

**RICHLAND COUNTY PLANNING COMMISSION**  
**March 3, 2014**

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4 *[Members Present: Heather Cairns, Beverly Friarson, Marilyn Joyner, David Tuttle,*  
5 *Patrick Palmer, Stephen Gilchrist, Wallace Brown, Sr. (in at 1:16pm), Bill Theus]*

6 Called to order: 1:00 pm  
7

8 CHAIRMAN PALMER: We'll call the March meeting of the Richland County  
9 Planning Commission to order. We have the February Minutes, did everybody have a  
10 chance to take a look at those, that was present?

11 MR. TUTTLE: Yeah, Mr. Chairman, I'd like to make a motion that we approve the  
12 Minutes as we received them.

13 MR. GILCHRIST: Second, Mr. Chairman.

14 MS. JOYNER: Mr. Chairman, I would like to excuse myself from voting on the  
15 Minutes since I was not present for the February meeting.

16 CHAIRMAN PALMER: Okay.

17 MR. THEUS: I'd like to do the same as well.

18 MS. CAIRNS: Likewise, I would have to not vote, I was not present.

19 CHAIRMAN PALMER: Okay. Okay, so with only three Members here can we  
20 vote to approve the Minutes? That were here?

21 MS. HEGLER: Yes, you have a quorum.

22 MS. LINDER: Yes.

23 CHAIRMAN PALMER: Okay. Alright, we have a motion and a second to approve  
24 the Minutes. All those in favor say aye? Any opposed?

25 *[Approved: Tuttle, Palmer, Gilchrist; Abstained: Cairns, Friarson, Joyner, Theus;*  
26 *Absent: Brown]*

1 CHAIRMAN PALMER: Okay. Adoption of the Agenda, any Agenda  
2 amendments?

3 MS. HEGLER: Good afternoon. Yes, Staff would like to defer and take off the  
4 Agenda at this time the first Text Amendment. [Inaudible] service facilities in several  
5 districts where we're not quite ready with that one.

6 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we accept the Agenda  
7 with the one change.

8 CHAIRMAN PALMER: Okay, we have a motion.

9 MR. THEUS: Second.

10 CHAIRMAN PALMER: And a second to accept the Agenda as amended. All  
11 those in favor say aye. Any opposed?

12 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus; Absent: Brown]*

13 CHAIRMAN PALMER: Road names? We have none. We don't have any.  
14 Alright, case number one, Map Amendments.

15 **CASE NO. 14-02 MA:**

16 MR. LEGER: Mr. Chairman, the first project is No. 14-02 MA. The Applicant is  
17 Ms. Noralba Hurtado. The property's located near the intersection of Broad River Road  
18 and Koon Road in the northwest portion of the county, it's about a half an acre in size.  
19 It's currently zoned RU and the Applicant is requesting the General Commercial district.  
20 The RU district was the original zoning from 1977. And in the vicinity we have for the  
21 most part properties zoned rurally to the north and you've got RU, either occupied  
22 residentially or agriculturally. There is also a restaurant at the intersection of Koon Road  
23 and Broad River Road. The property to the south is zoned RU and is agricultural or

1 residential, kind of a nursery farm type use. To the east we've got rural property as well,  
2 residential and agricultural use. And to the west property zoned RU and GC; that  
3 restaurant is at the intersection of Broad River and Koon. There's also a convenience  
4 store across Broad River and some undeveloped property in the Town of Irmo.  
5 [Inaudible] an automobile repair facility, which is currently, my understanding, is  
6 nonconforming and the Applicant wants to rezone to GC to bring the property into  
7 conformance and to continue to use the property as the automobile repair facility. In our  
8 northwest area the Comprehensive Plan recommends suburban by calling for  
9 commercial/office at major intersections and in the areas where they would not  
10 encroach on residential use. The Staff believes that this site is in conformance with that.  
11 Broad River Road is a major road and Koon Road is a pretty significant intersection.  
12 There is commercial at this intersection as well, and for that reason the Staff finds the  
13 site to be in compliance with the Comprehensive Plan. Because of the types of uses in  
14 the vicinity and the recommendation of the Comprehensive Plan and the compliance  
15 thereof, the Staff recommends approval of the rezone at this time. If you have any  
16 questions we'll be glad to try and answer them.

17 CHAIRMAN PALMER: Okay, real quick, prior to opening for the public comment,  
18 let me read this into the Record. In accordance with the Freedom of Information Act a  
19 copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting  
20 notification and posted on the bulletin board located in the lobby of the County  
21 Administration Building. Does anybody have any questions for Staff? And the Applicant,  
22 Noralba Hurtado? Yes, ma'am, if you'd like to make a comment you're certainly

1 welcomed to. If you'd like to come down to the podium and give us your name and  
2 address.

3 **TESTIMONY OF NORALBA HURTADO:**

4 MS. HURTADO: Hi, my name is Noralba Hurtado. My business is located at  
5 10356 on Broad River Road, and what I'm looking with this rezoning application is to be  
6 able to grow my business and have a dealer over there too. Since we are one of the  
7 best shops around the area and have been request for our customers to sell cars there.

8 CHAIRMAN PALMER: Okay.

9 MS. HURTADO: Thanks.

10 CHAIRMAN PALMER: Thank you. That's all we've got signed up to speak. I have  
11 a question for Staff. The size limitations on this?

12 MS. HEGLER: Yes, sir. Because it is under two acres, it has to request a  
13 rezoning with something that is compatible with it, adjacent to it. And the area across  
14 the street is General Commercial. That's in the Town of Irmo, so because of that they  
15 can request the rezoning only to that like district.

16 CHAIRMAN PALMER: Okay.

17 MR. THEUS: So the property across the street in Irmo is General Commercial?

18 MS. HEGLER: Yes, sir.

19 CHAIRMAN PALMER: Yes.

20 CHAIRMAN PALMER: How do you guys typically look at that as a ruling? When  
21 you say, across the street? In other words if it's catty-cornered or if it's, you know, 250'  
22 down the road, how do you guys do that?

23 MS. HEGLER: The Code does specify, Mr. Price, I think it has to be a certain –

1 MR. PRICE: We've amended that recently and forgive me [inaudible] my Code,  
2 but that's, if you remember, the contiguous language that we recently amended; I think  
3 it was 15' and as long as it's not separated by major arterial or thoroughfare then it will  
4 be considered to be contiguous.

5 MS. HEGLER: That it's contiguous and it meets the definition of our Code for,  
6 you know, how much of the property abuts it, cause as you see it, it doesn't look like  
7 that much, but it does meet the Code in terms of –

8 CHAIRMAN PALMER: Okay.

9 MS. HEGLER: - there is a certain length or distance that the contiguity has to  
10 achieve.

11 CHAIRMAN PALMER: Okay.

12 MR. THEUS: Mr. Chairman, I'd like to move that we move this forward to County  
13 Council with a recommendation for approval.

14 MR. GILCHRIST: Second, Mr. Chairman.

15 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
16 All those in favor say aye? Any opposed?

17 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus; Absent: Brown]*

18 CHAIRMAN PALMER: Case No. 14-03 MA. Oh, and real quick, just so that  
19 everyone in the audience knows, we're a recommending Body to County Council. They  
20 have final say on these matters and they will be back in these Chambers the – does  
21 anybody have the date for the Council meeting? It's not in our Agenda. The 25<sup>th</sup>, March  
22 25<sup>th</sup>. Okay? So just for all the people with the zoning amendments. Next case.

23 **CASE NO. 14-03 MA:**

1 MR. LEGER: Thank you, Mr. Chairman. The Applicant in this case is Mr. Preston  
2 Young. The property is located at the intersection of Cabin Creek Road and Horrell Hill  
3 Road near Lower Richland Boulevard. It's about an acre and a half in size, currently  
4 zoned RU and the Applicant is requesting OI, Office and Institutional district. The  
5 original zoning is RU from 1977. This area remains rural in nature. To the north, well in  
6 all directions we have Rural zoning; to the north we have a residence, to the south we  
7 have Hopkins Elementary School [inaudible] the east as well. And to the west the  
8 property is either residential, a magistrate's office or undeveloped at this time. The site  
9 is occupied currently by a couple of residential structures that appear to be abandoned  
10 or in some state of disrepair. There's also a small structure which appears to be  
11 commercial in nature, but it is also abandoned and boarded up as well. Otherwise the  
12 area, like I said, contains the school or residential properties for the most part, and the  
13 existing magistrate's office. The Comprehensive Plan recommends Rural in the  
14 Southeast Planning Area where it calls for commercial and office activities to be at  
15 major traffic junctions or locations, or where other properties are zoned office and are  
16 used as such. These rezoning types should not encroach on residential areas either.  
17 This property is near the intersection of Horrell Hill and Cabin Creek in Lower Richland.  
18 The Staff did not find that to be a major intersection, though. It is kind of a minor  
19 collector, residential collector. We didn't feel like the zoning was in character with other  
20 zoning districts in the area, as they're all residential/rural in nature. Because of the lack  
21 of compliance with the Comprehensive Plan in the Staff opinion, the residential uses in  
22 the vicinity, the lack of a major intersection, the Staff recommended disapproval of the  
23 request for OI at this time.

