



Richland County Council

ZONING PUBLIC HEARING
June 25, 2019 – 7:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Vice Chair; Joyce Dickerson, Calvin Jackson, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker

OTHERS PRESENT: Michelle Onley, Geo Price, Tommy DeLage, Ashley Powell, Kimberly Williams-Roberts, Clayton Voignier and Brian Crooks

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 7:00 PM.
2. **POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that former Councilwoman Val Hutchinson, Rep. Kambrell Garvin and Rep. Beth Bernstein were in the audience.

ADDITIONS/DELETIONS TO THE AGENDA – Mr. Price stated Case #19-019MA needed to be deferred until the July ZPH.

3. **ADOPTION OF THE AGENDA** – Ms. Dickerson moved, seconded by Mr. Walker, to adopt the agenda as published.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

4. **MAP AMENDMENTS (No Public Hearing)**

- a. 19-002MA
Sukhjinder Singh
RU to NC (2.9 Acres)
3500 Hard Scrabble Road
TMS # R20100-04-08 (Portion) [FIRST READING]

Mr. Manning stated Councilwoman Kennedy, Councilman Calvin Jackson and himself met with the Planning staff. Councilwoman Kennedy has Hardscrabble from Farrow Road up to ¾ mile south of Clemson Road. District 8 contains Hardscrabble from there through the Clemson intersection heading out toward Lake Carolina. Councilman Jackson has Hardscrabble the rest of the way north. The development of that area has been significant since the last Comprehensive Plan, including the fact that the 2012 Transportation Penny has passed, which has significant widening of Hardscrabble Road. They met with Planning staff to look, and in essence, felt that the Comprehensive Plan has not been updated in a way to keep up with those

other elements. As a result, to look toward the future of that, they were in consensus that the Planning staff had to say “No” because of the Plan. The Planning Commission followed the staff recommendation because of the Plan. With them meeting with the Planning Department, there was consensus of the staff, and the 3 Council members, to approve this request. There will be another one further down on the agenda, that is also in that sort of area.

Mr. Manning moved, seconded by Ms. Jackson, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- b. 19-006MA
Charlotte Huggins
RU to GC (2.8 Acres)
10510 Garners Ferry Road
TMS# R30600-02-16 & R30600-02-08 (Portion)

Ms. Newton moved, seconded by Ms. Myers, to deny the re-zoning request.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- c. 19-011MA
Ki O. Kwon
RU to OI (4.61 Acres)
4026 Hard Scrabble Road
TMS # R20100-02-46 [FIRST READING]

Mr. Manning moved, seconded by Mr. Jackson, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

5. **MAP AMENDMENTS**

- a. 19-014MA
Margaret Chichester
RU to RC (2. Acres)
2869 Congaree Road
TMS # R32404-01-01(Portion) [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

The citizens chose not to speak at this time.

The floor to the public hearing was closed.

Ms. Myers moved, seconded by Ms. Dickerson, to approve this item.

In Favor: Terracio, Malinowski, Newton, Myers, Manning, Walker, Livingston and McBride

Present but Not Voting: Dickerson

The vote in favor was unanimous.

- b. 19-015MA
David Parr
RU to RS-MD (14.70 Acres)
Golden Rod Court
TMS # R12800-01-23 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

Mr. David Parr spoken in favor of this item.

Mr. Kelly Updergraff spoken against this item.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Mr. Malinowski, to approve this item.

Mr. Malinowski requested a legal opinion regarding re-zoning of land-locked land.

Mr. Smith stated his office has not been asked to look at this particular project, so he would have to take a look prior to providing a legal opinion.

Mr. Malinowski requested the legal opinion by 2nd Reading.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

- c. 19-017MA
Kevin E. Wimberly
RS-MD to RM-MD (37.12 Acres)
Rabon Road
TMS # R17213-05-37 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

The applicant chose not to speak at this time.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- d. 19-018MA
Jervonta Walker
OI to GC (.4 Acres)
1606 Hardscrabble Road
TMS # R17011-02-16 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

The applicant chose not to speak at this time.

