel took place three years before that  
15 assignment of that note and mortgage took place, that matters to me. And so it's not  
16 impossible that the property would be rezoned, I don't think there's an absolute bar by  
17 any means, but it is a very high bar and I'm keeping that in mind today in my decision.

18 CHAIRMAN GILCHRIST: Mr. Branham, is that a motion or is that, what is all  
19 that?

20 MR. BRANHAM: That's as little emotion as I can imagine. I'm just citing –

21 MS. CAIRNS: A motion, not emotion.

22 MR. BRANHAM: Oh, is that –

23 MR. TUTTLE: Mr. Chairman, I'd like to make a motion.

1 CHAIRMAN GILCHRIST: Okay, hold on.

2 MR. BRANHAM: [Inaudible] discussion to complete.

3 CHAIRMAN GILCHRIST: Alright, Mr. Tuttle.

4 MR. TUTTLE: I'd like to make a motion that we send Case No. 19-022 MA  
5 forward to Council with a recommendation of approval.

6 CHAIRMAN GILCHRIST: Is there a second? Is there a second?

7 MS. CAIRNS: I'll second the motion.

8 CHAIRMAN GILCHRIST: Okay, any discussion? Any additional discussion? It's  
9 been moved and properly seconded that we send Case No. 19-022 MA forward to  
10 Council with a recommendation of approval. All in favor signify by raising your hand.

11 MR. TUTTLE: Can we have some discussion?

12 CHAIRMAN GILCHRIST: I just asked, nobody said –

13 MR. TUTTLE: I'm sorry, I was here. I'm just baffled. If not rezoned to this, what  
14 possible use could the landowner ever provide for this property? This is a very  
15 reasonable request. I'd just love to hear from some of my colleagues what their  
16 rationale is behind their position.

17 MR. BRANHAM: I mean, I'll give you my rationale which is kind of what I've set  
18 forth already. It is shocking to me some of the wording in this ordinance specific to this  
19 district. I feel like it hardly compares to the wording of any other district. It's surprising  
20 how restrictive the uses, permitted uses are or the ones that are allowed under a  
21 Special Exception, but that's not something that we're here to debate in this forum  
22 today. If there's a question as to whether or not this district effectuates a procedural  
23 taking in a particular situation that would be a matter for a court of law to make findings.

1 So that's what I feel like I'm bound by is the very restrictive and clear purposes set forth  
2 in the ordinance.

3 MR. TUTTLE: I know I had the luxury of being here at the time. Those were  
4 restrictions were related to the box, not the – as your uses under that zoning, it doesn't  
5 preclude you from rezoning it to another district. That's where I followed your  
6 commentary and I appreciate it, I'm just trying to connect those dots. If you rearranged it  
7 to two other zonings what would the Special Exceptions in C1 have to do with a  
8 possible rezoning to M1 or whatever the case might be, I don't get the corollary.

9 MR. BRANHAM: Yeah, I think that's, again I feel like this is a very novel district  
10 and the type of application that's occurring related to something that is presently zoned  
11 under this district. A lot of the other ones maybe I wouldn't so much attention to the  
12 existing zoning district, but in this case because the wording of the Purpose in the  
13 district specifically states that it's for the preservation and conservation, I have to look at  
14 that. It's only appropriate. It's completely relevant that I look at that before thinking about  
15 changing to some other district.

16 MR. TUTTLE: And I read that slightly different, I use that to relate to the uses that  
17 are there under, not necessarily to say that it can't be anything else because it has that  
18 as the opening line. That's just –

19 MR. BRANHAM: I mean, we're related to open space and conservation of open  
20 space? I mean –

21 MR. TUTTLE: Right, we have other districts with open space.

22 MR. BRANHAM: Sure. Yeah.

23 MR. TUTTLE: Right?



1 MR. BRANHAM: Parks and recreation.

2 MR. TUTTLE: So conservation, you have conservations you're dealing with a  
3 conservation easement as you know, or deed restriction, neither of which are there. So  
4 I'm just lost, I'm just trying to understand.

5 MR. BRANHAM: Well, I'm not the one who placed this district on this parcel and  
6 I'm not the one who enacted this district. I feel like I'm bound to follow those who were  
7 duly elected to put these things in place or who chose to put these things in place, and it  
8 says what it says. That's my interpretation of what is said.

9 MR. TUTTLE: Thank you.

10 CHAIRMAN GILCHRIST: Ms. Cairns?

11 MS. CAIRNS: I was just gonna say I think the, I think maybe some of the  
12 disconnect, and not to criticize either, but I think what Mr. Tuttle is saying is while there  
13 is very strong language that it affects what uses are allowed while the property is zoned  
14 TROS. And what you're saying is that you take that language to say, this should affect  
15 any potential rezoning. And that's where I don't know the answer to that but I think that's  
16 sorta the disconnect is that Mr. Tuttle says, okay while zoned TROS it is very restricted.  
17 And you're saying, that therefore while very restricted should be rezoned with a higher  
18 level of rezoning, and I'm not sure that that's consistent.

19 MR. BRANHAM: [Inaudible] the weight that should be there ought to be given  
20 based on the wording [inaudible]. The description of the district as it currently stands, for  
21 me to just ignore the wording of this ordinance in my consideration of whether it ought to  
22 be rezoned, it doesn't make any sense considering what the words say.