1 CHAIRMAN PALMER: Any questions for Staff?

2 MR. THEUS: I have a question. Back to the lot size issue again for standalone  
3 zoning, this is an acre and a half. How big do you have to be, two, I thought it was two  
4 acres?

5 MS. HEGLER: You have to be two except for a number of different rules within  
6 the Code, and one is that you can go from residential to OI.

7 MR. THEUS: Okay.

8 MS. HEGLER: So there are some stepped allowances under that two acre  
9 threshold.

10 CHAIRMAN PALMER: And so we've got an elementary school across the street  
11 from this, is that right?

12 MR. THEUS: That's right. You got the magistrate's office diagonally across.

13 CHAIRMAN PALMER: So in reality if those parcels were zoned with what the  
14 existing uses are on those structures, I mean, a magistrate's office I would imagine can  
15 go in Rural because we just allow them anywhere. Was it there prior to zoning I guess?

16 MS. HEGLER: I think it was.

17 MR. PRICE: It's not allowed in the Rural district. [Inaudible]

18 CHAIRMAN PALMER: Right.

19 MR. PRICE: But under the previous Code it was allowed.

20 CHAIRMAN PALMER: Okay. And the schools being, especially elementary  
21 schools, being naturally high traffic generators in and of themselves at certain times.

22 Okay. Any other questions for Staff? Preston Young?

23 **TESTIMONY OF PRESTON YOUNG:**

1 MR. YOUNG: Good afternoon. My name is Preston Young. I think that as great  
2 as that Comprehensive Plan is there's certain gray areas and I hope you feel the same,  
3 that this is one of those gray areas that it doesn't cover. Magistrate office is existing  
4 there now and has been there, I don't know how long, probably 20 plus years. All we're  
5 doing, based on a few county representatives' choice, is to stay in that area where the  
6 existing office is now. That location works. The building, the grounds, do not work and  
7 that's why we start looking in that area. The properties on the, the two structures, the  
8 two residential structures and the commercial building that are on the property now are  
9 slated to be demolished so those will probably come down in the next few weeks. I think  
10 the county has already served the orders to demolish those properties so they'll be  
11 down. So I think that Horrell Hill and Cabin Creek Road, Horrell Hill serves pretty much  
12 as a cut through, kinda separates there. The school, majority of the traffic from the  
13 school goes out to I think Horrell Hill as well. There's a parking lot on the Cabin Creek  
14 side which is directly across from this, but the majority of that traffic, I think, is during the  
15 school hours also. I think from the magistrate office, the traffic, they have court maybe  
16 twice a week and it normally goes till maybe 5:00, so I don't think, you know, it'll  
17 interfere with any of the school activities or traffic there. And like I said, they've co-  
18 existed across the street from each other for 20 plus years now. That's pretty much all I  
19 have.

20 CHAIRMAN PALMER: That's all we've got signed up to speak. I, personally for  
21 me I think in a case like this, you know, we don't really take into account, at least I don't  
22 personally, the use that's intended for the site because it opens it up to any of the uses  
23 that are under there. But in a case like this where you have a property posted, you see

1 some already office type uses going on in the environment. Horrell Hill, it is pretty close  
2 to Lower Richland Boulevard, there is a thru-street right there at Cabin Creek that  
3 comes out to Lower Richland Boulevard. And in this particular case when you have no  
4 residents come out to speak against the rezoning it kinda goes a long way with me from  
5 shifting that gray area from something that could or could not kinda go either way when  
6 the residents of the community don't have a problem with the property being rezoned to  
7 an OI. It bears a lot of credence with me, so that's just kinda my thoughts on it.

8 MR. THEUS: I happened to be out there recently, a couple weeks ago and – I'd  
9 never been there and I, it does not have a, it has more of a, you're out there but it's, with  
10 the school and magistrate's office right there it does not feel residential, which I guess  
11 would be the only alternative, you know, reasonable alternative under Rural. So I, I  
12 agree with the Chairman.

13 MS. JOYNER: I would definitely agree too. So the magistrate's office is next to  
14 the school, is that correct?

15 MS. HEGLER: [Nods yes]

16 MS. JOYNER: Okay. I think that if there was a request for General Commercial  
17 we would have an issue, but I would definitely agree with Mr. Chairman.

18 CHAIRMAN PALMER: Yes, ma'am, did you want to speak? Okay, come on  
19 down. You didn't have a chance to sign up?

20 *[Brown in at 1:16pm]*

21 **TESTIMONY OF CAMIEL GREEN:**

22 MS. GREEN: My name is Camiel Green and I live at 1200 Neal Road in Hopkins,  
23 and they asked me to come down here and speak cause we didn't know what the

1 property actually was gonna be zoned for. So now we have more clarification. My only  
2 concern was that as a future provider I have aspirations of opening a doctor's office in  
3 the area, probably next year. And right now across from Lower Richland we have a  
4 liquor store and so I didn't want to see that happen to our elementary students with a  
5 convenience store or anything where, you know, eventually they would get a liquor  
6 license. I have no problem with anything with the magistrate opening out that area or  
7 whatever.

8 CHAIRMAN PALMER: Okay, thank you.

9 MS. GREEN: Thank you.

10 MR. THEUS: Mr. Chairman, I'd like to move that we send this request forward  
11 with a recommendation for approval, and the basis for running counter to Staff's  
12 recommendation is that the area is, with the school and the magistrate's office, is  
13 already office institutional in nature.

14 MR. GILCHRIST: Mr. Chairman, I second that.

15 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

16 MS. CAIRNS: Yeah, I'd just like to offer a little discussion. I will be voting against  
17 this recommendation. I think that while there's this existing magistrate's office and what  
18 appears to be a fairly small structure, it's been grandfathered in that, you know, I look at  
19 this area and but for the elementary school you've got a completely rural area. And I  
20 think elementary schools bring in residential areas, I mean, a residential area, does not  
21 mean that we should start zoning things around them to be commercial in nature, which  
22 office space is. So I think that, you know, the recommendation from Staff that this stay  
23 zoned Rural for residential use next to the school and in an area that is all developed

1 out residential, is a better approach than rezoning it. So I just wanted to offer why I  
2 would support Staff's recommendation and keep it zoned Rural.

3 CHAIRMAN PALMER: Any other discussion? All those in favor of the motion  
4 please signify by raising your hand. All those opposed?

5 *[Approved: Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus; Opposed: Cairns;*  
6 *Abstained: Brown]*

7 CHAIRMAN PALMER: Next case, Case No. 14-04 MA.

8 **CASE NO. 14-04 MA:**

9 MR. LEGER: Thank you, Mr. Chairman. This case is represented by Mr. Tom  
10 Milliken. The property's located on Farrow Road in the northeastern portion of our  
11 county. It's a little over 35 acres in size, currently zoned RU and the Applicant is  
12 requesting LI, our Light Industrial district. The property was originally zoned G-1 in  
13 1977. That district was changed to the RU district in 2005, and that is the reasons for  
14 the designation. In the vicinity we've got a number of different zoning classifications. To  
15 the north we've got HI and M-1 where the Intertake(?) Polymer Group use and plenty of  
16 undeveloped property. To the south we've got some RU, GC and M-1, it's residential,  
17 undeveloped and the Bose manufacturing plant. To the east we have property zoned  
18 RU and GC along Farrow Road. The property is occupied residentially, with the City of  
19 Columbia water tower utility sight. And to the west we have M-1 property and some  
20 manufacturing facilities [inaudible]. The property is currently undeveloped, there's a  
21 general slope. There's not much going on on this sight currently. The area is kind of a  
22 mixture, as I said, of warehouse and manufacturing, light manufacturing and  
23 agricultural, tree farms, some residential on Farrow Road and plenty of undeveloped

1 properties. There are other industrial and commercial facilities up and down Farrow  
2 Road. We're not far from Wilson Boulevard at this location. The Comprehensive Plan  
3 recommends priority investment area in the northeast here where industrial activity  
4 should be compatible with other industrial activity in the area. The Staff found that there  
5 was plenty of industrial use along Carolina Pines Boulevard and along Farrow Road to  
6 support the Comprehensive Plan recommendation. Based on the uses in the vicinity,  
7 the Comprehensive Plan recommendation for priority investment and looking to have  
8 more investment in the vicinity, the Staff recommends approval at this time.

