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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**JUNE 11, 2013- 10:00 AM**

**Eau Claire Print Building**  
**3907 Ensor Avenue • N. Main Street and Monticello Road • Columbia, SC**

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**In attendance:** Ernest Cromartie, III, Patricia Durkin, Dr. Pat Hubbard, Reggie McKnight, Calhoun McMeekin, and Preston Young

**Absent:** Chuck Salley

**Staff:** Brian Cook, Andrew Livengood, Andrea Wolfe

**I. CALL TO ORDER and DETERMINATION OF QUORUM**

Ernest Cromartie, III, chairperson, called the meeting to order at 10:05 AM, and introduced the members of the Board of Zoning Appeals (BOZA). Mr. Cromartie explained the purpose and role of the Board of Zoning Appeals; speakers sworn in.

Brian Cook, Zoning Administrator, Planning and Development Services Department, noted changes to the agenda since publication. Item 6, **2101 Main Street** request for special exception has been deferred to the July 9, 2013 meeting.

Mr. Cook reviewed general housekeeping rules and proceeded with review of Consent Agenda items.

**II. CONSENT AGENDA**

**OLD BUSINESS**

None.

**NEW BUSINESS**

- |                   |                |   |
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| <b>1.13-038-V</b> | <b>Dist. 2</b> | <b>1433 Burley Court (TMS# 11516-05-03)</b> Variance to the fence height requirements in a required front yard (Ryal Bird)(RS-2)                                      |
| <b>2.13-043-V</b> | <b>Dist. 3</b> | <b>1524 Westminster Drive (TMS# 11416-12-13)</b> Variance to the fence height requirements in a required secondary front yard (Barbara Rackes and Michael Mann)(RS-1) |

**Motion by Mr. Hubbard to approve** Consent Agenda items subject to any exhibits and conditions that may be found within the case summary for that application and to adopt as the findings of the Board, those findings in each case prepared by Staff, also found within each case summary; *seconded by Mr. Cromartie.*  
**Consent Agenda items approved 6-0.**

**III. REGULAR AGENDA**

**OLD BUSINESS**

**3. 13-028-SE      Dist. 3      700 Woodrow Street (TMS# 11390-01-01 through -09; 11390-02-01 through -11; 11390-03-01 through -11; 11390-04-01 through -11; 11390-05-01 through -11; 11390-06-01 through -11; 11390-07-01 through -11;) Special Exception to allow for multifamily use of existing building (Matt Mundy and Theresa Hodge, Estates Properties, LLC)(C-2 and RG-2, -DP)**

Theresa Hodge presented on the request for special exception providing background of the project. Ms. Hodge said the applicants met with the Devine Street Merchant Association and The Old Shandon Neighborhood Association to discuss the plan, and received full support for the proposal.

Ms. Hodge reviewed the criteria for special exception and thanked the neighborhood association and local merchants association for their support.

Phillip Bush, neighborhood resident, voiced concerns with the conversion of the units being used as rentals for college students and that impact on property values.

Mr. Hubbard stated all the Board is tasked with approving is the use for multi-family as opposed to hotel use. Once approval is given, it cannot be guaranteed what the use will be, no matter what the applicants say that use will be.

Catherine Fenner, University Hill Neighborhood resident, said many homes in her neighborhood were owned by parents and passed on to their children as student occupied. She added if she were a student, she would rather live at the Whitney than down in Five Points.

Christina Crock, vice president of the Devine Street Association, said they are in support of the request for special exception to the Whitney to condominium use.

Hoyt Burnett, president of the Old Shandon Neighborhood, said they are in support of the request.

Ms. Hodge addressed concerns.

Testimony closed for Board discussion.

Mr. Hubbard voiced concerns with the Ordinance which states that generic special exception criteria is to be used which he felt was inappropriate for C-2 zoning. It should be explicitly stated there should be a limit in the number of them [condos] in general. He urged staff that when and if code is rewritten, C-2 zoning needs to be revisited for multi-family uses. This is not the case in this situation but may be in others.

Mr. Cook stated that would definitely be taken into consideration.