1 MR. TUTTLE: If you follow that to the natural conclusion that it could never be  
2 rezoned.

3 MR. BRANHAM: Right, which is why I led with that statement. I don't think it's  
4 impossible by any means for it to be rezoned. We've got four factors that we're  
5 supposed to look at. Now the weight, you know, or the potential standard that we should  
6 apply as we review those four factors, maybe it's supposed to vary based on the current  
7 district, in this case TROS, because of its references to preservation and conservation.

8 CHAIRMAN GILCHRIST: Okay. Ms. Cairns, go ahead.

9 MS. CAIRNS: No, I was just thinking, it triggers a concept about whether or not,  
10 does the, like if there is land that is particularly important for environmental protection  
11 just because of, like the flood plain of the Congaree, okay, so you've got land that just  
12 any which way you spin it has enormous environmental value, whereas this golf course,  
13 if it was simply, if it had never been created into a golf course and was still just standing  
14 pine, would be this environmentally sensitive spot? I don't have the answer but I think  
15 that sort of, you know, my brother was trying to sell a house one time where they'd  
16 planted the Christmas – and he lives in Portland, Oregon which the zoning's a little  
17 different – they wouldn't let them take down the Christmas tree because it had become  
18 huge and they were deeming it a significant tree, and he was like, oh my gosh, talk  
19 about a bad decision 30 years ago that someone planted their Christmas tree. So that's,  
20 I mean, but it's – so sorry for the little spin – but I mean, it's interesting that if you looked  
21 at this, if it was just raw land and nobody had ever done anything with it other than  
22 maybe farm or grow trees, would it by itself be considered environmentally sensitive?

1 MR. BRANHAM: Yeah, I agree. I don't know that it would and I don't know that  
2 I'm calling this environmentally sensitive land by any means. If anything maybe that's  
3 something that [inaudible].

4 CHAIRMAN GILCHRIST: There's a motion and second the floor. Any additional  
5 discussion?

6 MR. CARLISLE: Could you repeat the motion, please?

7 CHAIRMAN GILCHRIST: Could you repeat the motion, Mr. Tuttle?

8 MR. TUTTLE: Second Case 19-022 MA forward to Council with a  
9 recommendation of approval.

10 CHAIRMAN GILCHRIST: Ms. Cairns has seconded that. So it's been moved and  
11 properly seconded that we send Case No. 19-022 MA forward to Council with a  
12 recommendation of approval. All in favor signify by raising your hand.

13 MR. PRICE: Those in favor: Cairns, Tuttle.

14 CHAIRMAN GILCHRIST: All opposed?

15 [Applause]

16 CHAIRMAN GILCHRIST: Folks, please, please. Please, we are a recommending  
17 Body – oh, you've gotta count the votes, I'm sorry.

18 MR. PRICE: Those opposed: Frierson, McLaurin, Branham, Gilchrist, Carlisle,  
19 Brown.

20 *[Approved: Cairns, Tuttle; Opposed: Frierson, McLaurin, Branham, Gilchrist, Carlisle,*  
21 *Brown; Absent: Yip]*

22 CHAIRMAN GILCHRIST: Again, we are a recommending Body to County  
23 Council and they'll meet back in these chambers again on June 25<sup>th</sup>. Thank you. I'll ask

1 you if you will please, if you'll exit out for us so that we can continue on with our  
2 Commission meeting, that'll be great. For those who wanna continue to have  
3 conversation. Commission Members, you wanna take a break just for a second?

4 MS. CAIRNS: Yes.

5 CHAIRMAN GILCHRIST: Okay, okay. Folks, we appreciate you being here and if  
6 you could take your conversations that'll be great. Alright y'all, let's get ready to get  
7 back on it. You know, here again just listening and observing this conversation today is  
8 another prime example of why it's so important for us to be diligent about our new Code  
9 rewrite. And I'm curious to know how we're gonna try to address that within the rewrite  
10 because obviously that's putting the Planning Commission tough, tough spot and I  
11 would submit to you Council, if and when it gets to Council, about how they're gonna  
12 have to think about this going forward. So I'm curious to really dive into that as we  
13 continue to go through the first module of the rewrite.

14 MS. CAIRNS: One thing just to sort of lay down as a carpet *per se* in that context  
15 is that I think, you know, I mean, even Jason's comments about how the wording inside  
16 the description of TROS is so distinctly different than the wording in the other areas, is  
17 that that zoning classification was added in a very charged political environment, I would  
18 offer. Not partisan by charged because of Coldstream. And so I think that what, I agree  
19 with Mr. Gilchrist that we should always have pause and I think if anything what the  
20 TROS shows is sometimes a limited amount of pause when all that happened. Because  
21 – don't smirk at me – so I think that was, it was just interesting to see that in this light.

22 CHAIRMAN GILCHRIST: Most definitely.

1 MR. PRICE: So forgive us, I'll just say us in this case. Normally it probably  
2 wouldn't be a big deal but being that I guess kinda based on the result of, for Case 19-  
3 022 MA, you went against Staff but it was never a formal motion to go against the  
4 motion. So the motion was for approval, that was defeated. Someone needs to make a  
5 motion to either, to I guess for disapproval of this request and as customary state their  
6 findings of going against Staff's recommendation.

7 CHAIRMAN GILCHRIST: Wait a minute now.

8 MS. CAIRNS: We did not pass a motion. We defeated a motion and then broke.  
9 That did not, so yeah somebody needs to make a counter motion with the supporting  
10 reason as to why they're going against Staff.