9 CHAIRMAN PALMER: Any questions for Staff? Tom Milliken?

10 **TESTIMONY OF TOM MILLIKEN:**

11 MR. MILLIKEN: Thank you. Tom Milliken, 21 Cedarwood Lane in Columbia. I  
12 have written authorization from the owner who's elderly to offer this property for  
13 rezoning. Excuse me, I've got a little laryngitis. This family's owned this property an  
14 awful long time. They've had many offers to acquire it from adjoining landowners and  
15 developers. They've chosen not to sell it over the years. They still farm the property, it's  
16 right in the middle of, next to Carolina Pines, Bose to the south, and they're still growing  
17 hay out there. Due to a death in the family they finally decided to sell the property and I  
18 am representing the family in this rezoning issue. Be glad to answer any questions.

19 CHAIRMAN PALMER: Any questions for Mr. Milliken? Thank you.

20 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send item number  
21 14-04 MA forward to Council with a recommendation for approval.

22 MR. GILCHRIST: Second, Mr. Chairman.

1 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

2 All those in favor say aye.

3 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus, Brown]*

4 CHAIRMAN PALMER: None opposed. Next Case, Case No. 14-05 MA.

5 **CASE NO. 14-05 MA:**

6 MR. LEGER: Mr. Chairman, the Applicant in this case is Mr. Bill Dixon. The  
7 property is located on Sloan Road not far from North Brickyard. It's a little over six acres  
8 in size, currently zoned RU, our Rural district. Mr. Dixon is asking for the RS-LD, which  
9 is our Residential, Single-Family, Low Density district. It's made up of several parcels  
10 along Sloan Road just across from the lake there in Spring Valley. The original zoning  
11 here again was D-1 in the '70s and that district has changed to the RU with the 2005  
12 Land Development Code update. In the vicinity we have several properties zoned RS-  
13 LD that are undeveloped, undeveloped to the north. To the south we have RS-LD,  
14 which is residential on the lake or open space. To the east we have RM-HD and RU and  
15 there is an apartment complex there. To the west we have RS-LD, RU and residential  
16 undeveloped and a church facility. These four properties are currently vacant,  
17 undeveloped and partially cleared, partially wooded, basically are kind of waiting to be  
18 developed. For the most part this area has residential properties in the Spring Valley  
19 subdivision nearby. The Comprehensive Plan recommends suburban in the northeast  
20 area where we're looking for four to eight dwelling units per acre. The RS-LD district will  
21 allow 12,000 square foot lots, getting right near the four units per acre. Because of the  
22 residential use in the area, the compliance with our Comprehensive Plan, and the  
23 compliance or similarity to the other residential districts of RS-LD in the vicinity, the Staff

1 recommended approval of this case at this time. If you have any questions we'll be glad  
2 to try and answer them.

3 CHAIRMAN PALMER: I have a question for you. Is this just a frontage of these  
4 parcels or are they the parcels in total or? Cause our site map, the coloring on it shows,  
5 in the one we're looking at here, it appears as if those tracts are longer than what they  
6 are, and if so you're gonna have parcels of land – I mean, it's possible to do, but that's  
7 fine that just half of the parcel, the front half of the parcels are zoned differently than the  
8 rear of the parcels are?

9 MR. LEGER: My understanding, it's the four lots that have frontage on the road,  
10 and the bigger pieces to the north are not – I think ultimately they'll be part of the  
11 development, that's my understanding, but it's only those four pieces along the road  
12 frontage.

13 MS. HEGLER: I think they're separate parcels if that, from the larger piece.

14 CHAIRMAN PALMER: From the larger parcels behind them?

15 MS. HEGLER: Um-hum (affirmative).

16 CHAIRMAN PALMER: That they look like they're attached to?

17 MS. HEGLER: Right. No, they're separate.

18 CHAIRMAN PALMER: Okay.

19 MR. GILCHRIST: Yeah, there is a black line running through there.

20 CHAIRMAN PALMER: Yeah, I'm just wondering if they just separated off the  
21 frontage of those. Because then you've got landlocked parcels in the rear it looks like.

22 MS. CAIRNS: Well, unlike our last map where there were a gazillion of them. I  
23 mean, we've got those all over.

1 MS. HEGLER: Yeah.

2 MS. CAIRNS: But yeah, the question is, yeah those two weird ones are they split  
3 zoning or are they truly landlocked lots?

4 CHAIRMAN PALMER: Yeah.

5 MS. CAIRNS: Where the arrow site is, those are the ones that look most like they  
6 might've been split zoning.

7 MR. THEUS: Is it the same owner of the back as the front?

8 MS. HEGLER: I think. Yes, sir.

9 CHAIRMAN PALMER: Bill, is that a question that you might can answer I guess?

10 MR. DIXON: Sure.

11 CHAIRMAN PALMER: Okay.

12 MR. DIXON: Good afternoon, I'm Bill Dixon with Mungo Homes. I think a couple  
13 of those are separate but some of them do have dual zoning designations; rural up front  
14 and RS-LD in the rear.

15 CHAIRMAN PALMER: So we would just be bringing all those into compliance  
16 with RS-LD.

17 MR. DIXON: Correct.

18 CHAIRMAN PALMER: Right.

19 MR. DIXON: That's right.

20 CHAIRMAN PALMER: Okay. Alright. Well Bill, you're up next to talk if you want  
21 to say something.

22 **TESTIMONY OF BILL DIXON:**

1 MR. DIXON: I really don't have anything to add to the Staff Report, but I'm  
2 happy to answer questions.

3 CHAIRMAN PALMER: Okay.

4 MR. TUTTLE: Mr. Chairman, I make a motion, we can clearly have discussion  
5 afterwards if we want, I'd like to make a recommendation we send Case 14-05 MA  
6 forward to Council with a recommendation for approval.

7 MR. THEUS: Second it.

8 CHAIRMAN PALMER: We have a motion and a second.

9 MS. CAIRNS: I just have a quick question for Staff. Based on our little map it  
10 looks like there's two triangles of RU that will survive? I mean, it just seems like this is a  
11 time, like we oughta be just, I mean, one of them looks like it's got a house and one it's  
12 probably vacant, but it's just odd to leave behind two slivers of remnant zoning, sort of  
13 each end of the frontage. There's a, at least on ours, maybe not on the one up there.

14 MR. THEUS: That's a good point.

15 MS. CAIRNS: I mean, it's almost like the very first, you know, the very first map  
16 amendment we had, you know, we had a noncompliant use at the corner that I don't  
17 understand why we're not – yeah, at each end there's a triangle that our maps shows as  
18 remaining RU. Like, why aren't we just, I mean, I support the rezoning of these parcels  
19 to match, I just wonder why we're leaving behind –

20 MR. TUTTLE: Well, I guess the owner of those parcels hadn't asked for rezoning.

21 MS. JOYNER: Separate ownership.

22 MS. CAIRNS: Yeah. I understand that maybe they didn't ask, but I mean.

1 CHAIRMAN PALMER: I think this is part of what we can discuss in the  
2 Comprehensive Plan when we could possibly put together a plan on stuff that we see as  
3 areas like that that we could notify the owners and let them know that this is potentially  
4 something they could do and we could offer them a fast track route, maybe waive fees  
5 or something in the zoning process for doing something like that. But again, I would  
6 never be in favor of zoning someone's property without them asking to have it rezoned.

7 MS. CAIRNS: Well, I mean, it wouldn't get thrown into this, but I mean –

8 CHAIRMAN PALMER: No, no, I'm just saying it's just probably something we can  
9 do some sort of policy scenario in the Comprehensive Plan or something kinda moving  
10 forward.

11 MS. CAIRNS: I mean, there's just times that if we, you know, if we realize it in an  
12 area the zoning should be X, then the zoning should be X. It shouldn't be patchwork,  
13 piece-meal.

14 CHAIRMAN PALMER: I just disagree.

15 MS. CAIRNS: If it should be X, it should be X. You know, so.

16 CHAIRMAN PALMER: Anything else for Mr. Dixon? Thanks. We gotta motion  
17 and a second on the floor. Any other discussion? All those in favor say aye? Any  
18 opposed?

19 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus, Brown]*

20 CHAIRMAN PALMER: Alright, that wraps up our map amendments. And Text  
21 Amendment #1 and only I guess? Number 2, Text Amendment #2.