**Motion by Mr. Hubbard to grant the request for special exception for 700 Woodrow Street** as testimony evidence has indicated, if anything, it will have a positive impact upon traffic, and upon vehicular and pedestrian safety. It is basically the same use; there is no change in noise, lights, fumes, or obstruction of air flow. Because it is an existing building, impact upon the aesthetic character based upon testimony presented today, may possibly be an improvement upon the aesthetic character; and there will be no impact upon the orientation and spacing of improvements as it is existing. Though there is a balance of concerns; there will be no adverse effect on the public interest. *Motion seconded by Mr. McMeekin. Request granted 6-0.*

**4. 13-029-V      Dist. 3      700 Woodrow Street (TMS# 11390-01-01 through -09; 11390-02-01 through -11; 11390-03-01 through -11; 11390-04-01 through -11; 11390-05-01 through -11; 11390-06-01 through -11; 11390-**

**07-01 through -11;**) Variance to the parking requirements for a multifamily development (Matt Mundy and Theresa Hodge, Estates Properties, LLC)(C-2 and RG-2, -DP)

Theresa Hodge presented on the request for a variance to the parking requirements. When the Whitney was established as a hotel, it was felt 1.5 spaces per unit was adequate, and based on their experience, the developers are comfortable that still stands for multifamily development in the southeast. Ms. Hodge spoke on parking requirements for similar cities where they are 1 or 1.5 spaces per unit.

Ms. Hodge stated they are aware Mr. Daniels is in opposition of the request for variance and had offered two pieces of property to use for parking.

Jim Daniel, commercial real estate broker and representative for LRADAC, said as point of order, there was a conflict of interest with Mr. Hubbard as he lives in the Old Shandon Neighborhood, and he should disqualify himself from this case.

Mr. Cromartie stated that generally any conflicts of interest are left up to Board members to use their own judgment and he would defer to Mr. Hubbard to decide if he wished to remain for this request. He has not raised that issue or submitted documentation that is not consistent with what is required, so if he is comfortable with staying, Mr. Daniel's comments would be taken into advisement.

Mr. Hubbard stated this is the only project for this building he has ever supported. He is not next to it, he is some distance from the property as Old Shandon is rather large and a couple of blocks away. He has no financial interest in any of this. He left before this item was even proposed for discussion at the Old Shandon Neighborhood Association meeting. Everything he has reviewed and heard regarding this proposal is what is presented in his Board packet and being discussed today. He does not think he has a conflict of interest in any way. He thought hard of his appearance with regard to conflict, and stated that even though Mr. Bush is a neighbor, he has not had any discussions of any kind with anyone in the neighborhood.

Mr. Daniel explained his opposition to the variance request.

Ms. Hodge responded.

Mr. Hubbard discussed retail and hours of operation that will not require parking at night, and said there will be many parking areas available for use when the businesses are closed. There is a unique situation as it is an existing building. He agrees with the applicant about not tearing down buildings and having more asphalt. There is plenty of on-street parking in the area and he feels the variance request should be granted.

Mr. McMeekin said the Whitney's decline has been in existence for a long time. As a professional, residential realtor, he is familiar with Mundy developers who have a good track record. He feels it is a positive move for the City.

**Motion by Mr. Hubbard to approve the request for variance for 700 Woodrow Street.** As the evidence indicated today, there are extraordinary and exceptional conditions that pertain to the subject property that do not generally apply to other properties in the area. Because of these conditions, the requirements of the Zoning Ordinance would unreasonably restrict the use of the property. Approval of the variance would not be of substantial detriment to adjacent property or to the public good, nor would the character of the district be harmed. Given the special conditions, it is the minimum necessary, and is in harmony with the purpose and intent of the Zoning Ordinance, and would not be injurious to the neighborhood or public welfare.

*Motion seconded by Mr. McMeekin. Request granted 6-0.*

**5. 13-032-SE      Dist. 2      2053 Two Notch Road (TMS# 11509-01-04) Special Exception to establish a gasoline service station (Rolland E Greenburg, III) (C-3)**

Property was previously a gas station that was later approved as a tire store, and has sat vacant for a number of years.

Rolland E. Greenburg, III represented the applicant who wants to establish a gasoline stations and convenience store at the location across from Benedict College. They will have beer and wine for sale. Mr. Greenburg proposed improvements to the building and site to address concerns.

Carl Frederick, president of the Edgewood/Read Street Community Improvement Cooperative Council, community resident and Two Notch Road Merchant Association member, said the case summary page indicated he submitted a letter of opposition. He clarified that he is not in opposition of the request for special exception, and did not think his letter suggested opposition. He is supportive of the request, but there are some concerns that were raised by the neighborhood association at their May 20<sup>th</sup> meeting.