Mr. Manning moved, seconded by Ms. Terracio, to approve this item.

In Favor: Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Terracio

The vote in favor was unanimous.

- e. 19-020MA
James M. McKenzie
RU/RU to GC (3.78 Acres)
245 Killian Road
TMS # R14781-01-34 & 54 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

The citizens chose not to speak at this time.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Ms. McBride, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson and McBride

Present but Not Voting: Livingston

The vote in favor was unanimous.

- f. 19-021MA
David B. Grant
M-1 to HI (5.02 Acres)
1200 Atlas Way
TMS # R16200-01-08 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

The applicant chose not to speak.

The floor to the public hearing was closed.

Ms. Myers moved, seconded by Ms. Newton, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- g. 19-022MA
Robert F. Fuller
TROS/RU to RS-LD (185.29 Acres)
Langford Road
TMS # R23400-05-05 & 06 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

Mr. Robert Fuller spoke in favor of this item.

Rep. Beth Bernstein, Rep. Kambrell Gavin, Blythewood Town Councilman Brian Franklin, Ms. Val Hutchinson, Mr. Percy Mack, Ms. Iris St. Marie, Ms. Deborah Rioux, Ms. Marie Izzard, Ms. Christine Blaber, Rev. Ernest Etheredge, Dr. Michy Kelly, Mr. Carroll Lucas and Mr. Michael Koska spoke against this item.

Ms. Dickerson moved, seconded by Ms. Myers, to waive the rules to allow the remaining citizens signed-up to speak.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

Ms. Caroline Koska, Ms. Angela Koska, Mr. Tom Hoeker, Ms. Gail Bragg, Ms. Amy Wrightsman and Mr. Bill McDougall spoke against this item.

The floor to the public hearing was closed.

Ms. Dickerson stated for the past 11 months, starting in July 2018, we, as members of this Council, have been faced with exceeding challenges regarding this matter. She, as well as her colleagues, have been inundated with countless emails, phone calls, in addition to personal requests for meetings. She is also mindful of, and understand where you are coming from, and that you are very passionate about this matter. However, there are numerous people across this County who have that same passion. In addition, she has received numerous threats. She has been challenged with numerous threats, and correspondence containing fabricated information. For instance, Blythewood request to put a park. The community is not in Blythewood, so for someone, in Blythewood Planning Commission, to tell you they can put a park there, that is fabricated information and misleading. She has received numerous criticisms of other communities, outside of Crickentree, such as Irmo, Harbison, St. Andrews, etc. because most people thought those communities were not fit. To her, that was very insulting. Whatever her decision is about this subject, she has spent the last 11 months gathering data, listening to people all around the country, and noticing how numerous golf courses across this country are being defiled and defunct. People have to understand, and has never been a Crickentree Golf Course. The community of Crickentree was built after this golf course was there. The name of the golf course is not Crickentree. Also, the community is adjacent to what is no longer a golf course; that expired as of July 2018. She went back and looked at the vote she did in 2007, and she does not believe we had unanimous consent on this item. Another thing is, she is not looking at Windemere, Woodchuck, Spring Valley, Wildwood, and Longtown. She is not focused on any of those communities. All of you seem to be in a gated community, with deed restrictions on some of those properties. With that said, 15 years ago,

when she came on this Council, the little community of Round Top got squeezed out by Crickentree and Longtown, and they sat there so dormant. Nobody pays them any attention. And, she has compassion for them, as well. The Town of Blythewood, at that time, only had 174 residents. There was not a traffic light at Longtown and Rimer Pond Road. She has spent her entire 15 years out there in this community, and every time you have come to me, she has always done her best to support you and do whatever she thought was best. Crickentree community is being confronted with a lot of opposition, and there is also support for this re-zoning, as well. One person called her and said, "If you put that there it is going to impede by child's education." She does not understand where that came from. She sympathizes. She has to live with this over Richland County. She is not just looking at you. She is saying, the golf course expired, and somebody bought it. When she went to her first meeting, she asked the people in Crickentree to look at purchasing it. She got no takers. She does know what you said, when you said you went to someone to talk to them. She was not engaged in that conversation, so she cannot say "aye" or "nay" to that. If anybody moved there, the land is developed. It is not like they are going to come there and not pay taxes. She stated, this past week, when the Town of Blythewood had a traffic study going on, she had to intersect. The COG has a traffic study to help improve the roads and traffic in that area. She requested the Chair and the other members of Council to vote their consciences.