22 **TEXT AMENDMENT #2:**

1 MS. HEGLER: This Text Amendment was initiated by Staff at the request of  
2 Council with a couple of situations that have occurred over the last few months. We  
3 wanted to clearly identify what shipping containers are and where they would be  
4 allowed, therefore where they are not allowed cause currently our Code doesn't speak  
5 to the use of these large shipping containers for storage.

6 MR. TUTTLE: Can I ask a question of Staff, Mr. Chairman?

7 CHAIRMAN PALMER: Sure.

8 MR. TUTTLE: Are we strictly looking at these, because across the country  
9 people are using and converting these into offices, apartments, single-family dwellings,  
10 etc., and it's a fairly large industry now doing that. Are we talking about just in the  
11 storage capacity or we can't use these in a residential setting to convert to single-family  
12 homes?

13 MS. HEGLER: As it's written they can't be used as an accessory use in those  
14 other districts, it would only be allowed in Light Industrial and Heavy Industrial. We did  
15 see a lot of that research where, I mean, they are converting them. And we did speak  
16 with the Building Department, they can be made livable and useable. This speaks to  
17 accessory uses.

18 MR. TUTTLE: Okay, thank you.

19 MS. CAIRNS: So with this – actually I was [inaudible]. But, I mean, does this  
20 mean that you, I mean, is there any diminimus use, like if I want one of these in my  
21 driveway for, you know, a few weeks while I'm restriping my floors, can I not have one  
22 of these sit in my driveway for a couple weeks? Would I be in violation if I'm zoned  
23 residential?

1 MS. HEGLER: We do allow Pods, how do we allow those?

2 MS. CAIRNS: Yeah, how is this not a pod basically?

3 MR. PRICE: It would not apply. When we talked about these as accessory uses  
4 we are looking at them as permanent uses. If you were, in some cases, doing some  
5 renovations in your house or, and you needed a temporary use then that would be  
6 permitted.

7 MS. CAIRNS: So we have a Code, so even if it's, so that's the whole key is it's  
8 how long it sits there.

9 MR. PRICE: Right.

10 MS. CAIRNS: As to whether it goes from temporary to accessory use?

11 MR. PRICE: Right. Yeah, but what we've had is, we've had the citizens actually  
12 taking these and using them as permanent accessory structures in their yard. No  
13 different than, I guess, if you went to Lowe's and picked up a storage building.

14 MS. CAIRNS: Sure.

15 MR. PRICE: But just that they're using these as permanent uses.

16 MS. CAIRNS: Okay.

17 MS. HEGLER: They do have to come in and receive a permit for it to be an  
18 accessory use on the site.

19 MS. CAIRNS: But, I mean, that's the thing is we have something in our Code that  
20 already addresses what – cause temporary I don't need anything, I can just throw it in  
21 my driveway.

22 MR. PRICE: Correct.

1 MS. CAIRNS: But there's some duration that triggers it into where it's clearly  
2 becoming an accessory use not just a temporary use. Just like 30 days, 90 days, I  
3 mean?

4 MS. HEGLER: To request for the permit.

5 MS. CAIRNS: Huh?

6 MS. HEGLER: It's really the request for the permit that triggers it.

7 MS. CAIRNS: So when you've noticed it there for too long that you knock on the  
8 door kinda thing?

9 MR. PRICE: Once, in cases where we've noticed that, you know, we get calls  
10 from citizens and they've stated this storage container's been out front in this yard for a  
11 couple of months, we'll go around, find out what's going on and the person will tell us,  
12 you know, we're just using it to clean out, and then we'll give them a certain time to  
13 have it removed before we do start to consider it to be a permanent use.

14 MS. CAIRNS: Okay.

15 MR. TUTTLE: So, what if a citizen wanted to use it as a permanent shed in their  
16 backyard, we would not allow them to do it, but they could go to Lowe's and out of  
17 similar materials construct one and that would be permitted?

18 MR. PRICE: I don't think they're going to Lowe's to buy shipping containers.

19 CHAIRMAN PALMER: What's the, what's the problem with them using this as a  
20 permanent structure? That's reusing product that's out there that's in the same and form  
21 they want to use, as long as it complies with the setbacks, what's the problem with it?

22 MS. CAIRNS: Just in a residential neighborhood?

23 MS. HEGLER: It's pretty unsightly.

1 MR. TUTTLE: Well, but that would, to me the governance there should fall back  
2 to the CC&Rs and architectural guidelines of a particular neighborhood. But, well I  
3 mean, as a matter of course, I mean, it's, the materials are no different than the shed  
4 that you're buying at Lowe's so I'm not sure how you distinguish between the two. And  
5 not all shipping containers are 30' long by 8, I mean, they make them in a size that  
6 would work in a backyard. I'm not advocating that, but we've looked at a couple projects  
7 and I'm pretty familiar with them and I don't know how you would distinguish between, I  
8 mean, anyone can have a Lowe's building but I can't have this building, I'm not sure  
9 how we quantify that.

10 MS. JOYNER: Could you distinguish it by the size of it?

11 MS. HEGLER: Yeah, I mean, what did we add as a – there's a definition added in  
12 here.

13 CHAIRMAN PALMER: It just says a large –

14 MS. JOYNER: Not the size.

15 MS. HEGLER: Further amend that – it's, what came before us were just your  
16 large shipping beds, bright red, they do meet setback. We currently have no way of  
17 prohibiting it.

18 MR. THEUS: And it's been a problem primarily in the residential –

19 MS. HEGLER: Sure, sure. You know, we have a situation where a corner lot has  
20 put two of these in their backyard.

21 CHAIRMAN PALMER: Do, do we get into whether somebody can paint the side  
22 of their building purple or neon green or whatever else that may be unsightly?

23 MS. HEGLER: No, we do not.

1 CHAIRMAN PALMER: Why do we get into what's unsightly then here, in  
2 someone's backyard as long as they abide by the setbacks? Just because it's unsightly,  
3 we try to rule it out when we're adaptively reusing a steel product that's out there on the  
4 market, that somebody's trying to reuse in a constructive way as a storage shed?

5 MS. CAIRNS: I think that, I mean, I'm, I have to admit I'm sort of jaw dropped to  
6 think that we would find these things okay in residential districts.

7 MR. TUTTLE: Oh! If you do the research, they are high end in areas like San  
8 Francisco, Chicago, other places, they've been repurposed and some of them may sell  
9 as a condo unit for \$400 and \$500,000.

10 MS. CAIRNS: But that would be different. That's one that's been upfitted to live in  
11 to be a house and it would meet Code requirements and everything else. This is  
12 someone just sticking a semi basically without wheels in their backyard and putting their  
13 lawnmower in it. It's a totally different – I mean, if we're gonna say, cause obviously if  
14 you take one of these and made it a house, it wouldn't be a shipping container, it'd be a  
15 residence. And right, we don't have anything that would stop you from converting one to  
16 residential use, but to allow them just to sit out in residential neighborhoods –

17 MR. TUTTLE: Well, I think if you do the, the research you're gonna find that they  
18 make them in similar sizes, they may take one and cut it into three containers and then  
19 sell them for backyard use, etc. And I'm not advocating one way or another, I just want  
20 to make sure that we distinguish between it and a kit that you buy from Lowe's or Home  
21 Depot so we don't all of a sudden, there's a perceived moratorium in the county that you  
22 can't have any storage buildings in your backyard.

23 MS. CAIRNS: Well, I think this –

1 MR. TUTTLE: Cause I'm not sure how you distinguish between –

2 MS. CAIRNS: - well there's no way that what you buy at Lowe's is capable for  
3 transport by sea, rail, road or air, so it'd be hard to say that a Lowe's shed would be  
4 called a shipping container.

5 MR. TUTTLE: Okay, but, so I mean –

6 MS. CAIRNS: It's the reverse.

7 MR. TUTTLE: - I'm just saying, so if the sizes were similar and this is a much  
8 sturdier structure, you wouldn't rather have it in the backyard than something that would  
9 be flimsy and rust out within two years? I mean, I hear you and I'm not trying to be  
10 argumentative but it's –

11 MS. CAIRNS: No, I mean, I appreciate that turn on it, but at the same time I find  
12 it – and I mean, the idea that somehow the covenants can control this thing, I would, no,  
13 no, no, we need to have ordinances. I mean, if these things are –

14 MR. THEUS: There are a lot of neighborhoods without covenants, a lot of  
15 neighborhoods without covenants, so.

16 CHAIRMAN PALMER: Right. And I understand all that. I do, I understand there's  
17 a lot of neighborhoods without covenants and I understand that some of them can be  
18 unsightly, but we as a county to this point have not gotten into architectural review of  
19 what structures look like because we or some board or someone else thinks that it's  
20 unsightly. We've gotten into things that are safety issues for the public and structural  
21 issues and setbacks to protect your neighbors and so forth and so on, but if someone  
22 wants, if my neighbor wants to build the most ungodly looking structure off the setback  
23 out of wood, they can do it. They can build it out of metal. But something that's

1 prefabbed out of metal we're saying is different, even if they were to paint it with flowers  
2 and make it look as nice as anything else, we still say you can't use it. I, I just don't think  
3 that getting into the architectural side of stuff and saying, because we don't think it's  
4 slightly it should be allowed as a storage container in someone's yard.