Christy Savage said she is neither in favor or opposition of the request. Mr. Muhammed came to their neighborhood wanting to put a store in their location. They questioned his intent with his other stores and their upkeep, and were told the stores were leased and he could not be responsible for them. She feels those stores should be taken care of before opening a new one.

Deborah Stratton, Russell Jeffcoat Realty, agent for the property said she selected this station as it was an existing station and good location with great potential to be restored as a gas station.

Larry Sally, Benedict College, said they are not in opposition of the request and would like to see some commerce in the building. He voiced concern with safety of the students and residents who attend the college. The structure is an eyesore and has been vacant for a number of years. Their concern is that the store be aesthetically pleasing because of large investments made by Benedict to the area.

Mr. Greenburg addressed the issues brought up by Mr. Frederick.

Mr. Greenburg stated that these statements can be made as conditions to approval.

Testimony closed for Board discussion.

Mr. Young questioned, within the C-3 zoning, if a special exception was required for the use of the previous gas station or if different zoning was in place. Mr. Livengood stated the building was constructed around 1960 prior to the Zoning Ordinance.

Mr. Cromartie said with respect to changes to the code, it would be advisable to re-evaluate the density of particular businesses in a particular area. The applicant has sought to address the concerns of the community which is good, but looking at the layout of Two Notch, he cannot see why there is a need for five gas stations on one strip of road and in one community. He suggested staff to address this when the code is revisited.

**Motion by Mr. Hubbard to approve the request for special exception for 2053 Two Notch Road to establish a gasoline service station subject to following conditions as indicated by the applicant: the hours of operation, the lighting in terms of direction, the façade, resurfacing, privacy fencing, landscaping, and there will be at least an expenditure \$100,000 by testimony of the applicant. Furthermore there is minimal impact imposed upon traffic; or vehicular and pedestrian safety; minimal impact in terms of noise/lights/fumes/or obstruction of air flow; with the improvements indicated by the applicant, the aesthetics will be improved; the impact in terms of orientation and spacing of improvements is basically the same; and it will not adversely affect the public interest.**

Mr. Young questioned if staff comments would be included as conditions. The comment should the value of the improvements of the property exceed 50% of the building value as established by the Richland County

Assessor, all requirements within the landscaping ordinance be met, specifically buffer yard and street protective requirements.

Mr. Hubbard stated as he did not know that amount, he did not know what 50% would be. That is why he was more comfortable with the statement of at least \$100,000 which was a specific dollar figure.

Mr. McMeekin felt it would bring the structure up to standard, and Mr. Livengood stated that it will bring it up to about half of the current standards. If someone builds a structure from scratch, it will actually have higher values than would be required in this situation. His belief is that \$100,000 more than exceeds 50% of the value of the present building.

*Motion second by Mr. Young. Request granted 6-0.*

*Meeting adjourned at 11:36 am for short break and resumed at 11:49 am*

### **NEW BUSINESS**

- 6. 13-040-SE Dist. 1 2101 Main Street (TMS# 09016-13-08)** Special Exception to establish 90 foot tall stealth wireless communications facility (90 foot stealth cell tower) (PTA-FLA, Inc., dba Clear Talk) (MX-1, -NC)
- 7. 13-041-SE Dist. 1 5050 Fairfield Road (TMS# 11701-02-20)** Special Exception to establish a liquor store (Andreas Ganotakis, Seven Days Food Mart LLC)(C-3)

Current use of the property has been out of compliance since January 2013.

Andreas Ganotakis, business owner, was approved for a business license by the City of Columbia to operate a convenience store on September 21, 2012. He was approved to operate a beer/wine and package store by the SC Department of Revenue as of January 17, 2013. The community was present at the opening of the package store. He did not know a special exception was needed for a liquor license in the City.

Mr. Cromartie asked staff to ensure that applicants applying for a business license for a convenience store are made aware that a special exception will be needed in the event they decide to have a liquor store.

Mr. Ganotakis reviewed the criteria for special exception.

David Roach, represented the Cabb Island Community, was opposed to the liquor store.

Ms. Durkin asked if there have been any incidences in this location, and if so, if it is known if they came from this store.

Mr. Roach said there have not been at this time, but there are empty bottles in the area where people drink and toss bottles. He does not know if they came from this specific store.

Chaplin Spencer represented the City of Columbia through an opposition as authorized by City Council with areas getting inundated by liquor stores. Mr. Spencer felt it is in the best interest to deny the request because of its proximity to schools, residences, and other liquor stores.