11 MR. PRICE: Is Mr. Tuttle still here or did he leave?

12 MS. CAIRNS: Mr. Tuttle has left.

13 CHAIRMAN GILCHRIST: Tuttle's not, but Mr. Branham's still here.

14 MR. BRANHAM: Hey there. Well I guess – okay Mr. Chair, will you entertain a  
15 motion?

16 CHAIRMAN GILCHRIST: Yes, sir.

17 MR. BRANHAM: I move to send Case No. 19-022 MA to Council with a  
18 recommendation of disapproval in contravention of Staff's recommendation. In light of  
19 existing zoning TROS and for the further reasons that I set forth during our discussion.

20 MR. BROWN: I'll second the motion.

21 MR. PRICE: I'm sorry, I don't wanna be difficult here, but you understand one of  
22 the things that we do as a Staff is when we send this forward to County Council,  
23 especially when you go against Staff's recommendation, that we outline specifically

1 what those are. I don't think in this case, you know, by going back and saying it was part  
2 of my discussion, that kinda leaves us to have to go back, try to find it in the audio to  
3 then, and then identify exactly what your reasons were. There was a lotta discussion but  
4 we would just be a little cleaner if you could specify what those reasons were going  
5 against the recommendation.

6 MR. BRANHAM: Okay. Well, [inaudible]. Okay. On the basis that the substantial  
7 portion of the parcel in question is currently zoned TROS and in light of the stated  
8 purposes within §26-85 including preservation of conservation and open space, and to  
9 lessen the potential diminution of property values and to provide for a community-wide  
10 network of open spaces. That's it.

11 CHAIRMAN GILCHRIST: Is that good, Mr. Price?

12 MR. PRICE: It's your motion. Yes, sir.

13 MR. BROWN: I second it.

14 CHAIRMAN GILCHRIST: Okay, it's been moved and properly seconded that, I  
15 guess we gotta do a revote on that, that we send Case No. 19-022 MA forward to  
16 Council with a recommendation of disapproval. All in favor signify by raising your hand.

17 MR. PRICE: Alright, those in favor: Frierson, McLaurin, Branham, Gilchrist,  
18 Carlisle, Brown.

19 CHAIRMAN GILCHRIST: Opposed?

20 MR. PRICE: Those opposed: Cairns.

21 *[Approved to deny: Frierson, McLaurin, Branham, Gilchrist, Carlisle, Brown; Opposed:*  
22 *Cairns; Absent: Yip, Tuttle]*

23

1 CHAIRMAN GILCHRIST: Alright. And we all know that we're a recommending  
2 Body, right? Okay. Alright. Planning Commission retreat.

3 MR. PRICE: Yeah, I don't wanna jump in too much on this, but – and I am very  
4 thankful to Mr. Brown, Mr. Tuttle and to a lesser degree Ms. Frierson and I think Ms. Yip  
5 is no longer here, I think she's told us. I know some situations have occurred so Ms. Yip  
6 I know since she's dealing with some other personal issues also. It is my expectation  
7 from my discussions with the Clerk of Council that they will have interviews coming up  
8 the next two Council meetings, it should be, what's that the 4<sup>th</sup> and the 18<sup>th</sup>. And so  
9 around that time hopefully they will have appointed new Commissioners if that is their  
10 choice. That's why I'm saying hoping to, and so again I just wanted to bring that to your  
11 attention that potentially we definitely may have three. Like I say, Ms. Frierson from my  
12 understanding has reapplied, so let's just say we definitely have three, and so I'm not  
13 sure any decisions that you make right now, do you want to do it now or just wait until  
14 such time that we have that full new body?

15 CHAIRMAN GILCHRIST: We certainly can wait and see what Council's pleasure  
16 would be on that, particularly as we're planning a retreat. We certainly would like to  
17 have those new members if in fact they're gonna be on the Commission. That works for  
18 me. Land Development rewrite. You know, first and foremost I didn't get a chance to  
19 send any comments back from what Tommy and the Staff had asked us to do. Just  
20 really not sure how much brain power is left today to address this, but if the Commission  
21 wants to at least hear a quick update on where we are, if there's some action that we  
22 need to take let us know that and we can kinda move forward. Yeah, so we'll go forward  
23 with you, Tommy. Let's do it.

1 MR. DELAGE: Alright, perfect. So hopefully this won't be too painful. We just, we  
2 received the AG District update from the consultants so mainly just fleshing it out more.  
3 We were hoping for some additional information prior to module 2, just because if you  
4 look at the different modules you've kinda got your, you know, your higher view with  
5 module 1 and the zoning districts. Really the meat is gonna come in module 2, that's  
6 gonna be your permitted uses and your, basically you know, what's gonna Special  
7 Exception, what's gonna be Special Requirements, it's gonna get into your development  
8 standards. However, the reason why module 1 is so important is if there's a substantive  
9 change it can affect that. But at least with the AG District, getting back to the new  
10 district, they based that off of the input that has, that was received during the, basically  
11 the review, the code assessment. You know, some of it's based on the public input that  
12 we received. We didn't get anything more specific so that's what the consultant went  
13 with. So these new district standards, one of the things that we wanted to make sure  
14 y'all were good with but also to, you know, potentially set up as an idea for additional  
15 feedback would be the density, the dimensional standards and again, I think ties back  
16 into our previous zoning case, the purpose statement, does it make sense, does it need  
17 more, you know, that's kinda why I wanted to make sure that we took a look at at least  
18 the AG District today.