5 MS. CAIRNS: Well, but appreciate, I mean, appreciate that the concept of things  
6 being unsightly, whether or not it falls in our, under our purview, I would argue  
7 absolutely because it is our job as sort of part of the planning mechanism that we are  
8 utilizing the police powers of the state for the protection of all and that aesthetics matter  
9 and the research exists that property values and aesthetics matter. And that's what  
10 we're about, so we absolutely can legislate for aesthetics. So don't somehow think that  
11 because we don't right now or, or this and that, we totally have the authority to start  
12 getting into that. So don't, I just don't want this idea that because it's mere – like even if  
13 it were merely an aesthetic thing, that doesn't mean we therefore shouldn't think about it  
14 and maybe legislate.

15 MR. TUTTLE: Let me dive in real quick cause I'm getting tripped up. Previously  
16 when you said if it was permitted to be a habitable home it would be okay because the  
17 permitting requirements would make it habitable and safe, etc., but they wouldn't  
18 address, the permitting wouldn't address the aesthetics. So what's the difference if, if I  
19 get it permitted and it's sitting in my front yard as my primary residence versus the way  
20 it looks if it's in my backyard as a storage container, I don't, I don't understand the  
21 distinction between the two.

22 MS. CAIRNS: My point is, is that in the abstract the issue that it's – if it is only an  
23 aesthetic issue we can't touch it, that's not true.

1           CHAIRMAN PALMER: No, no, I agree. We can, but I, I personally don't want to  
2 go down the slope of getting into architectural review of products across the county. If  
3 the County Council, in their wisdom, wants to start setting up those boards and those  
4 reviews, they certainly can, but that's not something I want to go down.

5           MS. CAIRNS: I think that, you know, maybe all that's missing here is some  
6 concept of, you know, should I be able to have a house of X size and have storage units  
7 that are equal or bigger or something. I mean, maybe it is just a size issue if it's not  
8 setbacks. And maybe we need screen requirements for structures or something, but I  
9 think, I think the fundamental idea of what we're being asked to do here is along the  
10 right lines. But maybe we haven't honed out all the issues.

11           CHAIRMAN PALMER: I personally, I mean, I've said it three or four times now, I,  
12 I do not want to get into legislating things out of the ability of people to use them  
13 because we or someone else brings up an issue and the county says, I think it's  
14 unsightly and I don't like the way it looks. That is completely within someone else's  
15 purview. Three people in a row may like the way they look and the, and it may be  
16 something somebody, the only thing they can afford to put in their backyard to store  
17 their stuff in. And we have setback requirements and if, if it was painted purple or if it  
18 was painted yellow or green, the neighbor may think differently about it, they may like it  
19 then. But what we've got in our head is some tractor trailer rig that we see driving down  
20 the road that's covered in snow and ice, now we think it's going in somebody's  
21 backyard. I've seen these personally used in the proper manner for storage and they,  
22 they work out well. I mean, I, and the reason I'm – we have one of these at our church  
23 that I've seen them use it properly and it's, it's turned out well for them and no one can

1 break into it, or at least it's very difficult for them to break into, as opposed to having a  
2 shed in the back where someone could break into it easily, just cut open a piece of tin  
3 and steal everything out of it. These are very secure units and when you want to lock up  
4 your valuables in your backyard, your lawnmower, your, you know, \$2,500 lawnmower,  
5 you probably want to do it in something other than a tin box.

6 MS. CAIRNS: Well, but again I'll come back to the fact that, you know, I live in a  
7 suburban type setting and I would be horrified if one of these was in my neighbors'  
8 yards. It would not help the neighborhood to have one of these in somebody's backyard.  
9 And there's no way that a covenant or restriction is a reasonable way to ban them out.  
10 So maybe we just need to look at, maybe they should be allowed in more zoning  
11 districts, maybe they should be allowed on lots of a certain size or use of a certain type  
12 or something. Or maybe these things can be a certain size. But the idea that we have  
13 nothing to stop these from dropping down into suburban development, residential  
14 development of a suburban type, I find a bit frightful.

15 MS. HEGLER: I mean, you could establish special requirements. You know, we  
16 did some research, there are lots of neighboring municipalities that have this because  
17 they know that these shipping containers are being sold fairly cheap. There is a surplus  
18 of them and they feared for them being dropped into their suburban areas. So they  
19 banned them outright. We could require, you know, certain, I don't know, styles. I mean,  
20 what you're talking about, Mr. Tuttle, I get but that's a, that is a style issue and that is an  
21 architectural design situation where you can say this is not the same. You know, it is  
22 the requirement of the Code, you know, one of the purposes of the Code is to create

1 harmonious and attractive neighborhoods and if it's your decision that this does not  
2 violate that then that's fine.

3 MR. THEUS: Can you bring us back some alternatives that are out there where  
4 people have allowed them and what they've said [inaudible] have been so we can –  
5 maybe just for discussion further. I do think, I do think that, depending on where we go  
6 with this that it should be allowed in some General Commercial, M-1. We had a catering  
7 company leasing a large space from us and he kept his stuff in one of these out back, it  
8 was well outside the setback, nobody could see it.

9 MS. HEGLER: And those could be, you know, standards that you set up.

10 CHAIRMAN PALMER: I think, I, I agree and I'm okay with taking it back and  
11 kicking it around some more and bringing it back next month or whatever, with some  
12 different regulations. But I know we, we talk about neighborhoods that have restrictions;  
13 some don't, mine doesn't have any restrictions, I'm in an older neighborhood, some of  
14 the newer ones do. But as a buyer of that property you take all those things into  
15 consideration when you purchase your property. Or when you decide to live on a piece  
16 of property. It may have been given to you but you decided to live there. You know there  
17 are no restrictions in that neighborhood at that point. You know that if you move into  
18 Lake Carolina you're gonna have restrictions and covenants that you've got to deal with.  
19 So for us to look over their shoulder and say, I know you didn't think about this but I'm  
20 going to try to make a better decision for you than what you thought about, now Mr.  
21 Homeowner, you bought into this neighborhood without restrictions, we're gonna start  
22 putting restrictions on you because we think it's better for you than what you thought. So  
23 that's just something to think about. It's –

1 MS. CAIRNS: That's totally normal.

2 CHAIRMAN PALMER: - it's not a lesser neighborhood.

3 MR. THEUS: You make a good point. I just, I would like to see if others have  
4 wrestled with this and come -

5 CHAIRMAN PALMER: Yeah, I agree.

6 MR. THEUS: - to some resolution that works for everybody.

7 CHAIRMAN PALMER: I agree.

8 MR. TUTTLE: Could we, just indulge me for 30 seconds, could we just Google  
9 'storage containers used as dwellings' and do images and let people see how nice -

10 MR. DELAGE: Yeah, but I think we're talking about different things. There's  
11 storage containers used for that, cause we've had these coming through building, these  
12 have to have engineered foundations, all this other stuff. The accessory structures now  
13 can just be placed as long as they're within the setbacks.

14 MR. TUTTLE: Right, but -

15 MR. DELAGE: So there's not -

16 MR. TUTTLE: But one of the arguments that's been put before us are the  
17 aesthetics and I'm trying to understand how we're gonna differentiate between the  
18 aesthetics for the engineered, permitted home or business occupation versus the  
19 storage - you can't say it's ugly as a storage container but yet you can have it as a  
20 home.