Ms. Dickerson moved, seconded by Mr. Malinowski, to approve this item for First Reading, by Title Only, of Case # 19-022MA, from TROS/Ru to RS-LD, for the expired golf course property, TMS # R23400-05-05, to provide the applicant and the community with the opportunity to sit down and come some conclusion how you want to design this property, and hold the applicant accountable.

Mr. Malinowski stated he spoke with a representative of the Conservation Commission, and asked about the TROS. He was told, initially, the TROS zoning was created by the Richland County Conservation Commission. The purpose was to preserve land for open spaces. Later, this individual said, golf courses were included under that zoning. The difference is, the Richland County Conservation Commission, in creating the TROS zoning was referring to land that had either been donated to the County, or purchased by the County, in order to take it in a conservation state. Most golf courses are privately owned, and would not have come under the original intention of the Conservation Commission. His research indicated that the houses came after the golf course. He inquired, from a legal perspective, can this zoning be changed.

Mr. Smith stated he is not familiar with the TROS zoning; however, he does not know of any zoning that goes into perpetuity.

Mr. Jackson thanked those who have been cordial in their communication with him. He was disappointed in some that were not as cordial, and who assumed his mind was made up before they ever met him or had a conversation. He takes this matter very seriously, and for anyone to suggest that we do not take them seriously is an insult. He ran on a campaign of having reasonable and sensible growth. He stated he lives in the Northeast and represents District 9. He served on the Richland School District II for 8 years, and was Chair twice. He is familiar with the school. He was on the Board when we build Lake Carolina Upper and Westwood High School. He was on the Board when they discussed trying to get students to move from Blythewood, out of the portables, to the beautifully constructed Westwood High School. He does not ascribe to the philosophy that what affects one, affects all. He votes independently of each issues, as it comes to him. He was disappointed when he asked questions, and got different and conflicting answers. Did you meet with the community? Did you not meet with the community? Did you get information to the community on revised plans? Is the community interested in buying the land themselves? But the thing that disappoints him the most, is the decision that is being imposed upon this Council. We have a Planning Commission and a Planning Department. Subject experts that work in this field (realtors, brokers and developers) who have agreed to serve on the Planning Commission, in the best interest of our community.

Those 2 groups reach a split decision, and then they ask Council to solve something they have not been able to solve in multiple meetings. That process needs to change where there is some consensus. He too lives in the Northeast area, and is bombarded by the traffic. He understands the challenges we all face out there. At the same time, he recognizes that we are in a situation where we need to try to find a compromise, so there can be a win-win situation, as much as possible, for everybody involved. He is not on any side. He is pro-Richland County.

Mr. Manning inquired, if we vote in favor of moving ahead, to give an opportunity for a win-win situation, how many times does this come before Council before the final vote will be taken.

Mr. Price stated it will come before Council 2 more times.

Mr. Manning stated the Blythewood Town Councilman that indicated they wanted to put a park there. He knows that is not in Blythewood, and he is not sure about the annexation and what offers they are ready and willing to make to buy the property, and have the Blythewood Parks and Recreation go ahead and put the parks in there they have talked about with the community. He certainly thinks E-Capital and Council would be very excited to learn about what offers the Town of Blythewood have made to purchase the property for parks. He stated it gave him great concern to hear Dr. Mack say that mobile units are dangerous for students and staff. He would hope that our Fire Marshal, and anyone else that looks into confining children in dangerous situations for the students and staff, is pursued in robust kind of way.

Mr. Livingston stated he appreciated the citizens' commitment to your Richland County community. He inquired about what private uses are permitted under the TROS.

Mr. Price stated the only use that is identified is a public/private park. Of course, any of the uses could be developed and used.

Mr. Livingston inquired if it could be a baseball park.