19 CHAIRMAN GILCHRIST: Alright. Let's do it.

20 MR. DELAGE: And it's two pages, and again a lot of the development standards  
21 will come in module 2, but right now looking at densities I know a couple folks that have  
22 sent in some comments have had concerns about the changes in the zoning districts,  
23 the changes in the permitted density. Really the reason with that is to align more with



1 not only our Comprehensive Plan and implementing that, when it comes time to  
2 mapping, but also for the, in this case the AG District allowing for a truly agricultural  
3 district. Not that, although there is a chart that kinda almost compares what I'll say the  
4 apples to oranges as to what our existing districts are and what they could potentially  
5 morph into in the future with these new districts, we're looking today, these are all brand  
6 new districts with different standards. The intent is also to have form-based zoning  
7 standards introduced into the Code. It's [inaudible] but there is some form-based  
8 standards that have been included, and try to make it more focused on not necessarily  
9 that prescribed lot size or width, although the districts to have lot widths. And in this  
10 case you're looking at roughly, the proposed density is .2 dwelling units per acre so  
11 you're looking at, you know, five to six acre lots would essentially be what that boils  
12 down to at the end of the day of what that would look like on the ground in acreage. I  
13 don't think this is a district, and again we haven't gotten to the mapping phase, we  
14 haven't gotten to the development standards phase, this is your truly working farm is the  
15 intent on that. Not your hobby farmer or your gentleman farmer or whatever term you  
16 wanna kind of apply to it. One thing I wanna highlight again is some of those subdivision  
17 standards, you know, we've been talking with Clarion, again all that stuff's gonna come  
18 out, it's gonna look unique depending on where it is. The intent going forward less  
19 feedback, or you know, once we receive that is that the intent is not to take away all  
20 development possibilities but to restrict it in districts that it seems appropriate. So in this  
21 case there may be some kind of green development incentive to kind of address maybe  
22 concerns with what you may consider, what is currently like an heir property, you know,  
23 maybe they have lots of acreage and farm but they wanna have kids, you know, be able

1 to have access to it. Something that could potentially address that, you know, what  
2 those exact standards are. We don't have that yet but that will be coming out, we're  
3 looking at probably tentatively end of this month, July, looking, you know, unless  
4 something changes it's Staff's intent to go forward with the review of module 2, public  
5 meetings before y'all and County Council in September. The only reason why that  
6 would change would be if we get the module later than expected.

7 MR. BRANHAM: May I ask a question?

8 CHAIRMAN GILCHRIST: Sure, go right ahead Mr. Branham.

9 MR. BRANHAM: Do you have a, is there like a conversion chart already  
10 prepared for the conversion once, let's say modules 1 and 2 are enacted, converting the  
11 existing zoning [inaudible]?

12 MR. DELAGE: So there is a kind of comparison but it's not intended for that  
13 mapping stage. You know, the mapping stage, as part of our contract is for them to  
14 develop some of those standards, you know, to kinda go through and to bring before  
15 Council, and that may mean that, you know, there's not all, and I hate to use TROS but  
16 all TROS parcels may not necessarily, you know, revert to a conservation, I think is the  
17 new land use class that's referenced in there. You know, it could be something else.  
18 Now, that of course would be going through the whole zoning process, I mean, all the  
19 mapping is essentially gonna be a ginormous rezoning of Richland County, which will  
20 require public hearings.

21 MS. CAIRNS: And I would think that one of the other, I always think about some  
22 of the lake lots, like on Lake Murray that are virtually all non-conforming because they're  
23 rural,  $\frac{3}{4}$  acre lots but the side setbacks on rural lots are very large whereas because

1 these are long, skinny lots they're all non-conforming. And so I think as part of our, the  
2 mapping changing is can we make that something that isn't the equivalent of rural  
3 residential but that doesn't make all those parcels non-conforming? I mean, it's a pretty  
4 complex –

5 MR. BRANHAM: [Inaudible] as I'm looking at the, whatever you wanna, the  
6 compare and contrast language at the bottom of each district I was of course  
7 contemplating what would the new zoning classification be and how might that impact  
8 [inaudible] I guess that's just how it's gonna have to be [inaudible]. [Inaudible] parcel by  
9 parcel or?

10 MR. DELAGE: I think, and I think Bryan can also speak to this a little bit as well,  
11 but. So the intent kind of going in would be, okay if you're in neighborhood medium-  
12 density future land use and, you know, these are the existing zoning districts and  
13 characters, how does that translate to the new Code? So, and you kinda get that view,  
14 then that's where – so you'll look in an area that says designated neighborhood  
15 medium-density and say, you're RSL, the new district or another similar district or kinda  
16 match up with that future land use category, that would kinda be your first kind of broad,  
17 you know, brush of, okay this would fit in this area, however, then some of those  
18 guidelines that we're gonna get it's gonna help us kinda more focus in on potentially  
19 even in some areas looking at parcel by parcel to see, you know, are we creating non-  
20 conformities, you know, are we, what other issues could it be for following purely on  
21 those guidance, the Comp Plan future land use category.