21 MS. JOYNER: See, I think it is specified though, because it says to store or carry  
22 goods for transport.

23 MS. CAIRNS: Capable of being used.

1 MS. HEGLER: I mean, we intended for it to be very specifically a shipping bed  
2 container, so I mean, that is the intent. If it doesn't read that way . . . but I would assume  
3 that when you talk about something that's been upfitted for a home, they are  
4 architecturally –

5 MR. TUTTLE: It's the same metal building. I mean –

6 MS. CAIRNS: But no, it's not. If it's a house it's gonna have windows and doors,  
7 it's gonna articulate and it's gonna be what we always hoped for, which is a building  
8 that's cared for. Whereas, if I just go buy a used storage container and plunk, I mean,  
9 I'm realizing that, you know, I live in one of those Swiss cheese neighborhoods; my next  
10 door neighbor's county, I'm city, okay? You can't tell driving through our neighborhood  
11 who's who except for the hirby kirbies. Okay? And I find it horrific that the guy living next  
12 door to me could drop one of these basically in my driveway and have it there forever,  
13 because nothing bans that. And he could let it rust away and not care about it because  
14 it's a storage shed. Whereas, if it's a home it's a little bit different. I mean, I don't want to  
15 get into –

16 MR. TUTTLE: It has to meet, but it has to meet the setbacks. It can't be in your  
17 driveway forever.

18 MS. CAIRNS: It's probably –

19 MR. TUTTLE: It wouldn't meet the setbacks.

20 MS. CAIRNS: Well, I mean, the way the lots sit, whatever he does in his  
21 backyard feels like it's in my driveway. Okay? But, I mean, cause he's a corner lot and  
22 the way the lots sit, you know, my driveway runs along his backyard.

1 MR. TUTTLE: Let me try it a different way. If you had to write down and describe  
2 the materials of the kit that you bought at Lowe's, it's gonna almost, rather than the  
3 gauge of the steel be verbatim to a description of this storage container. So I'm gonna  
4 argue that if you, if you disallow these you're gonna disallow every building that comes  
5 from Lowe's at the same time.

6 MS. CAIRNS: No. I disagree.

7 MS. HEGLER: Unless you set it up by size, but. I mean, I know what you're  
8 talking about, you're talking about a metal frame –

9 CHAIRMAN PALMER: Aesthetically it's the same looking building except for the  
10 thickness of the steel and the ability to get into it.

11 MS. HEGLER: And the overall size. But –

12 MR. TUTTLE: The building, [inaudible] the same; you have two doors on the  
13 front. These just happen to hinge out, the others slide.

14 CHAIRMAN PALMER: Yeah. But what I'm saying is the ones from Lowe's you  
15 can take a can opener and open the thing and get into it. These you can't.

16 MR. TUTTLE: Anyway, I mean, we don't need to spend time on –

17 CHAIRMAN PALMER: You want to bring it back next month, everybody send  
18 some ideas into Staff, send our ideas in? And if nobody from the Planning Commission  
19 sends any ideas in from Staff, then the Staff's just gonna bring back the same thing and  
20 say deal with it.

21 MS. HEGLER: We'll do other research.

22 MR. THEUS: How big an issue, I mean, is this, who brought this forward, a  
23 Councilmember brought this forward?

1 MS. HEGLER: A Councilmember did, they had a complaint.

2 MR. THEUS: One?

3 MS. HEGLER: And we, it was actually fairly shocking to this Councilmember that  
4 we didn't prohibit it, and we have since then already had another request for one in  
5 another part of the county. So I do think it's going to be something that comes to us  
6 more and more because of the availability, the surplus of those shipping containers and  
7 the ease in which folks are trying to sell them. So I think, I mean, we've had two over  
8 the last two months.

9 MR. TUTTLE: There are actually businesses in the City of Columbia that operate  
10 out of these, and they're permitted.

11 MS. CAIRNS: But they're in a use district. I mean, we're not banning them  
12 outright, we're limiting where they can be.

13 CHAIRMAN PALMER: But you're looking to put them in two districts; LI and HI.

14 MR. THEUS: That's a separate issue.

15 CHAIRMAN PALMER: Yeah, that's whole separate issue.

16 MS. HEGLER: If it were established as a primary use there would be other things  
17 that came into play. You know, the Building Code Standards. No architectural features  
18 that we have, but I would think that it could stand alone in a different way than to be just  
19 plopped down as an accessory use.

20 CHAIRMAN PALMER: Do we currently regulate –

21 MS. HEGLER: I mean, that, that's what's being said on, in somebody's backyard.  
22 I don't think that's the same thing Lowe's sells.

1           CHAIRMAN PALMER: It's not, but it's the same aesthetically. It is the same  
2 aesthetically except for the, to Mr. Tuttle's point, except for the gauge of steel. You can  
3 build that in your backyard, that same size, as long as it's not from a shipping company,  
4 you could put that same thing with sheet metal in your backyard and nobody would say  
5 anything about it. Is that right?

6           MS. HEGLER: Sure, then you could expand this definition to exclude those too.

7           MS. CAIRNS: But that's the thing is somebody, what we, I think what the Staff is  
8 saying and what the Councilmembers are hearing, at least a couple of them, is  
9 nobody's going and buying sheet metal and building these things, but what they can do  
10 is for a few dollars have one delivered and voila and that it's gonna be booming. And  
11 the fact that we've only heard of two of these, I think we're just at the tip of the iceberg  
12 and if we do nothing then we're gonna have the problem of grandfathering. So we don't,  
13 just because something's a new problem doesn't mean we say, oh it's just not that  
14 much of a problem. I see this as a potentially horrific problem.

15           CHAIRMAN PALMER: I, I don't. I don't have a problem with someone using that  
16 as a storage container in their backyard. If we start doing that, then we need to start  
17 saying that accessory buildings can't be more than a certain percentage of the square  
18 footage, period.

19           MS. CAIRNS: Which is a reasonable restriction.

20           MS. HEGLER: That's already –

21           MR. THEUS: Can we get in, can we see what others have done? I mean, you  
22 could have someone living on a 10 acre lot versus a quarter acre lot and it's – obviously  
23 one on a 10 acre lot doesn't have the same impact as on a quarter acre lot.

1 CHAIRMAN PALMER: So our accessory dwellings already have –

2 MS. HEGLER: A maximum allowable –

3 CHAIRMAN PALMER: - a maximum size.

4 MS. HEGLER: - percentage of the primary structure, yes.

5 CHAIRMAN PALMER: And so the ones that are using this –

6 MS. HEGLER: Are below that.

7 CHAIRMAN PALMER: - are below that. So that means that we're not having a  
8 1,500 storage unit on a lot with a 2,000 square foot house.

9 MS. HEGLER: Correct.

10 CHAIRMAN PALMER: So this is, so what everybody's perceiving in their heads  
11 is not really what's occurring.

12 MS. CAIRNS: But again, it's the whole, it's still –

13 MS. HEGLER: Because these things are below the threshold, I mean, this one  
14 situation we actually imagine they will put, they could put up three in their backyard and  
15 still be below that accessory structure threshold, the maximum percentage. They're  
16 within the setbacks. But there's three taking up a backyard.

17 MR. TUTTLE: But if, if I read this right, are we saying that if a farmer wants to  
18 store hay on his property in these containers he can't?

19 MS. HEGLER: The way it's currently written, yes.

20 MR. TUTTLE: Yeah.

21 MS. HEGLER: If that's a Rural zoning district. But those are the sorts of  
22 requirements that could be established that set it up differently.

1 CHAIRMAN PALMER: But if that same person that you're afraid of putting three  
2 in their backyard, if they wanted to put a frame and lay sheet metal over it, they could  
3 have the same size unit in their backyard as three of these.

4 MS. HEGLER: Correct.

5 CHAIRMAN PALMER: Okay. And it could be as ugly as they wanted it to be.

6 MS. HEGLER: Like I said, we can expand this definition to exclude those too.  
7 That's not what we're seeing though, we're seeing, we just haven't seen that, but good  
8 point. We could certainly consider how to address those as well. That's not what we've  
9 seen coming into people's backyards, but.

10 CHAIRMAN PALMER: Beverly?

11 MS. FRIARSON: Mr. Chair and Members of the Commission, I think that what we  
12 need to do is to amend the language of what is proposed so that we specify the specific  
13 size that we're talking about. Because right now it just reads, a large, and in the  
14 discussion we're talking about things that might be a certain number of feet, but we  
15 don't designate it. So I think we need to designate the specific size. And then if we are  
16 going to allow this, I think we also ought to designate in which specific zones they may  
17 be placed. And last, in agreement with Mr. Tuttle and Mr. Palmer, when people make a  
18 decision either to live in an area with restrictions or not, then that's their business as to  
19 whether or not they want to be governed by color, what the architectural review board  
20 decides is aesthetically pleasing. But if we attempt right now to say, well purple is just  
21 hideous in my mind but blue's okay, that's not our business. So in summary, I think we  
22 need to make this more specific by designating the size and specify which zones they  
23 can be placed in if they are allowed, and not get into whether something is

1 architecturally, I mean, aesthetically pleasing to us. Because each property owner has  
2 to and does have a right to determine if I'm gonna live in an area where there are  
3 covenants and restrictions or not. So as it stands right now it needs to be amended with  
4 far more specificity.