Mr. Price stated when they use the term "private" it means it not owned by the local government.

Mr. Livingston stated, if there is a permitted private use, and someone decides, they can put a ballpark with lights, then we need to know that because they may not have to come back to us for rezoning do it.

Mr. Price stated the uses are: athletic fields, country clubs with golf courses, dance studios and schools, golf courses, miniature golf courses, freestanding golf driving ranges, private/public parks, public recreation facilities, swim and tennis clubs, swimming pools, bus shelters, bus benches, utility substations, and riding stables. All of which could be established without having to come back before Council.

Mr. Livingston stated he wants the community to understand there are uses that you may, or may not, desire that may end up there that this Council may not have a voice on because it is a permitted use. He inquired about the responsibilities, of the current owner, as far as maintaining the property.

Mr. Price stated the TROS establishes the uses that can be placed on the property. It does not establish what responsibilities the owner may have regarding the maintenance of the property, or the upkeep.

Mr. Livingston stated these are some things that we need to iron out, and be careful about before we make a final decision.

Ms. Myers inquired why the Planning staff disagreed with the Planning Commission.

Mr. Price stated their recommendations come strictly from the Comprehensive Plan, which keeps them neutral when it comes to their decisions. Upon the review of the Comprehensive Plan, the requested zoning was identified as an appropriate zoning district.

Mr. Manning requested an overview of what the Comprehensive Plan is, how it gets developed, community input, etc.

Mr. Crooks gave a brief overview of the statutorily required Comprehensive Plan and the process on how it is developed.

Ms. Newton stated, during this process, they have heard a lot of concerns about infrastructure, roads, schools, etc. Some of those are areas that Council is not responsible for, other bodies are responsible for. She requested how those considerations form part of the process of the Comprehensive Plan.

Mr. Crooks stated the Comprehensive Plan is made up of 10 elements. (Transportation, Land Use, Housing, Population, Economic Development, Community Facilities and Services, Priority Investment, Cultural Resources, and Natural Resources). They have to address each of those specific issues within the planning process.

Ms. Myers stated there are compelling issues on both sides. On the homeowners' side, you are very passionate because you have a vested interest in it. On the investor's side of it, they have invested money into something, with some idea that, at some point, they would be able to use it for something. She stated she is deeply bothered by this one. There are a lot of people that are against this. We have heard quietly from that many people that are for it. She would commend to each of you, once this decision is taken that you consider there are always options, and creative minds can come up with another alternative. She would suggest this is not the end of the story. She would suggest that it be the beginning. Her fear is that it will turn into a jungle because no one is compelled to maintain it. She stated we need to come to a reasoned conclusion, together.

Mr. Malinowski stated, for clarification, the Comprehensive Plan is not hard and fast. It is a guide.

Mr. Price responded that is correct.

Mr. Livingston stated, for the record, that he does not 100% support this item, as presented. He is inclined to support First Reading, but if nothing changes, chances are he will not support it at Second Reading. He needs to get a few more questions answered, as well as making sure the community is clear on the probability of what might, or might not happen, if the TROS remains.

Ms. McBride thanked the community for coming out and expressing their concerns. Ms. Dickerson recommended that we give the community and the developer time to discuss other options. Like Mr. Jackson said, it is very difficult for us.

In Favor: Malinowski, Newton, Manning, Walker, Dickerson, Livingston and McBride

Opposed: Terracio, Jackson and Myers

The vote was in favor.

- h. 19-023MA
Jeff Ruble

M-1 to HI (318.57 Acres)
Bluff Road and Longwood Road
TMS # R16100-02-02, 04, 07, 16 & 40 [FIRST READING]

Mr. Livingston opened the floor to the public hearing.

The applicant chose not to speak.

The floor to the public hearing was closed.

Ms. Myers moved, seconded by Ms. Dickerson, to defer this item to the July Zoning Public Hearing.

In Favor: Terracio, Jackson, Newton, Myers, Dickerson and McBride

Opposed: Malinowski, Manning, Walker and Livingston

The vote was in favor.

6. **ADJOURNMENT** – The meeting adjourned at approximately 8:48 PM.