22 MR. BRANHAM: I understand [inaudible] the options that might [inaudible].

1 MR. CROOKS: So Mr. Branham, it's not gonna be an apples to apples kinda  
2 thing. You're looking more at apples to oranges. So just take current RU for instance,  
3 it's mapped kind of all over the place throughout the county. So you have some RUs off  
4 Parklane within the interstate system, so you know, doing a direct translation to, for  
5 instance, you know, AG or RR, is that kinda the appropriate kinda thing for anything  
6 that's currently RU but is in the more urban area? So that's gonna be kind of the  
7 nuances that we're gonna be trying to play with is, you know, looking at what makes  
8 sense within, you know, like Tommy said, what does the future land use say, what is  
9 actually there and kinda what are the other current existing districts there, and then you  
10 know, if those are more directly translatable then that, you know, how can we kinda take  
11 those factors and play into it. Cause it's, the mapping's probably gonna be a little bit  
12 longer process than just getting, you know, the Code itself adopted.

13 MR. BRANHAM: Yeah, and I know this is down the road from now but I'm  
14 definitely interested in [inaudible] process wise, how that's gonna happen. Is it likely  
15 gonna be, like bulk packages of parcels that are up for map amendments?

16 MR. CROOKS: I think my understanding it would probably be something similar  
17 like that where you have, so for those of you that were, have seen the TROS rezoning  
18 stuff where it's, you know, it was a blank rezoning map amendment with all the different  
19 things listed and you could take them individually, something similar to that where you  
20 have, you know, say – and assess those neighborhoods kinda thing so you've got all  
21 the parcels within that listed neighborhood area. You take that, you vote on that map  
22 amendment for what that new zoning designation would be out of the new Code kinda  
23 thing. So you could kinda take it that way or you could break it up piece by piece or, you

1 know, just do – for ones that could be directly translatable you say, hey you’re already  
2 RSHD, it makes sense for you to be RSH, that kinda thing. But for the ones that you  
3 need a little bit more, you know, attention, you could probably do them in bulk packages  
4 like that, yeah.

5 CHAIRMAN GILCHRIST: Good. Additional comments?

6 MR. CROOKS: I will say, like Tommy said, we’re also gonna be getting a little bit  
7 more guidance from the consultants on what they think are kinda best practices for  
8 doing that and how they kind of envision that process working.

9 CHAIRMAN GILCHRIST: When are they planning to come back to –

10 MR. DELAGE: Tentatively for September when we do module 2. So I’m hoping  
11 that’s not changing cause that’s what we have it kinda tentatively down for, but if it does  
12 we’ll definitely let y’all know. Once we get module 2 we will be sending out for review.

13 CHAIRMAN GILCHRIST: Got it. Okay.

14 MR. DELAGE: And this was some of the concerns of some of the questions that  
15 we had received from our original discussion back in February. I just had in here just to  
16 hit, I mean, they’re kind of general, you know, concerns, questions, kind of hitting what  
17 our, you know, discussion was. You know, I don’t know if there’s any specifics or  
18 anything that jumps out, we just wanted to make sure that we’re addressing your  
19 concerns and y’all are comfortable, you know, moving forward with module 1 and going  
20 into module 2.

21 MR. BRANHAM: You saw what I sent you?

22 MR. DELAGE: Yes, sir.

23 MR. BRANHAM: [Inaudible] I had put the time in [inaudible].

1 MR. DELAGE: Yes, sir.

2 MR. BRANHAM: [Inaudible] that stuff and just document it if [inaudible].

3 MS. CAIRNS: No, I mean I was reviewing –

4 MR. BRANHAM: Anyway, if we could talk about them at some point it'd be great.

5 I don't, it doesn't matter to me whether it's front of the body of the Commission or not  
6 *per se*.

7 MS. CAIRNS: I mean, so what was it, seven questions or so that you sent us?

8 MR. DELAGE: Yes, ma'am.

9 MS. CAIRNS: I mean, I didn't put fingers to keyboard but I'd just be curious a  
10 little bit more, so your first question, what were the concerns regarding PDD  
11 modification? I didn't find that so I didn't know what your question was. I didn't find the  
12 PDD modification language.

13 MR. DELAGE: So that was speaking more to if the ability to administratively  
14 change a PDD for like density, I think Mr. Branham brought that up as well, there's like a  
15 certain threshold, I believe it is 10%, I'd have to pull it up to get the exact number, but as  
16 far as for allowing a change that would be considered not substantial to the original  
17 PDD request so it wouldn't require it to come back before y'all and County Council to  
18 receive that approval.

19 MR. BRANHAM: [Inaudible]

20 MS. CAIRNS: Done administratively. Okay.

21 MR. BRANHAM: [Inaudible]

22 MS. CAIRNS: But only, like only if it was in the final step would there be no  
23 offset.

1 MR. BRANHAM: Yeah, that's what I asked him about was if there's no further  
2 opportunity to offset [inaudible].

3 MS. CAIRNS: So then the second question about are there enough or too many  
4 proposed PDD districts, and I saw that there were three. So my understanding of PDD  
5 is that basically, within reason, you can do almost anything as long as it's mixed use  
6 and try to get it approved, right? I mean, I'm tired, okay so I'm being a little more flip  
7 than usual, but the gist. So why would we need more than one PDD if you could do  
8 virtually – I mean, if you just simply allowed for PDDs then you could say, for example  
9 they could be this or this or this. Do we need different PDD zoning class?