5 MS. HEGLER: Sure, send us your thoughts.

6 MR. GILCHRIST: Mr. Chairman, I may have a totally unrelated question. For  
7 neighborhoods that develop their covenants, who decides to authorize those  
8 covenants? Is it just the neighborhood? Does the county have any involvement into  
9 what that should look like?

10 MS. HEGLER: County has no involvement with covenants nor do we regulate  
11 them. We have no say in covenants.

12 MR. GILCHRIST: Okay. And the reason I ask that question is because if, if that's  
13 solely left up to neighborhoods, and I certainly think that at some point if we, if we're  
14 wanting to even adopt what we're saying here, we need to look at that in larger, from a  
15 county perspective in terms of what we're allowing communities to be able to do. And I  
16 don't know, I don't know how we do that or if in fact that's something that's been done in  
17 other places, but that certainly seems to me to give some, some parameters by which  
18 we can figure out what we want to do with something like this.

19 MS. HEGLER: Well, there would be neighborhoods and covenants that would  
20 prohibit this outright. We would never, it would never get to our level. We would never  
21 even hear of it. They would, they would have their other legal recourses for prohibiting  
22 it. The fact that it's come to us tells me it's mostly in places that do not have that level of  
23 protection.

1 MS. CAIRNS: Well, I've often given a presentation for the county neighborhood  
2 about covenants and restrictions and how they work and how they interplay and this  
3 and that, because while there are things like Lake Carolina where the covenants and  
4 restrictions probably work just fine, there are tons and tons of places where they don't.  
5 And I often offer to people that I find them to be illusory as it were, because the only  
6 way you can enforce a covenant, except for a few exceptions where there's still active  
7 things going on, is you have to sue your neighbor. And that is not a reasonable  
8 mechanism of enforcement. You know, there may be covenants that say, you can't do  
9 this thing, but as soon as my neighbor plunks one down, the only way I can get rid of it  
10 is to take them to circuit court? That's not enforceable. And so I, I mean, I think as a  
11 Planning Commission we have to just assume the whole world has no covenants.  
12 Which they shouldn't be a substitute for ordinances that protect the health, safety and  
13 welfare of the public in the county. You know, and we've got these areas that are very  
14 un-county-like in the fact that they are suburban development, they are people who live  
15 in areas that feel like they should have city-type ordinances. And they don't. I mean, the  
16 calls I get all the time where my neighbor is doing this and that, how do I stop it? And I  
17 find out where they live and I find out, well there's covenants and restrictions and I  
18 explain it to them and they're exacerbated. Cause they're like, that's no rule. You know,  
19 so we as the County Planning Commission helping County Council with the issue of  
20 land use ordinances need to simply never consider covenants and restrictions as a  
21 mechanism that will help us out in our job to protect the public.

1 MS. JOYNER: Those other zoning districts that are not part of homeowners  
2 associations that have ordinances, I think it would be good to research what other  
3 counties do.

4 MR. GILCHRIST: Oh, absolutely.

5 MS. JOYNER: To see what they allow in those zoning districts.

6 MS. HEGLER: Sure. We, we can do more research. We did research. This, what  
7 you have before you we have seen in other places, so.

8 MR. TUTTLE: Well okay, so to be fair how do they address the, the single-family  
9 dwellings that are on three quarter acre lots that are zoned RU, relative to the farmer  
10 that's on 600 acres that's zoned RU? How do you make the distinction between using  
11 these as storage?

12 MS. HEGLER: The few that we researched prohibit them outright, they give zero  
13 exceptions.

14 MR. TUTTLE: So –

15 MS. HEGLER: They were even being, we felt, more progressive in allowing  
16 them, understanding that there's a need for them in industrial places. And I don't  
17 disagree with you, I think that there probably are other uses where they would be not so  
18 obnoxious, but places that we researched they were outright, completely prohibited, no  
19 exception.

20 MR. TUTTLE: If you go to most of your garden centers in town they use these for  
21 storage of pine straw and stuff cause it's neat and it doesn't blow around and it's  
22 covered and all those things, and if these folks who are in GC, they would, they're

1 gonna have to go build another dwelling or another storage container, and they may not  
2 be allowed to do that.

3 MS. HEGLER: General Commercial might be something to, I would agree that  
4 that may be one to look into.

5 MR. THEUS: Do we have an ordinance now in the county that addresses these  
6 accessory structures?

7 MS. HEGLER: [Nods yes]

8 MR. THEUS: I would like to know what that says before we discuss this further.

9 MS. HEGLER: It's a section of the – but it doesn't, it, the dilemma that we ran  
10 into in trying to define these was whether something is erected or built on the site. And if  
11 it's erected or built then the accessory use parameters come into play; how, you know,  
12 maximum percentage of the primary, you have to meet the setback, it's really all we  
13 look for from the zoning perspective is it's overall size and that it meets setbacks, and  
14 that it be built and erected on the facility or on the site.

15 CHAIRMAN PALMER: My problem with this is it seems like we need to address  
16 the amount of accessory dwelling space that is allowed on a site. I think that if you allow  
17 the same square footage or cubic footage, however you want to classify it, as putting  
18 three of these in someone's backyard and we're gonna say, no you can't put three of  
19 these because we don't like the way they look, but someone can then build the same  
20 exact size, it completely takes away Heather's argument that I don't want this big thing  
21 dropped in next to me because it's the same size, it just looks different.

22 MS. HEGLER: I mean, that's true. And you could also have lot coverage.

23 CHAIRMAN PALMER: Right.

1 MS. HEGLER: As a parameter.

2 CHAIRMAN PALMER: Right. So if this issue is the size of these units that are in  
3 someone's backyard, you need to address the size, not the specific units.

4 MS. HEGLER: Is it 25%?

5 MR. DELAGE: It is 50% of the gross floor area of the principal building or 1,200  
6 square feet, whichever is greater, and shall not cover more than 30% of the yard.

7 CHAIRMAN PALMER: So they can have up to 1,200 square feet, 1200 foot  
8 square of storage? So how big are these units? How big's that one you got pulled up  
9 there?

10 MR. TUTTLE: A lot of times they're 8 x 30, they're 8 x 40, they're 8 x 50.

11 MR. DELAGE: They come in 1,000 square foot pieces [inaudible] at least for this  
12 one.

13 MS. HEGLER: I was thinking 500 or 800 was what we were looking at. These are  
14 pretty large.

15 MS. CAIRNS: They're probably 9 x 53.

16 CHAIRMAN PALMER: Well, you put a white coat of paint on that and there's no  
17 difference. I mean, that seems to be the issue to me is that people are afraid of these  
18 large amount of backyard from a storage unit.

19 MS. CAIRNS: And you probably, I mean, you probably could –

20 MS. HEGLER: Other options, paint them green so they blend in, screen them.

21 MS. CAIRNS: But you also probably couldn't build something that big for that  
22 price, so that's part of – I mean, this is a, I, I do think that this is the start of a huge  
23 problem with these things. But your idea that, well somebody could do this, but then you

1 get the economy of scale, and I'm not saying that's how we should decide things, but it  
2 does let you know, you know, for not a whole lot of money I could get, yeah, a totally  
3 impenetrable, unbelievable storage thing in my backyard to the, I'm sure, the detriment  
4 of everybody.

5 MR. TUTTLE: So in our role to protect the citizens of Richland County we want  
6 them to spend more for storage than they have to.

7 MS. CAIRNS: We don't – I don't know, but it's our job to protect.

8 CHAIRMAN PALMER: What are we protecting against? What, what's this, what's  
9 the harm here?

10 MS. CAIRNS: The downgrade of the quality of the neighborhoods. I'm not  
11 worrying about the farmer, I'm not, you know, even your church, if your church. If your  
12 church wants one of these in its parking lot, that's fine. But the thing is that I'm talking  
13 about the fact that there's nothing that stops these from dropping into residential  
14 neighborhoods. I find that frightful.

15 MR. TUTTLE: But there's nothing that stops you from building it from scratch to  
16 look very similar to that in the Code as it exists.

17 MS. CAIRNS: I understand that, but that's not what we're having happen. And I  
18 think that what we're seeing is this –

19 CHAIRMAN PALMER: There's nothing to stop my neighbor from building a two-  
20 story jungle-gym next door and having the kids screaming all day. I can't control the –

21 MS. CAIRNS: I understand that.

22 CHAIRMAN PALMER: - I can't say, I don't like looking at the jungle-gym.

23 MS. CAIRNS: So cause you can't control that, let's control nothing?

1 CHAIRMAN PALMER: I'm not saying control nothing. Beverly?

2 MS. FRIARSON: I'm sorry. Mr. Chair, I move that we table this until the Staff can  
3 provide more definitive information, and if possible, even bring in experts that have dealt  
4 with this situation so that we can perhaps see a presentation and make a more informed  
5 decision once we have more information. And then, of course, take into consideration all  
6 the wonderful things that the various Members of this Commission have mentioned thus  
7 far.

