

RICHLAND COUNTY PLANNING COMMISSION
January 9, 2012

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4 *Present: Heather Cairns [in at 1:12pm], Olin Westbrook, Kathleen McDaniel, David*
5 *Tuttle, Patrick Palmer, Stephen Gilchrist, Deas Manning [in at 1:05pm], Howard Van*
6 *Dine, III, Wallace Brown, Sr. [in at 1:06pm]*

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Called to order: 1:00 pm

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CHAIRMAN PALMER: We'll call the January meeting of the Richland County
10 Planning Commission to order. Let me read this into the Record, in accordance with the
11 Freedom of Information Act, a copy of the Agenda was sent to radio, TV stations,
12 newspapers, persons requesting notification, and posted on the bulletin board in the
13 lobby of the County Administration building. Alright, first thing we have on the Agenda
14 is the election of officers. I guess we'll open it up for nominations. We'll go down, I
15 guess do Chair, Vice-Chair and Secretary, no Treasurer since we don't have any
16 money. [laughter]

17

MR. TUTTLE: Mr. Chairman, I'd like to make a nomination that Patrick Palmer be
18 nominated for Chairman.

19

MR. WESTBROOK: I'll second.

20

CHAIRMAN PALMER: We have a motion and a second. Any other motions or
21 nominations? All those in favor please signify by raising your hand.

22

[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine; Absent for vote:
23 *Cairns, Manning, Brown]*

24

CHAIRMAN PALMER: None opposed. Vice-Chair, do we have any
25 nominations?

1 MR. GILCHRIST: Mr. Chairman, if I may I would like to nominate Mr. Tuttle,
2 David Tuttle as Vice-Chair of the Commission.

3 MR. WESTBROOK: I'll second.

4 CHAIRMAN PALMER: We have a motion and a second for Mr. Tuttle for Vice-
5 Chair. I assume that's accepted.

6 MR. TUTTLE: Sure.

7 CHAIRMAN PALMER: All those in favor please signify by raising your hand.

8 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine; Absent for vote:*
9 *Cairns, Manning, Brown]*

10 CHAIRMAN PALMER: None opposed. And for Secretary. Do we have any
11 motions? Anyone? Mr. Van Dine, would you care to serve as Secretary? I'll make a
12 motion.

13 MR. VAN DINE: Sure.

14 CHAIRMAN PALMER: I nominate Mr. Van Dine.

15 MR. VAN DINE: What are my duties?

16 MR. GILCHRIST: Second on that.

17 CHAIRMAN PALMER: I made a motion, we have a second. All those in favor
18 please signify by raising your hand.

19 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine; Absent for vote:*
20 *Cairns, Manning, Brown]*

21 CHAIRMAN PALMER: There's none opposed. Well, I appreciate the
22 confidence. Thank you all. The December Minutes, did everybody have a chance to
23 read over the December Minutes?

1 MR. GILCHRIST: Yes, sir.

2 CHAIRMAN PALMER: Any –

3 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we accept the
4 December Minutes as submitted.

5 MR. GILCHRIST: Second.

6 CHAIRMAN PALMER: We have a motion and a second. All those in favor
7 please signify by raising your hand.

8 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine; Absent for vote:*
9 *Cairns, Manning, Brown]*

10 CHAIRMAN PALMER: Road name approvals?

11 MR. VAN DINE: So moved. [Names approved: Misty Lane, Hollow Oak Lane,
12 Catkin Lane, Peach Creek Drive, Walnut Hill Lane]

13 MR. GILCHRIST: Second.

14 CHAIRMAN PALMER: We have a motion and a second to approve the road
15 names. All those in favor please signify by raising your hand.

16 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine; Absent for vote:*
17 *Cairns, Manning, Brown]*

18 CHAIRMAN PALMER: None opposed. Any Agenda amendments?

19 MR. LEGER: Mr. Chairman, it's my understanding that the first case, number 12-
20 01 has been removed from the Agenda, withdrawn at the permission of Mr. Price and
21 through the Applicant, a request by the Applicant.

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

23 MR. VAN DINE: Is it withdrawn or is it deferred or what? I mean, what –

1 MR. LEGER: I'm sorry, I think it's gonna come back next month. That's my
2 understanding.

3 MR. VAN DINE: Mr. Chairman, I'll move that we defer this case number 12-01
4 until the next meeting.

5 MR. TUTTLE: Second.

6 CHAIRMAN PALMER: Any other Agenda amendments? All those in favor –

7 MR. VAN DINE: We need to vote on that.

8 CHAIRMAN PALMER: Yeah, I'm going to as soon as – I'm gonna put it all under
9 the Agenda amendments, if there were any others. Are there any other Agenda
10 amendments? All those in favor to amend the Agenda in order to defer case number
11 12-01MA till next month please signify by raising your hand.

12 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Van Dine; Absent for vote:*
13 *Cairns, Manning, Brown]*

14 CHAIRMAN PALMER: None opposed. Case number 12-02MA, please.

15 **CASE NO. 12-02MA:**

16 MR. LEGER: Thank you, Mr. Chairman. Good afternoon, everyone. This, our
17 second case or first case for the month, project number 12-02MA. The Applicant is
18 Randall Mosteller and representing Mr. and Mrs. Mosteller. The property is located at
19 2140 Dutch Fork Road and it's about a half an acre in size. It's currently zoned RU,
20 Rural District, Rural Residential District and the Applicant is requesting the GC, General
21 Commercial District. Again, the property is located on Dutch Fork Road and this, the RU
22 District is the original zoning from 1977. The property to the north is somewhat
23 sandwiched between the subject property and the railroad line and is currently

1 undeveloped and zoned RU. The property to the south is zoned Planned Development
2 and is the location of The Heritage at Lowman, which is assisted living, mostly
3 residential complex. To the east property, to the east and west property is zoned GC,
4 General Commercial and occupied by commercial uses; a barber shop and a food store
5 to the east and Stanick Metal and Roofing to the west. This property is located in our
6 priority investment area of the northwest where commercial and office activities are
7 generally located on arterial roads and traffic junctions or areas where other commercial
8 facilities are located. In our analysis we found that that is the case, there is a significant
9 amount of commercial properties, non-residential properties along Dutch Fork Road
10 here. Based on those commercial uses, the surrounding commercial zoning and the
11 recommendation of the Comprehensive Plan, our Staff recommends approval of the
12 rezoning at this time. If you have any questions I'll be glad to try and answer them.

13 [Manning in at 1:05pm]

14 CHAIRMAN PALMER: I have a question, does the same owner own the tract of
15 land behind this? Do you know?

16 MR. LEGER: I don't know. Tom, do you have any idea on that one?

17 MR. DELAGE: I don't.

18 MR. LEGER: No, don't know.

19 CHAIRMAN PALMER: The Applicant is not here to the best of my knowledge.
20 Okay, and there's no one signed up to speak.

21 MR. VAN DINE: Mr. Chairman, I want to make a two-prong comment if we can
22 at this point in time. I would move we send this forward with a recommendation of
23 approval, but at the same time in light of the fact that the property behind it is

1 landlocked, I mean, it's still in the same position and with the railroad tracks behind it, it
2 would be my suggestion that we instruct the Staff to seek a way to make that one a GC
3 as well. It doesn't make any sense for it to remain in the RU setting and I think we
4 ought to be able to somehow proactively rezone that into the proper classification.

5 [Mr. Brown in at 1:06pm]

6 CHAIRMAN PALMER: That was some of what I was gonna mention.

7 MR. VAN DINE: The first part was in the form of a motion. The second part is
8 just a comment.

9 MR. TUTTLE: Second.

10 CHAIRMAN PALMER: We have a second to the motion. You know, I've long
11 since took a stance that, whether up or down zoning I'm not really for proactive zoning
12 but however, I would be in favor of cases like this where we do see where it just
13 completely makes sense that any adjacent property owners, while you're doing the work
14 for, for example for this site, the same knowledge is gonna flow over into adjacent
15 pieces and that when you notify the adjacent property owners as to a rezoning that's
16 gonna occur when you send out, you know, perhaps if you're gonna – I guess what I'm
17 getting at is I'd like to notify these property owners, like the back property owner, that
18 this, we are recommending approval, the Staff is recommending approval for this
19 property to be zoned General Commercial based on these criteria and if you would like
20 this, your property could possibly receive the same approval, or something to that affect,
21 if you would like to come in for a rezoning at the same time. I mean, this just makes
22 logical sense for this site in the rear to be General Commercial as well. But, you know,

1 along Howard's line of thinking, is that something that Staff thinks they could kind of
2 take a look at in the future, Geo?