10 MR. DELAGE: I think, and Mr. Crooks please feel free to jump in on this one as  
11 well. As part of the Comp Plan the idea was some of those PDDs that may allow for the  
12 flexibility that's not there by right by say an industrial zoning or whether it's a heavy or a  
13 light. May be doable within a PDD targeted kinda specifically for, like an employment  
14 campus or within one of those areas like the economic development center corridor. So  
15 it's kinda part of that mapping process, they came up with three different appropriate  
16 PDD, I guess with sub-names that would fit into those areas.

17 MS. CAIRNS: So is it that it was, you know, it's my understanding that a PDD  
18 has to have mixed use. There've been times that I think that that's been frustrating  
19 because somebody doesn't wanna mix use but wants to do something really unique. So  
20 is that sort of what we're approaching is that you may not have the standard mixed uses  
21 but you're doing something that still the PDD is the appropriate way to sort of amend the  
22 existing Code to a specific parcel? Is that what you're, I mean, that's I think what I'm  
23 hearing you describe.

1 MR. DELAGE: I would say yes. I think if I'm not mistaken that still has the  
2 requirement for the mixed uses in there.

3 MR. CROOKS: Yeah, it's still here. It still has the requirement for the use mixing  
4 but I think the intent is to match it more to say the employment campus one, to the  
5 economic development corridor center future land use, or it's putting a little bit more  
6 standards and, not necessarily restrictions but more standards on what you can do and  
7 how you can do it and look at the way that that development is situated, so how the  
8 road connections are, things like that where it's doing a little bit more buffering and  
9 doing a little bit more connections internally kinda deal whereas it fits your intent versus  
10 just being generic mixed use PDD kinda thing. Where it's more catered to whatever that  
11 employment campus type is, so is it, you can still have those industrial/commercial uses  
12 but it still allows for those other residential uses but you're able to mix it in a certain way  
13 that is a little bit more compatible and little bit more, for lack of a better term, tasteful  
14 kinda thing. So.

15 MS. CAIRNS: The question about minimum lot sizes for septic, are we talking  
16 about trying to go smaller than what DHEC allows or larger?

17 MR. DELAGE: I think if I recall that one was should there be a minimum lot size  
18 specifically I guess for uses with septic, but I think that one of the, going back on my  
19 memory and then also trying to answer that here, you know, in that case if say, so say  
20 based off of our density for say, the AG District, I wouldn't see why this particular one,  
21 it'd be pretty difficult to find that many acres it doesn't hurt unless it's wetlands or, you  
22 know, maybe some of other environmental factor. But if they were to come in to do a  
23 residential permit but could not get onsite wastewater services through either



1 connections or through septic, then essentially the building permit wouldn't be approved  
2 and that's kinda the, there's not really a need to address the minimum lot size. It just  
3 unfortunately wouldn't be a buildable lot. That would be at least my answer for this  
4 particular concern, but we wouldn't go below, I mean, if they said, no this particular  
5 parcel doesn't have onsite water, I mean, regardless of size we wouldn't be approving a  
6 permit or development.

7 MS. CAIRNS: And am I correct in just sort of having this fundamental knowledge  
8 which could be totally wrong that DHEC requires a  $\frac{3}{4}$  acre lot for a perk, for a tank?

9 MR. DELAGE: That may be the case. Honestly I don't know what the –

10 MS. CAIRNS: I mean, that's why I've always understood why we had a minimum  
11  $\frac{3}{4}$  acre lot size.

12 MR. CROOKS: My assumption would be that whatever DHEC standard is would  
13 continue to be DHEC standards. So if it's minimum lot or required by DHEC it would still  
14 be as required.

15 MS. CAIRNS: Yeah, I mean, that's why I thought that was a really odd one.

16 MR. CROOKS: So, cause it's one of those things where we don't have a  
17 minimum lot size but when you do the math there's still a minimum lot size, it's just, it's  
18 not written there.

19 MS. CAIRNS: Right, cause – rules of construction question? I think to make –  
20 and you don't have to make heads or tails of that but I think to help me at least make  
21 heads or tails of that is give me some examples of what would be reasonable rules of  
22 construction. I mean, I know that that's a critical thing and I couldn't speak hardly any  
23 more than I already have about it. And the other thing that I, not on your list and I know

1 it's not in this module but I think about the, sorta the Lake Murray lot phenomenon of  
2 where we've got acre lots or more, there's no desire to have them zoned in such a  
3 manner that they could be subdivided, but because they're long, skinny lots they tend to  
4 violate side setbacks all the time, or you can't build the house that anyone would  
5 consider reasonable to have on a lot of that value because of the side setbacks. Is it,  
6 are there examples or are there mechanisms to where you can have the dimensional  
7 side setbacks vary based on the lot width? You know, cause you can have, you know, a  
8 75' wide lot on Lake Murray that's an acre in size cause it's so long and skinny, that if  
9 everybody had, you know, 10' setbacks it'd be fine. But we're not gonna have 10'  
10 setbacks on acre size lots as a rule. But if it's some percent of the overall lot width, does  
11 that make sense? I mean, I'm just curious if anybody has figured out how to put it into  
12 some kind of a calculating mechanism to where lake lots are treated like, but it allows  
13 for these – cause you just, I mean, all the lakes are gonna always have these long,  
14 skinny lots pretty much. So, cause you know, I mean, I remember my days on BOZA  
15 about people asking for Variances from these setbacks which it was just frustrating.

