

Arthur Bass, VMD

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C/O Mrs. Anita Bennyhoff

I wanted to thank you for your participation in the ‘marathon’ Planning Commission Session this past Tuesday evening, May 4th, during which the focus was the rezoning of the ‘Ridgeline Country Club’ land.

We, the residents of OPA and surrounding areas are in serious jeopardy of losing a massive 52 Acres of open space land forever! As I mentioned to the Planning Commission, when I was provided my three minutes to address the panel –[at 10:51pm just prior to the 11:00pm adjournment when the matter was continued until the May 17th meeting.] – It is surprising to me that this matter has been permitted to continue. Considering the overwhelming number of attendees within, and without, the commission chambers who were overtly displaying brightly colored ‘badges’ indicating their opposition to this poorly conceived zoning change, the Commission was forced to take notice of obviously negative public sentiment.

It is clear that this is highly emotional issue, partly due to the finality of the loss of open space and partly due to what can only be described as arrogance on the part of the developer and his team. It seems obvious that the land developer’s team thinks that they can shroud their greed and true intent with images of being a ‘good samaritan’ offering ‘gifts’ to the residents – ‘gifts’ that constitute nothing more than bribes. It was very clear that the residents are not about to be fooled.

The large team sent to represent the developer did a very substantial job attempting to make the project look and feel right. Clearly a lot of money and effort went into this presentation, a LOT of money I would think. Not a surprise since the potential financial gain for the land developers is likely to be tremendous. Even if this particular developer decides not to actually build on this land, simply having the new zoning in place, zoning that permits the construction of homes rather than keeping the land as open space, increases its value immensely. If you could realize amazing gains in a business deal by simply securing a zoning change and then reselling the land, wouldn’t you do just that?

There were so many valid and sometimes disturbing points brought up by outraged opponents to this rezoning request, I would like to summarize just a few.

-There is a clear suggestion that there is one investor behind all of this turmoil and upheaval, an OPA resident developer who supposedly considers OPA as his first priority. Does anyone really believe that there is a single investor? I seriously doubt that. These efforts and expenditures are clearly those of a consortium of investors, perhaps foreign. The agenda of such an investing group would obviously be that of achieving a return on investment, not to do what is in the best interest of OPA.

-There was a comment by one speaker who addressed the Commission Tuesday night which referenced a concern for financial loss for the developer should the re-zoning efforts fail. Why

would we be concerned about the financial gain or loss of a savvy investor? More importantly, why would this ever become an issue to be considered by a Planning Commission? Who makes or loses money on a real estate transaction is simply not the concern of the planning commission or that of the residents of OPA. We all have to live with the financial decisions that we make - good or bad. The developer's concept here seems to be 'if we can outspend and outlast our opposition, we win'. This offends me on several levels. Smart business people, smart investors, know that sometimes they invest poorly and underestimate their ability to achieve financial gain. That's how real life works.

-Mr. Ryan, a representative for the developer's team indicated very clearly that the Sully-Miller Arena was to be GIFT to the residents. Then he quickly added the 'requirements and conditions' that were associated with this GIFT. A 'Gift' to OPA? Who are they kidding? If it is indeed a gift then give it now and endear yourself to the residents forever. Otherwise call it what it is.... a bribe and a poorly conceived one at best. Once it is 'gifted', who will actually be given the management responsibilities? It was made very clear that the 'Sully-Miller Arena' is ONLY a gift if the developer gets what he wants otherwise, 'no deal'. Is anyone else offended by this insult to one's intelligence?

-The developer clearly has had a focused strategy on how to get his way and how to focus financial expenditures – obviously a smart businessman, not a concerned OPA Resident. The developer's team purchased 160 acres on which to build homes knowing full well that only 20 acres were zoned for such construction. To be clear, they knew that only **12.5%** of the land purchase was zoned in a 'lucrative manner', for the construction of homes. The land could be purchased for less money if zoned as Open Space but would immediately escalate in value the moment that a rezoning might occur. Actually I have to give them credit. If they prevail in the offensive act, they stand to make a LOT of money. He clearly had a plan for how he might acquire the necessary zoning or he would never have made the purchase, so watch the developer's actions very carefully.

-It was represented to the Commission that during all of the focus group meetings, carefully conducted by the developer, there were OPA resident suggestions for working within the developer's existing plans rather than to change them. This is would seem to be based on the fact that the majority of people feel that they are powerless to fight 'big money' or someone who 'acts important' and thus they took a 'fall back' position of trying to work within the framework provided by the developer. I think that people felt intimidated by the big money, clearly the intended response on the part of the developer, and felt that might just try to mitigate the damage by accepting what was being forced upon them. As Theresa Sears pointed out for several years now, there ARE OTHER OPTIONS here. Options that still provide for substantial financial gain for the developer without the negative and permanent impact for the residents.

- The Planning Commission seemed almost set on the notion that there were only two possible outcomes - Approve the Zoning as it was presented OR Deny the Zoning. There are indeed other options and these not new ideas. As indicated, the other options for this land allow for the developer to make money but they don't involve the construction of 39 gigantic homes.

-It was asserted by several OPA residents who addressed the Commission that the developer purposely caused damage to the Ridgeline property – killing of the vegetation, either by spraying or by lack of care- in a clear effort to cause distress to the local residents thus effectively forcing the

residents to insist on a fix... which would involve new construction. If this is true, and I don't know that it is, this is offensive on several levels.

-There is the issue, as presented by the developer, of mitigation as it relates to Parking and traffic? The concept of constructing 39 massive 8000 square foot homes for the very few, elite who can afford them so that we can minimize traffic and parking concerns is truly absurd. It is obvious to me that anyone who will move their family into a massive home like this in our area will have a large, full time crew caring for them and the property. I know that I would. Gardiners, Pool Maintenance staff, servants, Cooks, construction staff, Nanny's, Live-in Nurses, etc. Are they all going to park in the 'Tandem Garages' that were proposed by the developers? No, they will park on the street - the same streets that they just used to arrive to the job site.... an 8000 square foot home. The notion of 'mitigation' of parking and traffic issues was poorly addressed by the developer's team... and there was a substantial Team present. At least they were all frantically taking notes so they could be better prepared for next for the next volley.

If you take all of the emotion out of this - and to be clear, I don't own horses and I don't play golf - sometimes you just have to do what is right. I personally have never used the Arena but I like seeing it every day. I personally have never been to the Ridgeline Country Club site but I like the fact that it is there and continues to be available open space. If indeed the developer had purposely killed off landscaping to diminish the perceived value of the site to the neighborhood and thus increase the likelihood that he would prevail in this matter, then you have to give him credit for being supremely devious in the execution of his plan. Taking away the last tiny bit of open space in the area to build massive homes so that one, or several, interested parties can make a fortune and justify an ill conceived initial purchase is simply not right.

The good news is that I don't think that any of our Planning Commission members are being fooled and I would have to doubt that any of them would permit themselves to be 'bought'. They are not foolish people and, to be sure, they know that we are watching very carefully. We need to fully oppose any attempt to rezone our open space. As Ms. Sears said, 'Once you build on it, it will be gone forever!'

Sincerely,

Arthur Bass, VMD - A Colony Community resident since 1984.