3 MR. PRICE: I mean, we could but what it may result in is the original applicant's
4 case being deferred if we were to hear them all together. Or we could just start hearing
5 them separately.

6 CHAIRMAN PALMER: Oh no, I would take a look at them separately.

7 MR. VAN DINE: Yeah, I'm not suggesting we do them together. But I mean, this
8 just, I mean, it's landlocked, it's backed by, everything else around it is GC and the
9 railroad track is backing up on it. You're not gonna do much else with it.

10 MR. PRICE: Yeah, I don't, I actually, I totally agree with you. And maybe even
11 from a Staff's standpoint or even from the Planning Commission, maybe this should've
12 been done during some of the other rezonings that took place in this little triangle area.
13 You know, clearly we see this but as far as going back to you original motion, of course,
14 the Planning Commission can vote to proactively rezone this. It's not something you
15 have to wait for Staff.

16 MR. VAN DINE: That wasn't part of the motion to actually rezone the second
17 piece. It was a suggestion that Staff take a look at that. I mean, there is a down side
18 obviously to the property owner and that is if it goes GC then it has a higher value and it
19 could be taxed differently. But, so I don't want to just say, let's do it, but I think as Mr.
20 Palmer was saying, we ought to be in a position to at least approach that other property
21 owner and say, hey look, this is going forward, you may want to think about doing the
22 same thing with your property.

23 MR. MANNING: What if the owner is the same, front to back?

1 MR. VAN DINE: I still think we have to be able to talk about each piece of
2 property separately. Now they can combine the two of them together obviously for one
3 rezoning request, but if it is the same owner back then I would strongly encourage the
4 Staff to say let's do it all at the same time.

5 MR. PRICE: I think we could look at the cases that are very obvious with the
6 remaining parcels as to getting them to come in and discuss it with them.

7 CHAIRMAN PALMER: And I think just to that point, and not to belabor this any
8 further, is that there are some areas that the Staff may have identified in the county that
9 need to be addressed as far as zoning that don't make sense anymore as to where they
10 are and perhaps we can maybe have something on our next Agenda or whenever you
11 guys feel comfortable to bring forward possible rezonings and see if want to send them
12 a notice or a letter or something saying that this is the way the county recommends that
13 the property be rezoned or, or something to that affect.

14 MR. PRICE: Yes, sir. And there are a few and we've also discussed this with
15 some of the Councilmembers that there are certain areas in their district where clearly
16 the zoning is not appropriate where it is and maybe they should look at proactively
17 rezoning it.

18 CHAIRMAN PALMER: Okay. Anything else, Howard?

19 MR. VAN DINE: [Inaudible]

20 CHAIRMAN PALMER: Alright. We got any other comments or questions on the
21 motion? All those in favor please signify by raising your hand. All those opposed?

22 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine;*
23 *Abstained: Brown; Absent for vote: Cairns]*

1 MR. BROWN: Mr. Chairman, I wasn't here on time so I abstained.

2 CHAIRMAN PALMER: Understood. Just to let everyone know we're a
3 recommending Body to County Council. They will have final say on these matters and
4 they will meet back in these chambers on January the 24th for their final vote on the
5 rezoning hearings. Case number 12-03MA.

6 **NO. 12-03MA:**

7 MR. LEGER: Thank you, Mr. Chairman. The applicant in this case is Novella
8 Taylor representing the property owners Peter and Deborah Giglotti. The property is
9 located at 2233 Clemson Road and is almost two acres in size. It is currently zoned
10 RU, Rural District, and that is the original zoning from 1977. The applicant is requesting
11 an NC, Neighborhood Commercial District. In the surrounding area you've got, for the
12 most part, residential uses. To the north the property is zoned RS-MD and to the
13 southeast and west the other properties are zoned RU and are either undeveloped or
14 occupied residentially. Our Comprehensive Plan recommends suburban in this
15 instance where commercial and office activities should be located at traffic junctions or
16 areas where there is existing commercial and office use. The Staff could not find where
17 that was the case. As I mentioned previously most of the uses surrounding this
18 property and nearby are residential in nature. There are some non-residential uses in
19 each direction further down Clemson Road closer to Hardscrabble or closer to Barton
20 Creek Court but in this immediate vicinity it's mostly residential. For that reason the
21 Staff felt that an NC, Neighborhood Commercial District, because of the other properties
22 having yet to develop commercially, would remain appropriate for the RU District and
23 would be premature to rezone this property to NC. If you have any questions I'll be glad

1 to try and answer them. Otherwise, the Staff recommends disapproval of this
2 application.

3 CHAIRMAN PALMER: Any questions for Staff? Novella Taylor? I know you're
4 the Applicant but we've got Asuneth – yes, ma'am, would you like to come up and
5 speak? And if you could we'd like to limit the comments to two minutes and if you
6 would, everyone give your name and address for the Record.

7 **TESTIMONY OF DR. SUNETHA(?)**:

8 DR. SUNETHA: My personal address or address of the property?

9 CHAIRMAN PALMER: Your address.

10 DR. SUNETHA: Okay. Alright, good afternoon. I'm Dr. Sunetha Morthala(?). My
11 address is 400 Eagle Point Drive, Columbia, South Carolina. I'm a rheumatologist. I
12 am, I have a contract to purchase this property, 2233 on Clemson Road, to use it as a
13 medical office building. I currently practice in Lexington, but most of my patients, I have
14 maybe over 2,000 patients, at least half of them come from the northeast area, I live in
15 northeast and I picked Clemson Road because of the 2000 patients it would give them
16 easy access. Clemson Road connects 77 and 20. And it would be a solo practice, it
17 would be myself and an RN. We would see maybe 15 patients a day and we would be
18 open four days a week. One day of the week I'll be working at an indigent clinic. So it's
19 not gonna cause too much traffic and we would only have maybe at a time four cars in
20 the parking lot. And on a personal note, all of the medical office space that's available
21 that's already ready to go is sort of out of my price point. I take care of disadvantages
22 patients, most, I take care of patients with arthritis so they're on medical disability or
23 they're elderly and they're on Medicare and fixed income. So if I'm gonna provide

1 affordable care for these patients I kind of have to keep my overheads low and that's
2 the idea that I'm pursuing to rezone and, and as far as remodeling I would keep the
3 exterior structure as is so there's not too much disturbance for the neighbors and just a
4 few drywalls just to make exam rooms. And I also saw the neighboring property
5 immediately left to this property, it's actually on the market to be sold as commercial
6 land and I saw it but that's not in condition to just repair and use. It's actually a tear
7 down, so. And a lot of the, and also when I picked the rezoning, the Code, I basically
8 looked, picked between NC and OI cause of the three properties adjacent, not the
9 immediate right one but the three adjacent on the right side are Neighborhood
10 Commercial and there's actually a family medicine practice not immediately left but two,
11 maybe two lots over and that was OI. And I figured, you know, both of them would
12 allow me to open a medical practice so I just kind of picked one Code. Thank you for
13 your time and I would hope you would reconsider the various aspects that I have
14 presented so I could use this for a medical office.

15 CHAIRMAN PALMER: Any questions? Thank you. Novella Taylor?

16 **TESTIMONY OF NOVELLA TAYLOR:**

17 MS. TAYLOR: Good afternoon. I'm Novella Taylor. I live in Elgin. I am a
18 realtor with ERA Wilder Realty and I just wanted to let you all know that Sunetha will put
19 a nice practice in there and I think that since we've had no complaints about, since the
20 signs have gone up, the rezoning signs, we've had no complaints about the practice
21 going in. And I think that with the area developing into commercial properties, a doctor's
22 office would be a good fit for that area. And we already have a buyer for the property,
23 it's not like the other two pieces of NC zoning that had been rezoned. There is a buyer

1 for this property and she really does want to purchase it and move forward with, you
2 know, putting her practice in there. So I too would wish that you would reconsider the
3 zoning and allow her to do business in there. There are quite a few businesses on that
4 street and I don't know how else we can approach it other than to say that it is a
5 practice for indigent people and that is a need that we have right now. Thank you.

6 MR. MANNING: Ms. Taylor? During the rezoning process were you in
7 conversations with the Staff about OI versus Rural [inaudible]?

8 MS. TAYLOR: No, I was not. I came down with my application and they just
9 showed me the zoning instructions. Yeah, or the zoning types there were and I think we
10 just kind of decided that Neighborhood Commercial, because of it being a neighborhood
11 and also being a commercial property that that probably would've been the best.