Mr. Cromartie said the BoZA appreciates the service of City Council and are glad they thought to provide a representative with respect to this application. He finds it very informative that one of the reasons Mr. Spencer listed for opposition is the proximity to another liquor store and to the number of stores in one community. He asked Mr. Spencer, as a representative, that he might be sure to communicate to those that actually provide the Board with the criteria, before making a decision, that might be something they may want to look at in working with staff and the Board of Zoning Appeals so that the issues raised on behalf of Council can be directly addressed in the Board's decision making.

Mr. Spencer said that would be duly noted. Responding to Mr. Cromartie's question of specifics that might help minimize the impact of this use if it were approved, Mr. Spencer said there are large posters with scantily dressed people in loud colors advertising certain type liquors. If the number of these or the size of these could be limited as they are very visible as someone drives by.

Mr. Hubbard asked staff if there are already limitations on signage in the ordinance.

Mr. Livengood said that is hard to enforce because they tend to be temporary signs which can be easily removed and replaced.

Mr. McMeekin said there is a liquor store directly across the street from Alcorn middle school and he feels enforcement should be equal. He asked Mr. Spencer that when he says he represents the City, is he saying that everyone on City Council opposes this application.

Mr. Spencer said he cannot speak individually, but City Council as a whole authorized him and his firm to look into the liquor store applications in BoZA, and to protect the public interest; and he knows they act as a group. He was not in on their discussions, so he cannot discuss that.

Mr. McMeekin asked if every City Council member engaged this firm [to research] liquor stores or for gas stations; or what exactly Council has engaged them for.

Mr. Spencer did not want to fully discuss the attorney/client privilege on what Council wants him to do. City Council may not want everything out there, but it is primarily with liquor stores. City Council acts as a body and even though it may be a 4-3 vote, the majority acts as Council.

Mr. Cromartie felt good discussion was taking place, and as Mr. Spencer is representative of Council that he work with staff to facilitate some better discussion between the two bodies, so better service can be provided by both bodies to the City and citizens of Columbia.

Ms. Durkin commented that the Board of Zoning Appeals is appointed by City Council, and she does not understand why he was sent to this meeting.

Mr. Cromartie asked if there was anyone else to speak in opposition or favor of the application.

Steve Nelson, resident, spoke in favor of the store.

Patricia Brown, president of North Wood Hills Neighborhood Association, voiced concerns with the application.

Pearl Allen, neighborhood resident, voiced opposition to the request.

Christy Savage, President of the Eau Claire Community Council, said they are opposed to another liquor store so close in proximity to one another, and requested denial of the request for special exception.

Cindy Rhodes, Eau Claire resident, is opposed to the request

Catherine Hartley, Columbia Police Department, addressed the citizens, concerns regarding the locations of liquor stores in the area, and with crime regarding liquor stores.

Andreas Ganotakis, applicant, regarding advertisement, he does have signage to promote his business as required, and will remove the extra signage.

Mr. Cromartie voiced concerns of one of the citizens and himself with the image of making alcohol attractive to young minds. He is aware of marketing and advertisement, and asked the applicant to speak regarding the signage for the business.

Mr. Ganotakis said the signage is very small and is inside the building. As the building is glass, it is visible from outside. He does have other advertisement for cigarettes and lottery, but will remove whatever he must for each business.

Testimony closed for Board discussion.

Mr. Young does not like the location to the school; there are many kids and single parents in the area, and there are several walking areas in the neighborhood. The other liquor store has been there for a number of years, and he is familiar with that store which was even an auto parts store in the past. The initial testimony of the applicant stated that when it was a convenience store only, business was bad; so he added a liquor store without approval from the City, and when he put in the liquor store, business picked up. His main concern is with the proximity to the school, but it is also dangerous street to cross over which is an impact on vehicular and pedestrian safety.

Mr. Cromartie said one difference with this application is that the state has already approved this liquor store as required, so certain state requirements have already been met such as the distance from other the liquor store and from the school. More information has been provided than needed, and thus exceeds Board jurisdiction. Unless the Board can change state law, he can see no grounds to deny the request as presented.

Mr. Young understood but still felt it was a safety issue regardless of the type of business and affected public interest saying the state criteria are very different from the criteria the Board of Zoning Appeals must look at.