16 [Inaudible]

17 CHAIRMAN GILCHRIST: So Tommy, let me ask you this. I mean, do we have  
18 any other additional time to chime in, and this is for some of the Commissioners that are  
19 not here today? Do we –

20 MR. DELAGE: I mean, I think there's always the opportunity whether it be  
21 formally or, you know, through email. The benefit with having this discussion is so if we  
22 don't capture something or maybe someone brings up a point and, you know, your  
23 kinda thought going process. But I mean, we're happy for input in any kinda medium.

1 Cause ultimately we want to, because of the timeframe of how long it's been since we  
2 started, we wanna make sure we're keeping moving forward, so.

3 CHAIRMAN GILCHRIST: Makes perfectly good sense.

4 MR. CROOKS: I would like to ask the Commissioners, when y'all are looking  
5 through this if y'all could pay particular attention to the Purpose Statement. I know that  
6 was something that was brought up today, but that is something that going forward we  
7 kinda wanna be a little more specific, especially as it is addressed or relates back to the  
8 Comp Plan is, you know, kinda the way that these are being designed is how the future  
9 land use reads and is intended. So with the Purpose Statements for these that, you  
10 know, it doesn't necessarily, it fits the Comp Plan but it isn't catered to a specific  
11 designation, if that makes sense. So that way the Purpose Statement still reads  
12 generally but very specific to that zoning district, if that helps. So.

13 MS. CAIRNS: I wonder also if you've come across, you know, we always see a  
14 lotta times in contracts you'll see where there'll be a statement that says, the headings  
15 are not part of the contract and therefore if there's any inconsistency – so, like do we  
16 have something that says, you know, these Purpose Statements are meant to help  
17 guide but they aren't legally relevant or something. You know, just that out because I do  
18 think that, I mean, cause there were a couple times reading some of this where it would  
19 talk about, must be at a major intersection, and I'm like, you just are, or it must be good  
20 or something, and I'm like, oh my God, this is like a nightmare for the, if anybody ends  
21 up in litigation.

22 CHAIRMAN GILCHRIST: Right.

1 MR. BRANHAM: [Inaudible] if there's a little bit more of that wording like, may be  
2 appropriate for [inaudible] and then some [inaudible] and stuff like that [inaudible] less  
3 binding?

4 MR. CROOKS: Yeah, so like I've got RSL open right now but, so development  
5 allowed in this district includes single-family detached dwellings, manufactured homes,  
6 and is limited to public, civic and institutional uses that support single-family residential  
7 development. But, so that was the second sentence, and then the first one's, to provide  
8 lands primary for single-family residential development, two or more dwelling units per  
9 acre, so I mean, that one is one I feel like it's concise and it's broad enough at the same  
10 time. But there's some in the current Code where it's the kinda thing where, like you  
11 know, kinda how you mentioned earlier, that's not necessarily, it's not as concise but it's  
12 still not as contextually appropriate kinda thing, too. So.

13 MR. BRANHAM: [Inaudible]

14 MS. CAIRNS: No, but it's, I mean, to me it almost smells like legislative intent  
15 [inaudible] is that [inaudible] agreed that this is what this zoning thing should be, but for  
16 different reasons [inaudible]. And so for us to come up with a common purpose it may  
17 not be possible but yet we both agree that this is a good zoning classification  
18 [inaudible]. It's that whole, you know, what was the legislative – you guys didn't have the  
19 joy of law school and we always talk about, you know, does legislative intent matter in  
20 the passage of laws, and the reality is there is no single legislative intent, all you've got  
21 is what was passed. You know, so you're right, the purpose –

22 MR. BRANHAM: The statement, we do try to look to the legislative intent which is  
23 why it's nice to have [inaudible] so we don't have to look –

1 MS. CAIRNS: I mean, I think we should strive to have good ones that really work,  
2 but. You were who?

3 MR. BRANHAM: I said we end up with the stories we heard today.

4 CHAIRMAN GILCHRIST: Do we need to take some action on this today?

5 MR. DELAGE: Well I mean, I think that it would benefit [inaudible].

6 CHAIRMAN GILCHRIST: We're losing Commissioners so I wanna –

7 MR. DELAGE: Yeah. Again, we could –

8 MR. PRICE: You're about to lose your quorum.

9 MR. DELAGE: Oh yeah, so yeah I guess we could move on and finish up the last  
10 three items, so.

11 CHAIRMAN GILCHRIST: Well, and we don't have a quorum? We got five. Yeah.

12 MR. PRICE: No, I said you're losing it. You may lose it if somebody else leaves.

13 CHAIRMAN GILCHRIST: Yeah, yeah, absolutely. So Tommy, have we wrapped,  
14 do we need to do anymore?

15 MR. DELAGE: Yes, sir, Mr. Chairman. I'm sorry.

16 CHAIRMAN GILCHRIST: Okay. Well thank you guys for what you're doing on  
17 this. I mean, and thank you for keeping us plugged into the process, that's very  
18 important. And it's an exciting process, I know it's very intense but I think it'll certainly  
19 help us with some of the things that we've, some of the ambiguous stuff we've dealt with  
20 the last few times. Just real quick on the Chairman's Report, there're two things I just  
21 wanna mention. On that case today with the TROS one thing that I would ask the Staff  
22 to do for us, I was aware that through conversations in the community that it was  
23 coming back before us. And then I learned about it when I received my packet. It would

1 be helpful to me as a Commissioner that if you find that out, particularly when we just  
2 had the opportunity to hear this less than 30 days ago, to please kinda give us some  
3 heads up about the fact that something like this may be coming back in front of us.  
4 Because that gives us an opportunity to kind of, you know, it's kinda embarrassing to  
5 say to the community, "What do you mean it's coming back before us?" And so I think  
6 it's important for us to know that if you've decided or whoever decided to pull the case  
7 before it went to Council and if there's a way that you can send us a notification as a  
8 Commission on that I think that'll be very helpful to us just so that we are – and you may  
9 have, I mean, I don't remember seeing it, but.