12 MR. MANNING: Thank you.

13 MS. TAYLOR: You're welcome.

14 CHAIRMAN PALMER: Paul Arvey?

15 **TESTIMONY OF PAUL ARVEY:**

16 MR. ARVEY: My name is Paul Arvey, I live at 60 Sweet Thorn Circle in Irmo and
17 I am the, with Russell & Jeffcoat and I'm Mr. Giglotti's selling agent, listing agent for the
18 property. I felt it was important to let you know that we've had this property on the
19 market for, for just a little over 300 days as a residential property and under that entire
20 time virtually every inquiry that we've had has been a commercial inquiry. We've had no
21 residential inquiries. So, and we do have a buyer for this property, which kind of makes
22 us feel that with the other NC commercially zoned properties there, this is, this could
23 very well open doors for those property owners. And if you're looking at the map on

1 there, the property immediately to the west of Mr. and Mrs. Giglotti's property is not, is
2 still zoned Rural but they are desiring to sell it commercially if they can find someone to
3 buy it and apply for rezoning. So the area or this corridor of Clemson Road is not so
4 rural as it once was when the area was first developed. It seems to be that it's
5 becoming more and more commercially desirable.

6 CHAIRMAN PALMER: Okay, thank you. Pete Giglotti?

7 **TESTIMONY OF PETE GIGLOTTI:**

8 MR. GIGLOTTI: Hi, my name's Pete Giglotti, 2233 Clemson Road, and I am the
9 homeowner. I've been there almost 20 years and I had five kids when I got there and
10 two ponies and a dog and, you know, I'm raising this family, a wonderful place to raise a
11 family. One of the things that happened over the last 18 years or 20 years was the fact
12 that, you know, progress catches up to you and it did on Clemson Road. And it kind of
13 wasn't a big favor getting five lanes out there. One of the ponies got hit and I lost a
14 couple dogs on the way. But now my kids are grown up and they have kids and my
15 grandkids come over and it's not conducive to having little grandkids running around
16 with a five lane highway in front of you. So we're selling it this way because we can. I
17 think this is our best option, but when you sell a property like this, we're not, we're not
18 trying to make this big killing going commercial, we're asking residential price for a, you
19 know, if it does turn commercial. But like my realtor said the way to sell this is gonna
20 probably be do that because everything has caught up to us and that's, you know, it's
21 not conducive for raising kids any more, it's conducive – this is a perfect situation, it's
22 like a kind of no-brainer, the community gets a doctor's office. My doctor moved down
23 the block a few blocks away and there's a dentist that has an office there and he's my

1 new dentist, but that's down on the other side, but it's, like I said, people understand
2 that the community needs these services and I'm just delighted that she chose our
3 place and it'll, I think that it'll be a good thing for her and a good thing for the community.

4 Thank you.

5 CHAIRMAN PALMER: Thank you. That's all we've got signed up to speak.

6 MR. TUTTLE: Mr. Chairman, if I may. I'd like to make a recommendation that
7 we send case 12-03MA forward to Council with a recommendation of approval.

8 MR. MANNING: Second.

9 MR. TUTTLE: And I think I have to give you a compelling reason at this point
10 since it's going against the Staff recommendation. And I think clearly that the area has
11 kind of passed the Comprehensive Plan by and being on a five lane road between
12 Hardscrabble and Killian and the interstate, etc., I think clearly this area over time is
13 gonna evolve and all be commercial, so that's my justification.

14 CHAIRMAN PALMER: I would agree and I'm just looking here, we've got one,
15 two, three, four lots really, you've got three flag lots in here but you've really got four lots
16 located between this Neighborhood Commercial, really pretty close to the intersection of
17 Clemson and Hardscrabble. Then you've got this, you know, PDD right next to it which
18 sandwiches these lots in. They're obviously not Rural, you know, it's just – I couldn't
19 agree with you more in that and [inaudible] as well this kind of goes to what we talked
20 about earlier is where it makes since to fill in gaps, so anyhow I would agree. Any other
21 comments? We have a motion to send this forward to Council with a recommendation of
22 approval. All those in favor please signify by raising your hand. All those opposed?

1 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Brown;*
2 *Opposed: Van Dine]*

3 CHAIRMAN PALMER: Again, we're a recommending Body to Council. They'll
4 have final say on this, what is it, the 24th? I would recommend that you come back to
5 the Council Chambers for that public hearing as well. Thanks. Text Amendments.

6 **TEXT AMENDMENT #1:**

7 MS. LINDER: Mr. Chairman, Members of the Planning Commission, the first Text
8 Amendment is purely clean up language. It's adding some zoning districts that were
9 previously, that are fairly new and so we're adding those into the language. And then
10 it's just identifying the correct section numbers, and you'll see all the amended language
11 in red. So again, it's just clean up language.

12 CHAIRMAN PALMER: Okay.

13 MR. VAN DINE: Mr. Chairman, I move we send this ordinance change forward
14 with a recommendation of approval.

15 MR. BROWN: Second.

16 CHAIRMAN PALMER: We have a motion and a second. We don't have anybody
17 signed up to speak on any of the Text Amendments, just for future knowledge. We have
18 a motion and a second. Any other discussion? All those in favor please signify by
19 raising your hand.

20 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
21 *Brown]*

22 CHAIRMAN PALMER: None opposed. Next one.

23 **TEXT AMENDMENT #2:**

1 MS. LINDER: The second Text Amendment is back before you again. I think
2 you've seen this before and there was some questions about the size of the, of the
3 group home. I did contact – you'll see that there's a memo in the file on page 21 and
4 we're recommending that the size, I think there was concern that you increase the size
5 of the home and we did to 6,000 square feet, and that would be something that the
6 building official would be comfortable with, as well as it would meet all DHEC
7 requirements. I believe that that is the only change and you'll see that change on page
8 28 of your Agenda.

9 CHAIRMAN PALMER: Mr. Brown?

10 MR. BROWN: Would these facilities be licensed?

11 CHAIRMAN PALMER: Will the facilities be licensed via DHEC?

12 MS. LINDER: That is correct.

13 CHAIRMAN PALMER: Yes.

14 MR. BROWN: Thank you.

15 CHAIRMAN PALMER: Mr. Manning?

16 MR. MANNING: I have a couple of questions. First, I was just curious as to what
17 the, the reasoning was for Mr. Webb's recommendation of 6,000 versus 7,000 or 4,500?
18 I mean, is there a any method to the madness in this or is that just a compromise?

19 MS. LINDER: I, I hesitate to answer for Mr. Webb but I think it's based on the
20 type of structure and the use of the structure.

21 MR. MANNING: Is there any difference between assisted living and group
22 housing? I mean, is the definition in quotations supposed to be the same or are we
23 talking about different animals here?

1 MS. LINDER: I think we're talking about similar, if not identical. It's just maybe
2 the, the terminology is a little bit different, how we use it and how they use it.

3 MR. MANNING: Right. But group homes can have clientele that's not assisted
4 medically, correct? I mean –

5 MS. LINDER: I believe so.

6 MR. PRICE: Yes.

7 MR. TUTTLE: Ms. Linder, you concurred with Mr. Webb's conclusion of 6,000
8 feet. If you can't speak for Mr. Webb could you tell us your rationale behind the 6,000
9 square foot number?

10 MS. LINDER: Prior to that we had 5,000 and, and again we're talking about a
11 group home so if we're gonna keep it as home aesthetically as a home I would hesitate
12 to go up too much higher. But the 6,000 just seemed like a good compromise, a good
13 basis, a reasonable basis for it. It just seemed like a good number and especially if
14 that's what the building official, I certainly defer to their expertise.

15 MR. TUTTLE: Okay, fair enough. Thank you.

16 MR. BROWN: Mr. Chairman, the licensure by DHEC [inaudible] the number of
17 persons that can be housed in these locations, is that correct?

18 MS. LINDER: That is correct.

19 MR. BROWN: Thank you.

20 CHAIRMAN PALMER: Any other questions?

21 MR. VAN DINE: Mr. Chairman? It seems to me that 6,000 is sort of an arbitrary
22 number that's been thrown out there and I'm reading the – it says the maximum size
23 allowed would be 7,000 and it seems to me that the extra 1,000' to get to the maximum,

1 which is what people are gonna be allowed, would normally be allowed to, I don't have
2 a problem with going to the 7,000 square foot size on that particular type of a project. I
3 mean, obviously if we were talking 26,000 I might have a problem, but the 7,000 seems
4 to fit with the character of what we're trying to do and 6,000 is kind of just sort of an
5 arbitrary number and I'd rather go with the justifiable, which is the maximum size of
6 7,000.

7 MR. MANNING: I agree with you.

8 CHAIRMAN PALMER: I'd agree with you. Anything else?

9 MR. MANNING: One other thing, Mr. Chairman. It seemed to me that we were,
10 this amendment should have really only applied to the Rural designation, shouldn't it?