Mr. McMeekin said if it is a dangerous street that is not due to the liquor store, but is something that needs to be addressed by SCDOT.

Mr. Hubbard said with regard to the distance requirement to the school, it does meet state requirements, but he is bothered by the proliferation of these businesses. C-3 zoning discusses concerns of depreciation of property values which is one thing that can be looked at. It is a shame there is not better police data but understands when there are not enough resources to connect with it. He does not feel that anyone can say the store is a positive by the photograph introduced, and there do not seem to be any shortages for wine, beer, food or hard liquor in the community.

He referenced the criteria language about intent and purposes as quoted by the City Council representative regarding depreciation of property values adversely impacting public interest. It cannot be proved that one of these businesses will kill a neighborhood, but if you put them all together it will. In terms of the aesthetic character, he does not feel that can be fixed. An empty building would be preferable.

**Motion by Mr. Hubbard to deny the request for special exception for 5050 Fairfield Road to establish a liquor store; seconded by Mr. Young. Denial granted 4-2 with Ms. Durkin and Mr. McMeekin in opposition.**

Mr. Cromartie asked staff to work with the applicant regarding the transition for an existing business.

*Meeting adjourned at 1:00 pm for short break and resumed at 1:15 pm  
Mr. Hubbard left at 1 pm for the remainder of the meeting*

**8. 13-042-SE Dist. 4 4963 Ft. Jackson Boulevard (TMS# 16507-01-02) Special  
Exception to establish a tattoo facility (5 Brand Ink, Inc.)(C-3, -FP)**

Stan Hudgins, owner of 5 Brand Ink, Inc. opened the first tattoo facility in the state and owns 27 shops nationwide. He gave background on the business which is considered a small artistic studio by the industry. Hours of business will be 10am – 10pm.

John Cavanaugh, board member with the Kings Grant subdivision, voiced opposed as he feels any impact on traffic will have an effect on the neighborhood.

Mr. Hudgins spoke to Kings Grant and the children are in a protected area. He said they have met criteria for special exception.

Ms. Durkin said she is familiar with the area. Tattooing is a very popular business and becoming more increased. Many people have tattoos and she sees no issue with the request. Kings Grant is a gated community and closed.

Mr. McMeekin said this is an open area and the gate is open from 6am to 6pm, which Mr. Cavanaugh confirmed. He voiced opposition to the request.

Mr. Cromartie visited the property and said it is an absolute minute portion of the building as it is the smallest of the three suites that face Jackson Boulevard. He does not see a traffic issue because even if the business is a barbershop or nail salon, it would require at least one hour or longer. If this was a larger business, it may be a traffic issue; but with only two spots, he does not see it as a traffic issue.

Mr. McMeekin said that intersection begs for a traffic light.

Ms. Durkin feels that is an issue for SCDOT

**Motion by Ms. Durkin to approve the request** for special exception for **4963 Ft. Jackson Boulevard** to establish a tattoo facility based on findings that there will be no impact upon traffic; there will be no impact upon vehicular or pedestrian safety; no impact upon noise/lights/fumes, or obstruction of air flow upon adjoining property; no impact upon the aesthetic character of the environs; no impact in terms of orientation and spacing of improvements or buildings; and the proposal will not adversely affect public interest; *seconded by Mr. Young. Request approved 5-0.*

*Meeting adjourned at 1:40 pm for break and resumed at 2:03 pm*

Mr. Cromartie thanked everyone for the patience and commitment to issues of importance to them and for attending the meeting for the better part of this day.

**Motion by Mr. Cromartie to go into Executive Session** to allow the Board to consult with legal counsel at 2:04 pm. Once this is completed, the Board will return and address the issue being presented. *Motion seconded by Mr. McMeekin. Motion approved 5-0.*

Due to public request and questions, Mr. Cromartie took the Board out of Executive Session to resume meeting.

**Motion by Mr. Cromartie** for the Executive Session to not exceed 30 minutes, at which time a recess will be taken to allow Board members to meet with legal counsel and receive legal advice; the meeting will resume at 2:30 pm. *Motion seconded by Mr. McMeekin. Motion approved 5-0.*

***Meeting resumed at 2:37 pm***  
***Mr. Cromartie resumed the June 11, 2013 Board of Zoning Appeals meeting.***

**Motion by Mr. Young to close Executive Session and resume the regular session. Motion approved 5-0, and regular session resumed at 2:28 pm.**

**9. 13-044-SE      Dist. 2      1315 Calhoun Street (TMS# 09016-10-18) Special Exception to establish a residential care facility (Tobias G. Ward for Bannum Inc.) (C-4, -DD)**

Xavier Starks, along with Toby Ward, represented Bannum, Inc. and family members of the building owners.