10 MR. PRICE: It would've been, when they withdrew it was in the Planning  
11 Director's Report from your May, when was it May we met? In April, in April that they  
12 withdrew. So we put down all of the actions that took place during the County Council  
13 meeting.

14 CHAIRMAN GILCHRIST: I guess what I'm asking, I didn't know that they had  
15 reapplied. I mean, I'm just saying, you know.

16 MS. CAIRNS: Like they weren't gonna? Since you saw them withdraw you know  
17 they're gonna – no, I would agree with Mr. – I think especially on the ones with the  
18 public and the newspapers are gonna be involved in, just a quick email just, hey y'all,  
19 Crickentree's coming back. It doesn't have to have any agenda with it but just to know  
20 that it's been reapplied. I mean, we only get big ones, what, once every couple years?  
21 You know, so just –

22 MR. VOINGIER: Yeah, I was just gonna say we recognize that and we'll do a  
23 better job next time.

1 CHAIRMAN GILCHRIST: Yeah, the second thing I just wanna mention real  
2 quick, on the, with regard to the Agenda, on the Consent Agenda, another thing that I've  
3 gotten feedback from from the public is, they're not really sure what we do with that  
4 Consent Agenda. And there was a particular situation where we allowed something to  
5 go through on the Consent Agenda that quite frankly we shouldn't have probably  
6 allowed to go through, we should've had some conversation about it as a Commission. I  
7 want this Commission at some point to just think about, revisit this Consent Agenda  
8 situation because I think for the purposes of the public it's important for the public to  
9 know that we're at least willing to have a conversation about things. And so I share that  
10 just to put that on the radar screen that I think that's something that we might want to  
11 revisit at one point.

12 MS. CAIRNS: I think along those lines, and I think this happened a little more  
13 when we first started the Consent Agenda is that each Commission Member, and I tried  
14 to sorta say something today but it's like, if you know there's something you wanna talk  
15 about that's listed as approval just let us know. You know, so almost ask, does any  
16 Commission Member have a matter they want discussed?

17 MR. VOINGIER: I was just gonna mention that whenever you get the information  
18 if you'll shoot us something that says we wanna pull this from the Consent before we  
19 get to the meeting, we can already be prepared to do that.

20 CHAIRMAN GILCHRIST: Yeah, I was actually gonna ask for the whole Agenda  
21 to be pulled from.

22 MR. VOINGIER: Yean, we can do it that way, too.

23 CHAIRMAN GILCHRIST: I mean, because primarily for that very purpose.

1 MS. CAIRNS: And actively put them on.

2 CHAIRMAN GILCHRIST: Yes.

3 MS. CAIRNS: Gotcha.

4 CHAIRMAN GILCHRIST: So, but I just think for the public purpose, you know,  
5 and there may be some times where we can do that but, Geo, you looking at me all  
6 crazy.

7 MR. PRICE: No, I'm sorry, I was just trying to get an understanding.

8 CHAIRMAN GILCHRIST: Yeah, but – he's trying to get outta here. No. Alright,  
9 that's it for me. I'm done.

10 MR. PRICE: So y'all want to pull the Consent? Get rid of the Consent Agenda?

11 CHAIRMAN GILCHRIST: Well, I –

12 MS. CAIRNS: I mean, I don't know exactly which way we wanna go. One would  
13 be to remove all the map amendments from the Consent Agenda and as a part of being  
14 here seek to find out which ones we want on, or to leave it the way it is but just as  
15 Commission Members as we review our packets if you see anything you want pulled –  
16 and maybe even just automatically pull off the disapprovals cause we never leave on  
17 the disapprovals. So if Staff recommendation is disapproval we never let that just go  
18 through. So automatically pull those off as a matter of course, and then just, I think the  
19 second option's actually better, and then as Commission Members if we see something  
20 on the Consent Agenda that we know we wanna have discussion of, cause I usually  
21 know ahead of time, just pop an email to Staff. And so we'll have a revised Agenda in  
22 terms of what's on and off Consent. And then also remember that when you get here all



1 you have to do is let one of us know and say, you know, I really do wanna talk about  
2 that one.

3 MR. PRICE: What about items that the Staff feels shouldn't be on Consent  
4 Agenda even though we recommend approval?

5 MS. CAIRNS: Then put it not on the Consent, just like that one today. Put it not  
6 on the Consent Agenda and we'll understand why it's not there. But I mean, like those  
7 two industrial ones today, I mean, I think that was totally appropriate we didn't have  
8 discussion time on those. With M1 to HI.

9 CHAIRMAN GILCHRIST: Alright, it's time to go. Meeting adjourned, motion?

10 MR. BRANHAM: Motion.

11 CHAIRMAN GILCHRIST: Second?

12 MR. CARLISLE: Second.

13 CHAIRMAN GILCHRIST: Thank y'all.

14

15

*[Meeting Adjourned at 5:55pm]*