11 CHAIRMAN PALMER: Unless they're looking to add it to those other districts.

12 MR. MANNING: It looks to me like in the draft on the next page, on page 22 it's
13 inclusive of, you know, all the zoning classifications. And we know that you can put a
14 larger structure in commercial zoning districts than 7,000 square feet.

15 CHAIRMAN PALMER: So you think that –

16 MR. MANNING: I was under the impression this was limited to a Rural –

17 CHAIRMAN PALMER: Right. So the –

18 MR. MANNING: - classification only.

19 CHAIRMAN PALMER: - so what you could do is say that a 6,000 square foot
20 maximum unless the underlying zoning classification allows for a larger structure to be
21 built.

22 MR. MANNING: Well, you know, Mr. Van Dine I think would like 7 and I would
23 too.

1 CHAIRMAN PALMER: Right, 7,000 square foot unless a larger structure. But
2 then you could typically then build a 26,000 square foot –

3 MR. MANNING: But if you were in commercial you could do a 26,000 if you had
4 the right configuration and land size.

5 CHAIRMAN PALMER: Right.

6 MR. VAN DINE: It seems to me that the, the 7,000 ought to apply to the RU and
7 the, what's been listed under RM-HD and that ought to be the size that fits in there. The
8 rest are commercial or some other form of it and I don't have a problem with, with a
9 straight dealing with it in that sense, but I mean, I would think the 7,000 – and
10 regardless of whether the zoning classification could allow something more than that, I
11 think that we ought to be capping it at those, for those two categories at the 7,000.

12 CHAIRMAN PALMER: Right.

13 MR. VAN DINE: And the others would, would be open to whatever, you know,
14 7,000 or if it allows more in those classifications. So I think we really need two
15 approaches; one is as to the RU and the RM-HD, and the other is as to the OI, NC, RC
16 and GC.

17 CHAIRMAN PALMER: But all the other special requirements would apply in all
18 districts.

19 MR. VAN DINE: Correct.

20 CHAIRMAN PALMER: Just, just the size.

21 MR. VAN DINE: The size would only, the size of 7,000 limitation would only
22 apply under the RU and the RM-HD. Otherwise, we deal with the, with whatever DHEC
23 allows to take place.

1 CHAIRMAN PALMER: Well, you got a 6,000 square foot limit in Neighborhood
2 Commercial.

3 MR. VAN DINE: Where are you looking?

4 CHAIRMAN PALMER: [Inaudible]

5 MR. MANNING: Are there any others that fall below here? The 7,000? Are
6 there any other restrictions, Ms. Linder, on the size that are below 7,000 square feet?

7 MS. LINDER: Well, again any structure's gonna have to meet building codes at
8 a minimum.

9 MR. MANNING: Right, but –

10 MS. LINDER: And then as far as the size goes –

11 MR. MANNING: - but you've restricted it to a square footage and I'm asking you
12 is there anything other than – I think Mr. Palmer was saying that 6,000 square feet is the
13 maximum in a Neighborhood Commercial?

14 CHAIRMAN PALMER: Correct.

15 MR. MANNING: Is there any other zoning classification that would restrict it?

16 MS. LINDER: I would defer to the Zoning Administrator. On the size of structures
17 in the different districts, is there a size limit in the Neighborhood Commercial District?

18 MR. MANNING: Or any other classification other than Neighborhood
19 Commercial? We already know that one's less than what we're proposing.

20 MR. PRICE: No, sir. Once you get into the commercial districts as long as you
21 can meet the setbacks and the parking there's no size restrictions.

22 CHAIRMAN PALMER: Neighborhood Commercial's got 6,000.

23 MR. PRICE: Well, he said other than Neighborhood Commercial.

1 CHAIRMAN PALMER: Okay. Alright.

2 MR. MANNING: But that's for any structure, correct? Or is that just –

3 CHAIRMAN PALMER: Neighborhood structures in the NC District shall have a
4 building footprint of not more than 6,000 square feet.

5 MR. MANNING: That's a [inaudible]

6 CHAIRMAN PALMER: [Inaudible]

7 MR. MANNING: Yeah, and that's – I'm not worried about that.

8 CHAIRMAN PALMER: Okay. So if you're gonna build them in a Rural you can
9 build 7,000. In Neighborhood Commercial you got to stay 6,000 cause everybody else
10 in Neighborhood Commercial around you has got 6 too.

11 MR. VAN DINE: Correct.

12 CHAIRMAN PALMER: Right.

13 [Inaudible discussion]

14 CHAIRMAN PALMER: Yeah, but you're – I guess if you're gonna go up two
15 stories you can build it two stories and get 12,000. But I wouldn't think that a home
16 would have a second story.

17 MR. TUTTLE: I mean, I, I don't know, I'm just – it might.

18 CHAIRMAN PALMER: Well, it could I guess, you can put elevators on them, but.

19 MR. VAN DINE: A group home doesn't – some people are not necessarily
20 handicapped so they can climb stairs to get to the second floor, so.

21 CHAIRMAN PALMER: Yeah, you could do two stories. But whatever's in that
22 district, I understand what you're saying, it's fair game for everybody in the district.

23 MR. VAN DINE: Right.

1 CHAIRMAN PALMER: Okay.

2 MS. LINDER: Again, keep in mind that we're, they're limited to 10 to 15 people
3 so you're –

4 MR. VAN DINE: Right.

5 MS. LINDER: - only gonna have that limited number of residents in the home.

6 MR. VAN DINE: Understood. I guess, I mean, I don't have a problem with the
7 change generally except that I think we ought to be in the 7,000 square foot in the RU
8 and the RM-HD. I think we leave NC the way that it's written and the other ones, if you
9 can fit it in the footprint or the size of the other districts then I think you, they could fit
10 beyond the 7,000.

11 MR. PRICE: We may want to include the Rural Commercial cause Rural
12 Commercial goes up to 20,000.

13 CHAIRMAN PALMER: Yeah, but if everybody else has 20,000 [inaudible].
14 That's what I'm hearing.

15 MR. PRICE: Okay.

16 MR. VAN DINE: I'm more concerned with the, the residential aspects of it. Once
17 you're into the commercials and the other, everything else, I mean, I think you're pretty
18 much, the market's gonna take care of it or the size is gonna take care of it on its own,
19 so I, my concern was more with the residential portions of, or classifications and that's
20 why I'm limiting the 7,000 that I'm talking about to just the RU and the RM-HD.

21 MR. MANNING: And I think that's the way this discussion was framed up initially
22 because we were talking about side setbacks in rural areas and, you know, what would

1 it be like to have a larger building next to a home on $\frac{3}{4}$ acre tract, you know, so I think
2 Mr. Van Dine's point is correct.

3 MS. LINDER: But would the Neighborhood Commercial have to be at, remain at
4 6,000?

5 MR. VAN DINE: It would be a 6,000 square footprint. That doesn't necessarily
6 mean it has to stay at 6,000. You can go up a story.

7 MS. LINDER: Okay.

8 MR. PRICE: So under (A), I guess subsection (A) we'd just remove the
9 maximum square footage for -

10 MR. VAN DINE: No. I think you have to break it into two sections.

11 MS. LINDER: Right. What I'll do is I'll move the RM down with the Rural in
12 subsection (B) and that'll be 7,000 square feet. The first group I'll take out the RM-HD
13 because we're moving it down, but the OI, the NC, RC and GC will basically say the
14 gross floor area of the group home shall meet the zoning district requirements.

15 MR. MANNING: Right.

16 MR. VAN DINE: That would be correct. That would be correct.

17 CHAIRMAN PALMER: I'm not even sure that we need the first part. We don't
18 need dealing with all these other – you can just, there's no real special requirements,
19 you know, if you can park in the front yard in Neighborhood Commercial you should be
20 able to park in it for a group home as well. I think we just, really what we're dealing with
21 here is the size of an orphanage, the size of the building and the – I think we're really
22 dealing with RU and RS-MD.

23 MR. VAN DINE: RM-HD.

1 CHAIRMAN PALMER: RM-HD.

2 MS. LINDER: What we could do then for the OI, NC, RC and GC is just make
3 them outright permitted uses.

4 CHAIRMAN PALMER: That's what I'm saying.

5 MS. LINDER: And just change the chart then, which is on page 23, instead of
6 saying special requirements just put a P there.