Toby Ward, attorney for the applicants, said Bannum Inc. clearly feels the project meets the criteria required for special exception. The property was a former parts store with 20 parking spaces available. A residential re-entry facility is a program operated for the federal government Department of Justice by private contractors that serves as a transition for non-violent offenders who are scheduled to be released from custody. This has been seen as a way to transition them for normal life as opposed to institutional life. He reviewed the criteria for special exception.

Mr. Cromartie said with regard to traffic, it must be looked at in a broader prospective than the 46 residents and those manning the facility.

Mr. Ward said Mr. Brian Harr and Ms. Catherine Brown work for the Bannum Corporation in Greenville and could address how that operates.

Mr. Cromartie was very interested in speaking to people who will work on the grounds, speak to the turnover rate of the 46 residents, and speak to the foot traffic which is criterion 1. He also wanted to know more about the daily activities as Mr. Ward stated the residents will not be continually in the facility during the day. He wanted to know the standards of the program, and the rules and regulations placed on residents.

Gretchen Dawson, property owner, spoke on her family history, the history of the property and how her husband, Bill, started the business.

Brian Harr, assistant director of the facility in Greenville, represented Bannum, Inc. Mr. Harr provided history and background of Bannum, a residential re-entry facility.

Catherine Brown, Social Service/employment specialist with Bannum in Greenville, provided the day-to-day schedule for a resident when they plan to go out for a job search.

Mr. Cromartie questioned the size of the Greenville facility, and asked if Ms. Brown could provide the number of residents that came through the door in 2012. He is trying to find out how many new bodies will touch that parcel on a regular basis because that constitutes traffic.

Ms. Brown said the size is 47 beds. She did not know the number of residents for 2102 but did have it documented and could provide that information.

Mr. Harr said for the month of June they had 17 new residents, and will have released nine. The number fluctuates from month to month. April was significantly higher, while May was low.

Ms. Brown added the number will not be over 46 in the facility at any given time.

Mr. Cromartie wanted to know the number of individuals that were in the facility for a span of a twelve month period asking Mr. Harr or Ms. Brown to call someone to provide that information.

Mr. Brown said he would call the director to provide that information.

Mr. McMeekin questioned the length of a federal contract.

Tommy Tapp, commercial realtor with Colliers International, represented the Dawson family. Mr. Tapp said the initial term is a two-year lease with three one-year renewals. His understanding is it is done that way is to make it easier for the Federal Bureau of Prisons to terminate a contract or contractor that is not performing up to their standards.

Board members voiced concerns that once the special exception is granted for a residential care facility, the special exception runs with the property. If Bannum lost its contract, it would not preclude the owner from renting the building to another residential care facility that may not be a federal contract and have rules as strict as Bannum; or someone could come in after the five-year period that would not enforce the same strict rules.

Mr. Tapp said that was a possibility but based on the drawings he has seen; the building is specific to this type of high security use.

Mr. Cromartie said the applicant spoke to fact that this facility is for non-violent federal offenders, and asked what the impact of a special exception would be if down the road the facility housed individuals who would be violent or have substance abuse.

Mr. Cook stated the Board can prescribe appropriate conditions and safeguards that conform to the land development code as a condition for approval. Additional criteria can be put on approval.

Mr. Harr walked through a typical day/daily living conditions for the residents and addressed safety concerns.

Ms. Brown said the Greenville facility is in an area which was once considered the worst in the area but was redeveloping.

Mr. Cromartie said as there were a lot of members of the public who wished to speak, questioned Mr. Ward if he knew what other individuals affiliated with the applicant were going to speak about so that priorities could be arranged. The issues would need to address the five criteria required for special exception with regard to time.

Katon Dawson, property owner, stated that he felt the program has been investigated and will be a safe program, and will make things better for the area. He has had success with the program and with Bannum. Mr. Dawson stated he would agree to conditions of limitations placed on approval for the special exception.

*Brief recess for technical issues at 3:45 pm*  
*Mr. Cromartie resumed the meeting at 3:50 pm*

Mr. Ward stated the applicant and the landowner would both welcome a condition that would limit this special exception to either Bannum, or a Bureau of Prisons' Operator, or some other reasonable safeguard to prevent an unwelcome situation from developing.