8 MR. BROWN: Second.

9 CHAIRMAN PALMER: Well, hold on one second. Hold on a second. We can't,  
10 we can't table – I think you want to defer it.

11 MS. FRIARSON: Okay, defer.

12 MR. BROWN: Second.

13 CHAIRMAN PALMER: But, but the reason for having the discussion is that we, a  
14 lot of times have a longer meeting than this and we've only been sitting here for an  
15 hour. So I thought it may be good for us to get some of these things out now and then  
16 give the Staff some more guidance, rather than just bring us back more information.

17 MS. FRIARSON: What else do they need?

18 CHAIRMAN PALMER: But to that point, if, if we're concerned about the size of  
19 these units, if we're concerned about the overall lot coverage for our accessory  
20 dwellings, we need to give them some more guidance. And the more we discuss this  
21 stuff, and I'm okay with stopping discussion, but that's the reason for this. We need to  
22 give them some guidance on what to come back with. She's, Tracy's already told us  
23 that they looked at a lot of other areas and that they just decided to ban them. And so

1 we need to give them some instruction, some guidance on what to come back to us with  
2 as opposed to just come back again.

3 MS. FRIARSON: But I think we have given them some guidance. We asked that  
4 they be more specific with reference to the size, at least I did, and designate in which  
5 zones they might be placed. And we also talked about the aesthetics of it, is that our  
6 place to determine that? And members of the Staff stated that they have or can look at  
7 other areas that do allow this. So keeping in mind the discussion that we've already  
8 heard and keeping in mind that they have the ability to do further research and make a  
9 more informed presentation to us, I'm not trying to say, okay let's just go home, I think  
10 that we have given them quite a bit to incorporate into a presentation that we would  
11 hear the next time. And then all of us would be in a better position to make a more  
12 informed decision.

13 CHAIRMAN PALMER: Do you have any suggestions for them as far as size?  
14 You just want to come back with -

15 MS. FRIARSON: No, that's why I said that, that's their job as Staff to do that  
16 research and since there are some entities that allow that, that's what I'm saying. See  
17 it's written right now it just says, a large, and the specific size is not designated. So as  
18 Staff, that's one of the things I would suggest that we task them with, making  
19 recommendations to us based on their research and then they can make a more  
20 informed presentation than just those little icons that we see before us right now. And as  
21 I mentioned, taking into consideration all that's already been stated by the Members of  
22 the Commission thus far.

1 CHAIRMAN PALMER: Okay, so is that an amended motion to defer till our next  
2 meeting?

3 MS. FRIARSON: I can make it as such if you so desire?

4 CHAIRMAN PALMER: Okay.

5 MR. BROWN: I'll second.

6 CHAIRMAN PALMER: Okay, that's a motion to defer till our next meeting and a  
7 second. Any other discussion? All those in favor say aye. Any opposed?

8 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus, Brown]*

9 CHAIRMAN PALMER: Okay. The November meeting, we're gonna move it?

10 MS. HEGLER: Yeah, we have a conflict of use of this room, Election Day they  
11 often need to use it for absentee voting. So we can move it to later that same week or  
12 just skip to the next Monday. I know, Chairman, you sometimes prefer to keep them on  
13 Mondays cause I think everybody kinda has Monday in their minds, or whatever your  
14 pleasure.

15 CHAIRMAN PALMER: I think if it doesn't interfere with Council we just drive it to  
16 the following Monday. That's what I would suggest, but.

17 MR. BROWN: Are you looking at Other Business?

18 MS. HEGLER: Yes, sir.

19 MR. BROWN: That's 2013?

20 MS. HEGLER: No, sir.

21 MS. CAIRNS: That's a typo.

22 MR. BROWN: It says 13, that's why.

1 MS. HEGLER: And I believe the 6<sup>th</sup> is a when? Thursday. And then the 10<sup>th</sup>  
2 would be the following Monday.

3 CHAIRMAN PALMER: I know that historically when we moved it to a Thursday, it  
4 drops off people's calendars cause they've got a rotating thing on Mondays. I think we  
5 have a better chance on Mondays than we do on Thursdays.

6 MS. CAIRNS: I prefer we push it to Monday.

7 CHAIRMAN PALMER: Does that sound good to everybody, the 10<sup>th</sup>? Do we  
8 have a motion to move the November meeting to the 10<sup>th</sup>?

9 MR. THEUS: So moved.

10 MR. BROWN: Second.

11 CHAIRMAN PALMER: We have a motion and a second. All those in favor say  
12 aye.

13 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus, Brown]*

14 CHAIRMAN PALMER: Comprehensive Plan update?

15 MS. HEGLER: Yeah, we've spent the last month getting a lot of our marketing  
16 materials together, kinda getting a web site worked on, that will be up and running, I  
17 think, tomorrow. We'll send you a link as soon as we have it. Just because we want to  
18 certainly advertise as much to the public as we can what we're doing. Our first round of  
19 public meetings will be the week of April 7<sup>th</sup> and I can send you guys a detailed listing of  
20 that. We're gonna have five different meetings throughout the county. That'll be our first  
21 set so that'll be kind of a come, here what we're doing, start to gather some input. Then  
22 we'll have two more sets of those meetings; midway and then at the end. So we're  
23 gonna have a pretty robust meeting schedule. Would love to have you there. Our first

1 meeting actually is gonna be a joint one with the city, that's the night of April 7<sup>th</sup>, so this  
2 is a good opportunity to work on those in-town districts for us and do it with the city.  
3 Cause you remember, the city's updating their Comprehensive Plan at the same time,  
4 using the same consultant, so we're excited about that overlap. And then there'll be four  
5 more meetings throughout the week in unincorporated parts of the county. So I'll get  
6 that list to you, would certainly encourage you to attend as many of those as you can.  
7 Again, we'll send you a link to the web site which we'll be advertising these to public as  
8 well.

9 MS. FRIARSON: What time on the 7<sup>th</sup>?

10 MS. HEGLER: It will be at 6:30. And I'll send you more detail listing.

11 MS. FRIARSON: Thank you.

12 MS. HEGLER: So please come to as many as you can. And I think that's a good  
13 update for now. We've just been getting a lot of the background work going, logo,  
14 concept, theme, web site, trying to narrow down meeting times and spaces and places  
15 and data collection. So the consultants are, they're definitely off and running and are  
16 working hard to gather all the data they need for that first meeting. So they can be as  
17 informed about the county as they can.

18 CHAIRMAN PALMER: Okay.

19 MR. PRICE: Not to jump back. Under your Other Business, just want to point out  
20 that if you have the meeting on the 10<sup>th</sup>, what that does is it falls within that 15 day  
21 window before it goes to County Council for the Applicant to be able to ask for a  
22 deferral, or even a withdrawal. So if, once you meet on the 10<sup>th</sup>, the Applicant would be  
23 then forced to go to the zoning public hearing.

1 MS. HEGLER: From an advertising perspective we're fine. We'll go ahead and  
2 already advertise for CPH, but it just puts the Applicant within that window of being able  
3 to take themselves out.

4 MR. PRICE: Right.

5 CHAIRMAN PALMER: Do you see that as a legal issue?

6 MS. HEGLER: Hum-um (negative).

7 CHAIRMAN PALMER: Just not normal? Okay. Do you see a problem with it,  
8 Geo?

9 MR. PRICE: I know you like to look after the Applicants a lot of times, so I was  
10 just wanting to point that out.

11 CHAIRMAN PALMER: Thanks.

12 MS. HEGLER: And we will advise them of that as well, any Applicants going on  
13 the 11<sup>th</sup>, on the 10<sup>th</sup>.

14 CHAIRMAN PALMER: Okay, anything else on the Comprehensive Plan update?

15 MS. HEGLER: No, sir.

16 CHAIRMAN PALMER: The Director's Report of Action?

17 MS. HEGLER: Just for information.

18 CHAIRMAN PALMER: Did everybody get those this time?

19 MS. HEGLER: I don't think there's anything in there, cause we didn't have a  
20 January public hearing because of the snow storm and we did not have any DOT. So no  
21 information.

22 CHAIRMAN PALMER: Okay. Do we have a motion to adjourn?

23 MR. THEUS: So moved.

1 MR. TUTTLE: Second.

2 CHAIRMAN PALMER: All those in favor say aye.

3 *[Approved: Cairns, Friarson, Joyner, Tuttle, Palmer, Gilchrist, Theus, Brown]*

4

5 *[Meeting Adjourned at 2:15pm]*

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7