7 MR. VAN DINE: That's fine with me.

8 CHAIRMAN PALMER: Right. The only special requirements are gonna come in
9 the Rural and the RM-HD.

10 MS. LINDER: And then you want that to be 7,000 square feet.

11 MR. VAN DINE: Correct.

12 CHAIRMAN PALMER: Which is just (B) of 38(B).

13 MR. VAN DINE: And that would in the form of a motion and if you want me to
14 restate it I can try, but.

15 MR. TUTTLE: I want to talk about one other thing before you go there.

16 MR. VAN DINE: Okay. I will amend my motion if I like it. [laughter]

17 MR. TUTTLE: I was just concerned about 38(B)(4). When you start saying that
18 you have to park in the rear, which I understand, and then you have a driveway that
19 accesses the rear and it can't be any closer than 20' to the property line, I get the idea
20 of the buffer, I think you're gonna preclude a lot of existing structures from being used in
21 this manner. Because if you think about normally the side setback of a house and then
22 you can't, you have to have 20' and then you need another 15 to 20' for a driveway,

1 you're gonna be into the house a lot of times, so I'm not sure, I don't have a solution but
2 I just think there's a potential problem there.

3 MR. PRICE: I guess we could reduce it to 10', that would match what the
4 required buffer would be between properties.

5 MR. TUTTLE: Well, you know, you could keep a buffer but allow the driveway to
6 be in the buffer perhaps or something. I'm not sure if anybody's following me on the
7 geometry of the –

8 MR. MANNING: Oh, I understand exactly what you're saying. I mean, it is
9 problematic cause most existing structures, that driveway's gonna be within 10' of the
10 property line.

11 MR. VAN DINE: Let me make a suggestion, and that is let's deal with what we
12 have, set it, but let's have a discussion about that particular topic; instead of holding up
13 this, all of the topic, let's set the special requirements and moving it to permitted uses in
14 the other ones and then let's have the Staff come back to us with some
15 recommendations regarding that setback issue, cause I hear what you're saying and I
16 understand what you're saying.

17 MR. TUTTLE: Okay, so your suggestion would be that you want to go ahead
18 and pass it as is and then amend it in the future?

19 MR. VAN DINE: Yeah. And I think we can amend it at our next meeting and I'd
20 like to do it at the next meeting in order to have it in place to be able to do that.

21 MR. TUTTLE: Mr. Chair, if I can? Do you have any of these particular situations
22 pending?

23 MR. PRICE: One, but – yeah, one.

1 CHAIRMAN PALMER: Could you same, could the issue go away if, if this stays
2 in place but put in a or, perhaps an 8' privacy fence be put in on the property, or 6' or
3 something like that? In other words, if they meet this setback great, if they don't meet
4 the setback you've got to put in a privacy fence? I understand what Mr. Tuttle's trying to
5 do is trying to be able to use existing structures as they sit. And I can understand that.
6 I also understand that you're putting in the rural neighborhoods perhaps some additional
7 traffic that the neighbors aren't expecting to have eight homes in the car, I mean, in the
8 back yard. Eight cars, you know, 10 to 15 people living there.

9 MR. PRICE: Well, that is one of the things that, because you're looking at a
10 change of use, you're correct, it might be an existing home but they are changing that
11 from your traditional residential use to what is a group home and potentially with
12 enough, you know, more cars, more people there that, you know, they would have to
13 meet other requirements of our Code and I don't know for an additional setback from
14 the property lines would be an issue. I mean, they're gonna make the change, this may
15 be something that they would to do in association with the change.

16 MS. LINDER: And this is a one acre lot, minimum size is one acre.

17 MR. PRICE: In a rural lot, excuse me, rural zoning designation you're already
18 required to be 20' from the property lines anyway. So you're –

19 MR. TUTTLE: Right. So you could see if somebody had a house that met the
20 standard and they were 20' off the left property line, now they put their driveway in that
21 20' cause that's not part of the setback typically, it's normally the structure. So now we
22 have to have a 20' setback, so now all of a sudden their house is in the wrong place and

1 unless they have room on the other side perhaps to add a driveway they can't, they
2 can't use it.

3 MR. PRICE: Well, I believe in this case if we're gonna change this and we're
4 gonna put this more of into I guess a commercial type use or institutional use, they
5 would be required to put up a buffer between the adjoining property if it's not the same.
6 Thus, that buffer's gonna be at least 10', so what I was suggesting is that we change
7 that from 20' to 10' so you're gonna have your buffer and then, so it'll be, you'll always
8 ensure that that driveway is at least 10' from outside of the –

9 MR. TUTTLE: If we were to entertain that I would want it to be caveated only on
10 the driveway side. I think it's still appropriate to have it 20' on another side. I'm just
11 trying to figure out how to work the driveway out.

12 MR. PRICE: That, that would work well. That would work.

13 MR. MANNING: The rural classification the 10' may be not as big a problem but
14 in the RM-HD, you know, in an existing neighborhood, you would throw out probably
15 90% of the houses that are in there because the driveways are already over there. But
16 going back to what Mr. Van Dine said, I would, you know, unless everybody's ready to
17 go and agrees, I would be in favor of coming back and getting some additional
18 information on how we possibly split out rural and RM-HD cause those are two different
19 animals too.

20 MR. VAN DINE: And [inaudible] special requirements and, you know, so if you
21 need to have a second, you have to split the two requirements between Rural and RM-
22 HD, then that can be done. I mean, that's not, that's not an issue that can't be dealt
23 with. I just think we've had this floating around now for three months and it's time we

1 make a decision on the basic part of it and let's come back with the other part before we
2 –

3 CHAIRMAN PALMER: Would you be okay with your motion to leave out number
4 4 of (B) and have that addressed as soon as possible? Take the buffer out to address
5 Mr. Tuttle's concerns?

6 MR. TUTTLE: If you're asking me, I wouldn't be comfortable with that. I don't
7 want to give somebody a complete out on the buffer and then –

8 CHAIRMAN PALMER: I mean, cause you've got, you're talking about multi-
9 family property here which has significant buffers already, from residential buffers, from
10 a residential piece of property. I mean, you're talking about RM-HD and Rural.

11 MR. PRICE: I think keeping it as it is and then come back and revisiting it, this
12 later, I don't think we're gonna have a, you know, an influx of coming in between now
13 and February or March, so I think we'll be safe with it as is.

14 MR. VAN DINE: Yeah, I mean, I'd be more comfortable to leave it in and then
15 soften it down the road. And I think, and I agree with Mr. Tuttle, there does need to be
16 something to deal with that so that we can soften it to allow certain of these uses to take
17 place, so I mean, I'd like to, I'd like to – I don't think I want to amend the motion that I
18 made to deal with that at this point in time.

19 CHAIRMAN PALMER: Okay. Would you like to restate the motion?

20 MR. VAN DINE: The motion I made –

21 MS. CAIRNS: I have to cut in but just under (B)(1) change the word orphanage to
22 group homes.

1 MR. VAN DINE: Yeah. I didn't even see that but yes. And somebody correct
2 me if I've forgotten part of this, but I think that my motion was to send forward with a
3 recommendation of approval the amendments to this, the Text Amendments, putting in
4 under the, under (B), the RM-HD and to remove the square footage size to 7,000
5 square feet as opposed to 6. Let's make the change to the word orphanage as was just
6 suggested. The part (A) would not have a limitation of 6 or 7,000 square foot it would
7 be whatever that particular classification would allow.

8 MS. LINDER: Part (A) would disappear because we're gonna make the OI, NC,
9 RC, and GC as permitted.

10 MR. VAN DINE: That's right. You are right. So the, part (B) now becomes part
11 (A) and the group homes, 10 to 15, would be a permitted use in those commercial,
12 which would be OI, NC, RC and GC. Did I miss anything?

13 CHAIRMAN PALMER: I think that's got it.

14 MR. TUTTLE: Second.

15 CHAIRMAN PALMER: Any other discussion? All those in favor please signify by
16 raising your hand.

17 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
18 *Brown]*

19 CHAIRMAN PALMER: None opposed.

20 MR. VAN DINE: Mr. Chairman, if I could have one quick question. This goes to
21 something, we now have a group homes, 10 to 15, and I hate to open this can of worms
22 but what happens if there's more than 15? We don't have any classification or any
23 requirements in our Code for over 15. Before it was 10 or more.

1 MS. CAIRNS: They become institutional uses. Right, it becomes like a nursing
2 home basically.

3 MR. PRICE: Yes.

4 MR. VAN DINE: If that's true then that's fine with me. I was just making sure we
5 didn't leave a void out there somehow by eliminating –

6 MR. PRICE: It would just fall into another category.

7 MR. VAN DINE: Okay.

8 CHAIRMAN PALMER: Alright, last Text Amendment.

9 **TEXT AMENDMENT #2:**

10 MS. LINDER: I'll let the Zoning Administrator present their case.

11 CHAIRMAN PALMER: Mr. Price?

12 MR. PRICE: This is an ordinance that actually, a proposed ordinance that came
13 from the Planning Commission last month to allow repair and maintenance service,
14 automobiles, essentially major automobile repair and service establishments in the GC
15 district. Currently they're only allowed in the industrial districts and this ordinance would
16 allow them in the GC by special requirements. Staff was instructed to come up with a
17 few, at least what we feel would be some appropriate requirements if this were allowed
18 in the GC and they're on page 40. We kind of looked around at other uses in the Code
19 and kind of borrowed from them the best we could and [inaudible].

20 CHAIRMAN PALMER: The only issue that I have with it is under (B) where it
21 talks about so that they are not visible from any public road or from the ground level or
22 adjacent property used for residential or office purposes. I'd like to see some sort of
23 limit in here as far as the size of the solid walls, opaque fences, a maximum number in

1 there because of, just around the county, just the topography of parcels. I mean, you
2 could be talking about a 25' wall in some places maybe if it's down in a hole. You know,
3 there's just some reasonable expectation there as far as what you've got to do I guess.
4 You know, and if it's up on a hill how do you screen that reasonably too? I mean,
5 unless it's just a flat piece of property no problem, but if it's in a hole or it's up on the hill
6 you've got some issues. I mean, do you have any recommendations in that, 8', 10'?

7 MR. PRICE: [Inaudible] a number.

8 MR. MANNING: One of my concerns would be that this, you know, becomes a
9 junk yard and there needs to be some limitation of sale of parts to the public. I mean, if
10 they're doing repair that's one thing and they can store inside or screen, but you can't
11 screen a junk yard. So –

12 MR. PRICE: That was one of the concerns we had and we looked at a number of
13 existing essentially body shops and this would include this particular type, they would
14 fall into this category, so what you're looking at, there are gonna be some cases where,
15 you know, your car is damaged and you take it to the body shop and that's something
16 that they can repair. But you're also gonna have the ones that may have been towed
17 there and after they look at it they determine that, well you know, this is totaled. Where
18 do you want those cars established?

19 MR. MANNING: That's temporary situation. Junk yard though can be –

20 MR. PRICE: I, I hear you, yeah. Sometimes it starts off as a temporary and then,
21 you know, there are cases with just, you know, you have your good, reputable dealers
22 that you know they aren't gonna keep these on the property, they'll get rid of them. But

1 this does open this up to everyone and there may be those who say, well I'll keep this
2 for some of the parts from it.

3 MR. MANNING: Well, then can there be a limitation of the time that the, a
4 damaged vehicle could remain on the lot without repair and could there be a limitation
5 on sales of parts to the general public as opposed to fixing the car itself? Because that's
6 what a junk yard does.

7 CHAIRMAN PALMER: Right.

8 MS. CAIRNS: I also think it could be an enforcement nightmare.

9 CHAIRMAN PALMER: It only becomes an enforcement issue though if
10 somebody complains about it. That's really where we come in and, you know, and
11 somebody would say, hey look, this guy's turned this into a junk yard, that's when the
12 enforcement would come in and they'd [inaudible] and say, okay look this car was here
13 60 days ago, it hasn't moved, you're in violation, you got to get it out of here. [Inaudible]
14 If you're just out proactively driving around saying, let me go check all these cars, yeah,
15 it would be a nightmare.

16 MS. CAIRNS: No, but I mean, how do you – what's the proof to show that it's
17 been sitting there for six months? He said/she said?

18 MR. PRICE: Well, one of the problems with, I guess with the argument, Mr.
19 Chair, is that there might be a case where they're just sitting there and nobody
20 complains and they sit there for a month, they sit there for a year and after a while it
21 does become a junk yard. And then once someone calls in a complaint, you have a
22 junk yard with cars that have been sitting there for years, a number of cars. Now we're

1 trying to clean those up going back, trying to find out how long they've been there. I
2 mean, it's easier if someone calls in immediately and says that this is -

3 CHAIRMAN PALMER: I think for then you would start forward. Like if we put a
4 30 or a 60 day timeframe on there that no vehicle can be stored on the facility for more
5 than 30 or 60 days, then if somebody calls and complains and you go over there and
6 you say, man look at this, your 60, you could only then start from that 60 days and say,
7 okay guys you have 60 days to have these vehicles out of here because of the current
8 ordinance, it's been brought to our attention, I see all this here, here's my evidence of it,
9 I'm coming back in 60 days, these need to be gone.

10 MR. MANNING: Helping the consumer. You're helping the consumer.

11 CHAIRMAN PALMER: Yeah. You see what I mean?

12 MR. PRICE: I hear you.

13 MS. CAIRNS: I mean, I can offer, I thought a lot about, knowing that this was
14 coming and thinking about this idea of putting major motor, you know, repair in GC and I
15 can offer that I think any outside storage of the vehicles is a problem. I mean, because
16 the nature of – I mean, there is a reason why we've limited repair, you know, body
17 shops to industrial districts and I think just fundamentally letting them into GC is
18 problematic. So I mean, for me if it said that all vehicles have to be stored inside, then
19 I'd be fine with that, but I think any outside storage is just, it doesn't, I mean, we don't
20 need to put major automotive body shop repair, outside storage in General Commercial
21 Districts. I mean, so I'll just offer that I'm, you know, I'm not looking to tweak this except
22 for maybe if they wanted to store them inside.

1 CHAIRMAN PALMER: I mean, it just, you know, for example if a auto body shop
2 has 15 cars, they've got to have a 15 car garage to store their vehicles while they're not
3 working on them. I mean –

4 MS. CAIRNS: Right.

5 CHAIRMAN PALMER: I mean, that's just –

6 MS. CAIRNS: That's why we don't put them in General Commercial Districts.
7 Because that's a nuisance.

8 MR. MANNING: We could allow auto dealerships to do the same things these
9 people would be doing. [Inaudible]

10 CHAIRMAN PALMER: I mean, if my car's broke down and I tow it to McDaniels
11 it's gonna sit there until they fix it.

12 MS. CAIRNS: Like I say though these are body shops and we're asking to allow
13 to have stand alone body shops and there's a reason why we put them industrial. And I
14 don't think that this does enough to protect them from downgrading a General
15 Commercial District.

16 CHAIRMAN PALMER: I think there's got to be some way to determine the
17 difference between working on a vehicle and storing a junk vehicle where people come
18 in and pull parts off of it. There's got to be a way to determine that you are a junk yard,
19 you cannot be in General Commercial; you are an auto body repair shop, you can be in
20 commercial because you're not storing 50 cars out in the backyard. There's just a
21 difference in the two businesses.

22 MR. BROWN: Mr. Chairman, let me agree with you on that and of course this is
23 the City of Columbia issue, but right across from pour church we have that same

1 problem in the City of Columbia, storing junk cars under the guise of being a repair
2 shop. And it makes it totally unsightly. And there's nothing you can do about it.

3 CHAIRMAN PALMER: Well, perhaps we can put a limit on the number of cars
4 that are stored outside. [Inaudible] the number of days they can be there.

5 MS. CAIRNS: I just think the days thing is like, I mean, I just, I'm sorry, I just
6 think it's a total enforcement nightmare cause how do you prove that that same car has
7 been there that whole time? I think it would be an easy case to win that you didn't have
8 the proof, you know. I don't think that's a limiting – I think that's the thing, that's just not
9 a limiter. I think putting them inside is a limiter or just saying no, you can't do it. I mean,
10 we don't, you know, we don't need to allow body shops into GC.

11 MR. TUTTLE: I assumed all the junk cars in the country were stored on Powell
12 Road. I'm just confused.

13 MR. PRICE: Yeah, most of them are.

14 MR. TUTTLE: Thought so, okay.

15 MR. BROWN: Yeah, some are out on Monticello [inaudible].

16 MS. MCDANIEL: It appears to me that the difficulty of enforcing this and
17 [inaudible] it all out outweighs any benefit of making this change. I agree with Heather, I
18 don't think major auto repair, you know, belongs in General Commercial and the fact
19 that we can't figure out how to enforce it and protect the people who are already in
20 General Commercial says to me that it's not appropriate for that zoning.

21 CHAIRMAN PALMER: I think we can figure out a way to enforce it and I think
22 we've had several options out there on the table and I think that simply making the
23 distinction between auto body repair where somebody's working on a vehicle to repair it

1 and they have a certain timeframe to get that done or get the vehicle off site, and
2 differentiating between that and what somebody is operating as a junk yard should be
3 simple enough to do to determine what those two businesses are.

4 MS. CAIRNS: Well, I mean, what's weird is that junk yard is its own category
5 anyways, I mean, we're just assuming that any body shop becomes a junk yard which I
6 think offers the difficulty of, because I'm sure junk yards are not, I mean, if somebody's
7 operating a junk yard and calling it a body shop, those are different things, aren't they
8 under the zoning code? So I mean, that's the whole thing, I mean, we're sitting here
9 saying well we can protect it from becoming a junk yard by putting these controls in. It's
10 like well if it was truly a junk yard it wouldn't be allowed. But the reality is body shops,
11 whether they're junk yards or not, they look like junk yards.

12 CHAIRMAN PALMER: See, that's the thing. The body shops that I pass, unless
13 you do have some rogue guy out there that's operating both a junk yard and an auto
14 body repair, then that's fine, that's what he's doing, he's got to operate both of them.
15 But the auto body shops that I see along major traveled corridors are auto body repair
16 shops, they're not junk yards.

17 MR. VAN DINE: It seems to me that, that what we're trying to do is we're trying
18 to establish some mechanism for policing this, yet we don't have the wherewithal to
19 police anything. And that makes it a voluntary policing on the part of whoever may be
20 near or not near and until, it seems to me until the county is in a position to actually
21 establish people who are going to go out and start policing some of these regulations,
22 the more of the regulations we put out there, the less likely that we're gonna have
23 anything policed and the more likely we're gonna become a hodge-podge of things

1 where all of a sudden somebody comes in two years later and says I can see that that
2 car has been there for a while, it's got, you know, it's got weeds all around it or
3 whatever, and all of a sudden you say, okay now you got 60 days to move it. Well, if it's
4 an abandoned lot because somebody's not there and somebody says, I'm not gonna
5 move it, you can do whatever you want to cause I just rent this piece of property, it's not
6 mine. I mean, it becomes an absolute policing nightmare that we're facing. I'd like to
7 find a way that we could allow people to operate auto repair facilities within the GC
8 zone, but I don't, I'm not in favor of adding all of these little nits and bits because I agree
9 with Heather, if you want to bring me one of those people into court, I'll be glad to
10 defend them on whether or not I've been there 60 days or I've been there 120 days
11 because you've got no proof of anything. And all you're doing is allowing something to
12 continue for an additional period of time after the first complaint. I don't think we ought
13 to allow it to happen in the first place.

14 CHAIRMAN PALMER: Well, I couldn't, I mean, I agree with you 100% and that's
15 why I think there's a difference and it's up to the Zoning Administrator for him to go out
16 and say you're not an auto body shop, you're a junk yard. You're not zoned for this, you
17 can't be in GC. And whatever requirements are there to do that –

18 MR. VAN DINE: But we're not putting more onto the Zoning Administrator.

19 CHAIRMAN PALMER: Yeah, but we're acting like this is an issue, you know,
20 that all of a sudden once we open this up people are saying yea, now I can finally put a
21 junk yard in General Commercial.

22 MS. CAIRNS: No. I mean, that's the whole thing –

23 [Inaudible discussion]

1 MR. VAN DINE: We're not suggesting that a junk yard is gonna go there, we're
2 suggesting that a business is going to get in a position where it starts storing things and
3 doesn't think it's a junk yard and now you got six or seven parked cars sitting out in the
4 back where they're ripping parts out to put in the other cars.

5 CHAIRMAN PALMER: Which you've got screening for.

6 MR. VAN DINE: I think what you're doing is you're setting up an ability and
7 whether you want to call them rogue or not, there are people out there who are going to
8 do this and they're gonna take advantage and they're gonna start storing things out
9 there. So I mean, I –

10 MS. CAIRNS: I mean, I would say even the person who totally is not gonna turn
11 it into a junk yard, vehicles that need major body work are an eyesore, even if they're
12 sitting there for two weeks waiting for thises and that's to get worked out or whether it's,
13 you know, it could be caught in litigation, it could sit there for months because there's
14 litigation going on or something and it's not because somebody's planning or trying to
15 run a junk yard, but wrecked vehicles don't make for good visual landscapes.

16 MR. TUTTLE: But that already takes place at a dealership in a General
17 Commercial zoning.

18 MS. CAIRNS: Well okay, but that, so let's make it happen more places on
19 smaller lots? I mean, a car dealership is a big lot and people know, you know, I mean,
20 this is the whole – I'm not saying we can cure it all but to just say well it's already going
21 over here so let's let it on to smaller lots, if the only thing they're doing is being a body
22 shop and we're gonna let them store wrecked cars, and that's why I'm like, if we're
23 gonna let them in then they've just got to keep all their vehicles in enclosed structures.

1 And if that becomes, if they can't make the cost of doing, running a body shop with only
2 inside storage work in a GC then they'll stay in industrial but if there's some area where
3 this would be such a perfect place for a stand alone body shop and you can justify
4 having a building that stores all the wrecked vehicles while they're under repair, fine.
5 But I just, I don't like the idea of just allowing General Commercial Districts to have
6 wrecked cars and, you know, when I see opaque fences I think of those hurricane
7 fences with the little plastic slats in it, and I'm just like, ahh what are we doing? I don't,
8 you know, and dense evergreen shrubbery so they're not visible? Like, okay how do we
9 decide whether, you know, what happens when the plants get sick and the bugs start
10 eating them and –

11 MR. TUTTLE: But Heather, that takes place in any landscape ordinance. I mean
12 –

13 MS. CAIRNS: I understand that but I'm just saying we don't need to put body
14 shops into General Commercial and I don't think this does enough protection to protect
15 the General Commercial from what is recognized as a generally noxious use.

16 MR. TUTTLE: I think you make valid points and I'm not sure where I personally
17 stand on this at this point, but to think that the body shop plants are gonna die
18 disproportionately to the –

19 MS. CAIRNS: No! No, I don't.

20 MR. TUTTLE: - to the other GC, I mean, that's not a fair statement.

21 MS. CAIRNS: But we're using it specifically to protect against – this, I'm just
22 saying I don't think that this gets anywhere close to protecting a noxious use from other
23 uses in a GC District, that's all.

1 MR. TUTTLE: Well, I just want to make one other point. As it related to
2 violations, you know, the, the premise was put forth that if there was a violation then
3 they would be allowed to violate for another period of time until we could go back and
4 prove that they had violated for a period of time. Isn't that the way all zoning violations
5 work? It's brought to your attention, you go out and you say you have X days to remedy
6 the violation or you have to suffer some consequence?

7 MR. PRICE: Right, but I think –

8 MR. TUTTLE: So it wouldn't be any different in this case, would it?

9 MR. PRICE: In this case we're gonna give them a certain number of days that
10 they –

11 MR. TUTTLE: Well, you do that anyway. If you come to my business and I've
12 got a violation, you say you have to have it corrected within X number of days, correct?

13 MR. PRICE: Well, but you don't have, you know, 30 days to have that violation
14 there and then we're gonna give you a certain amount of time –

15 MS. CAIRNS: When it's only a violation until it's been there and then –

16 MR. TUTTLE: But why – I'm confused. If I call tomorrow and there's an
17 abandoned car at this place and you go out and you say you have 10 days to move it.
18 What's the difference in that and I have some other violation, I have a –

19 MR. PRICE: Because what y'all are looking at is you're saying you can have an
20 abandoned vehicle on this location for 20 days.

21 MR. TUTTLE: I could have, I could have any zoning violation till it's brought to
22 your attention for X number of days. It's no different.

1 MR. PRICE: But you're putting days on this. You're saying you can have an
2 abandoned vehicle on this location for 20 days, then we go out there, we have to
3 monitor the 20 days, then after that time then we have to write you a summons saying
4 you have a certain number of days to remove it. Then you get into the question, well is
5 that 20 consecutive days, you know, you have to really get into that. If there's the
6 violation that says you can't have an abandoned vehicle on this property, we just go out
7 there and tell you have, you know, five days, 10 days to remove it. Other than that then
8 we can write a summons.

9 MR. TUTTLE: Why couldn't you do it that way?

10 MS. CAIRNS: But the 60 days of the fact that – like you're saying you can keep
11 this junk car here for 60 days and only if it's there 61 days is it a problem, is that the 60
12 day window isn't gonna start until the county goes out and starts documenting for 60
13 days that the vehicle hasn't moved. And then on 61 days you've got a violation.
14 Whereas most ordinances you go out there and you're like, this is a violation today, you
15 don't have the right to store it. That's the –

16 MR. TUTTLE: I don't see philosophically that the enforcement mechanism is
17 much different between the two.

18 MS. CAIRNS: I mean, the reality is if the neighbor calls and says I'm telling you
19 that car's been there for two years so therefore they're in violation, they're not gonna
20 bring the case until the county officer can say I have seen that that car has been there
21 for over 60 days.

22 MR. TUTTLE: That's the way, that's the case with any zoning violation.

23 MS. CAIRNS: I know, but they don't –

1 MR. TUTTLE: I knock on the door and I say this is not in compliance, as the
2 neighbor, somebody from the county, they're not just gonna deem it noncompliant
3 because [inaudible] somebody from the county is gonna go out and do an inspection
4 and say yes, it's noncompliant, you have X number of days to remedy it.

5 MS. CAIRNS: Right, but it's gonna take the county monitoring it for 60 days to
6 prove that the vehicle hasn't moved.

7 MR. TUTTLE: If you're using 60 days. Maybe the number's not 60 days. Maybe
8 the number's 10 days, I don't know. I'm just –

9 CHAIRMAN PALMER: This is trying to put auto body repair in the most intense
10 commercial zoning we have. This is not putting them in neighborhoods, this is not
11 backing them up to, you know, somebody's home that, you know, has – when
12 somebody comes in to get a rezoning we shouldn't have General Commercial sitting
13 right next to somebody's home to begin with. I mean, that's not – there's a downgrade
14 that goes on and that's what, ideally, in an ideal world would happen is that these
15 General Commercial sites would be on major corridors at the nodes and this is what it
16 should look like. But we don't live in an ideal world. Sometimes these things are gonna
17 happen but we've got fencing in here, we've got blocking, we've got setbacks, we've
18 got, you know, everything else that's required in the General Commercial. We're talking
19 about putting an auto body repair shop, which is already going on but under the guise of
20 automobile sales, into our most intense commercial zoning. Now if, if we want to limit
21 the number of outside storage vehicles and to Heather's point, Mr. Price can go out
22 there and say the zoning classification says that you can only store 25 vehicles outside
23 and I see 30 of them, here's your violation, get five of them moved. I mean, that's fine

1 but to say that an auto body shop has to have a 30 car garage just to keep them inside
2 at night when it's really not the night issue to begin with, you know, to store a vehicle
3 overnight, not to store it outside but to store it inside and you've got the screening
4 anyhow where it's not visible from the public, all you're talking about then is putting a
5 roof on it cause you've got the walls around it anyhow and the public can't see it
6 anyhow.

7 MS. CAIRNS: Except for we talked about the fact with a rolling landscape you
8 can't always, I mean, just cause I can't see it when I stand right outside the fence
9 doesn't mean I can't see it as I'm driving past the road that happens to arch over cause
10 of hills.

11 CHAIRMAN PALMER: It's a General Commercial use in the most intense
12 commercial zoning that we have.

13 MS. CAIRNS: Think of General Commercial, lots of places just running up and
14 down corridor roads that people drive all the time and that's why I'm just saying that
15 there's, I mean, I just can't support it. That's, you know –

16 MR. VAN DINE: Mr. Chairman, just real quickly to your point. If we were actually
17 as a body, not just us but Council as well, sticking to what we actually are supposed to
18 be doing which is sort making the commercial sort of go out as it's supposed to along
19 routes, then I might agree with your point. But we did it today, we stuck a new GC out
20 in the middle of a Rural zone with all Rural around it. That's not in the most intense
21 commercial zone. That's not, that is one piece of property that could actually have that
22 done to it. Now, there ought to be a way that we can make this work so that we can get

1 the commercial, I mean, the automotive repair and maintenance into these zones.
2 There ought to be a way that we can do it.

3 CHAIRMAN PALMER: That's all I'm saying.

4 MR. VAN DINE: And, and I'm not, I agree, I'm not in favor [inaudible] they got to
5 store everything inside cause that's just not reasonable or logical that that's gonna
6 happen or it should happen. But we, it seems to be that if we're gonna do something
7 like this we may have to have it where we're actually dealing with storage based upon
8 the size of the lot versus the, you know, if it's an acre lot that you have you can store X
9 number of cars outside temporarily while they're being repaired. If you go to this level
10 you can store this many and somehow put it like we do parking spaces, lots per size. I
11 mean, and I agree with you, I mean, the 60 day window, I don't know that we need 60
12 day windows or whatever, I think if we can establish a bench line that says you have
13 this, and it's got to be repaired and oh by the way if I come out there and talk with you,
14 you need to show me that you're actually gonna repair that car, it's not just sitting there
15 junked. Something, some mechanism like that, but it seems to me the way we ought to
16 be going at this is more acreage size versus car storage so that we fit similar to what we
17 do with parking spaces. And I, the 60 day window is just not gonna work. Mr. Tuttle's
18 right, I mean, if Geo goes out there and says you're in violation then they're gonna give
19 them a timeframe in which to clean it up anyways. And it's not – but they ought to have
20 the ability to say that immediately, not try to work it out that they can actually prove the
21 60 days.

22 CHAIRMAN PALMER: Well, I think in that case we – and that makes sense, I
23 can agree with that – but we just need to put a maximum in there then, that no larger

1 than certain acres and no more than a certain amount of cars stored outside. In other
2 words, you can't have a 10 acre auto body repair shop, or whatever the number comes
3 out to be. And perhaps we need to go back to the drawing board, maybe bring it back
4 next month and see if we can figure out a way to see if, what typically we're looking at
5 here as far as sizes and that kind of stuff. What's the typical size of an auto body repair
6 shop.

7 MR. VAN DINE: [Inaudible] synonymous with – you've already got parking
8 requirements in your facility. You know, if a General Commercial needs X number of
9 parking places they can use up those parking places with the cars they store, but they
10 better have enough then for the people who are visiting there. Those are the type
11 things that you can look at which are much more definable, based upon size of lot, etc.
12 I just don't, I don't think we're ready to deal with this one at this point in time and take a
13 vote on it.

14 MS. CAIRNS: Well, and I would just like to offer, I'm not, you know, at one point, I
15 mean, I appreciate a lot what you said and I think that there's a lot to be said for that but
16 the one thing I still don't quite understand is, one of the things you offered was that we
17 must allow these things into the GC and I'm not, I still don't quite understand why we
18 have to allow them into the GC, so I'll just, I mean, other than the fact that we've got it
19 sitting on paper in front of us, but I don't really understand why there's this push to put
20 body repair shops in GC.

21 MR. VAN DINE: Let me raise a point [inaudible]. If you look at page 37 of our
22 Agenda at the bottom where you have group homes, 10 to 15 highlighted with certain

1 classifications there, is this correct as we have it or do we need to change it in any way
2 in light of what we –

3 MS. LINDER: That'll be changed based on the ordinance you took up previously.

4 MR. VAN DINE: Okay. Alright, so that needs to be modified.

5 MS. LINDER: Correct.

6 MR. TUTTLE: Did you just jump completely off –

7 MS. CAIRNS: Yes.

8 MR. VAN DINE: I didn't, it's right here.

9 MS. CAIRNS: He warned us that he was jumping off.

10 MR. TUTTLE: Mr. Chair, if I may, I'd like to make a motion.

11 MR. VAN DINE: I told you I was going off on something else entirely different.

12 MR. TUTTLE: I'd like to make a motion that we defer based upon the comments
13 here today and ask Staff to review and come back with possibly a different way to right
14 size the number of vehicles there overnight and that type stuff and bring that back to us
15 maybe next month.

16 MR. BROWN: Second.

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

18 MR. VAN DINE: And on top of that I don't think we want to presuppose for
19 anybody's purposes that we actually might allow them. I think we still need the
20 opportunity for anybody who disagrees with allowing them all together that we're –

21 CHAIRMAN PALMER: And I want to add to that too, if you're okay with that, that
22 there's got to be a distinction between an auto body shop not turning in to a junk yard.
23 There's ways that we tell people, look you're not allowed to open a liquor store right

1 here, you are a liquor store, you can't open. The same way that we can go to a auto
2 body repair shop and say, you are not an auto body repair shop, you are a junk yard,
3 you cannot be here. There's got to be a way to differentiate those two and that even if it
4 changes over time and if it becomes a junk yard instead of an auto body repair shop,
5 you can't do that. I mean, that's what our zoning laws are in place for. There's got –
6 they're not the same business. So some way to differentiate those two where people
7 can be comfortable with it. Anything else?

8 MR. VAN DINE: These are just – what we're looking at 63(D) it says, any
9 required front or secondary front yard, what's a secondary front yard?

10 MR. MANNING: Is that a corner lot?

11 MR. PRICE: Yes.

12 MR. VAN DINE: Okay. I just never heard it called a secondary front yard before
13 and I was trying to figure out if I'd missed something.

14 CHAIRMAN PALMER: Alright, we have a motion and a second. Anything else?
15 All those in favor of the motion please signify by raising your hand.

16 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
17 *Brown]*

18 CHAIRMAN PALMER: None opposed. Do we have any other business? Nope.
19 Do we have a motion to adjourn?

20 MR. VAN DINE: So moved.

21 MR. GILCHRIST: Second.

22

23

[Meeting Adjourned at 2:15 pm]