Mr. Cromartie said this will be taken under advisement and will work with staff to find language that will be appropriate within their authority.

Public testimony was then taken for those speaking either in favor or opposition of the request. Mr. Cromartie stated the criteria this Board is tasked with reviewing and using for making decisions and therein able to take testimony from is limited to the five that have been presented – traffic, vehicular and pedestrian safety, noise/lights/fumes or obstruction of air flow, the aesthetic character of the environs, orientation and spacing of improvements and buildings. The Board is aware there may be other issues that may want to be shared, but they have only the ability to listen to those core five.

Todd Kolb, long-time resident, said he would rather have this type of facility than others and feels it would be safer for residents. He is not against the facility, but against the location.

Bill Stephenson, resident, felt the biggest problem is to put more of these loitering people in this area, and they will not be able to contain them in the building. He feels this is the wrong use and wrong location.

Mr. McMeekin said he is sympathetic to what is being said, but stated the Board is tasked with addressing the criteria for special exception, and needs something to substantiate Mr. Stephenson's comments.

Mr. Stephenson's testimony is that 46 people cannot be contained in the building and will be loitering in the street. Greenville is a different area, it is not downtown Columbia.

Mr. McMeekin stated testimony from the people who run the facility in Greenville has been that they don't loiter. They go out to check businesses and have to check in and check back in, but what he is saying is contradicting the program that is operating now in Greenville.

Dr. Charlotte Thompson, resident, felt granting the request would affect pedestrian safety in the area. She is opposed to the request. She feels it will have an adverse impact on public interest, and on the aesthetic character of the environs.

Elizabeth Marks, Robert Mills Historic District and as co-chair for the Coalition for Downtown Neighborhood, said both groups oppose the request and ask for denial based upon aesthetic character, traffic impact, pedestrian traffic, and air flow.

Ms. Marks felt it is not possible to compare the Greenville facility to this proposed facility. The Greenville facility is in a total low income area and the Columbia location is completely different. The property owner has never contacted the neighborhood regarding any shelters. She said the bid has not been awarded, and if awarded will go the winning contract. Bannum did not contact the neighborhood association, the next door merchant or anyone; they have failed in all communication efforts. Bannum does not even have a contract yet, and they are asking for a special exception.

Richard Layman, business owner, felt there will be adverse effects on the public interest as he does not feel his potential employees would like to know they are working a block away from a federal penitentiary.

John Boots, Cottontown resident, spoke on behalf of Ellen Cooper, president of the Cottontown Neighborhood Association. He referred to the letter and points highlighted by Ms. Cooper in her letter:

- Special exception contrary to the intent of the city zoning code, referencing §17-253.
- Re-invigorate City Center and promote new residential development
- Create a development pattern that connects the areas and elements within the City Center without promoting design uniformity
- There are no less than similar facilities within .410 mile of this site.

- Adding more people in the area where there are existing addiction recovery transition housing establishments creates an environment that will make recovery or transition to permanent housing less accessible and therefore not in the public interest.
- There will be increased foot traffic in the community because the residents will still need to walk to the bus station or other methods of transportation.

Mr. Boots agreed there will be increased foot traffic with the addition of 4 people in the neighborhood.

Pauline Cormier, resident, said they received no guarantee that violent offenders eventually will not be housed there. She feels there will be increased foot traffic because of the residents and visits from family members and if the request is granted will put businesses in the area out of business. She requested denial.

Walter Jay, business owner, feels if the request is approved, existing businesses will close and the unoccupied spaces will remain empty. He requested denial.

Paul Cormier, resident and business owner, voiced opposition to the request.

Testimony closed for Board discussion.

Mr. Cromartie questioned the Bid process and asked if this is a premature request for special exception for this use. He asked if anyone was able to contact the Greenville facility regarding the number of individuals who entered and left for a 12-month period.

Mr. Ward said the award has not been made because the government will not make award to an entity that does not have land control.

Mr. Harmon contacted the director at the Greenville facility who said there would be fifteen changes a month for about one year which comes to about 180 to 200 persons a year.

Mr. Ward mentioned that this use is allowed under the City Ordinances for a special exception. Mr. Ward reviewed the criteria for special exception **impact of proposal upon on traffic, impact upon vehicular and pedestrian traffic, impact in terms of noise/lights/fumes/or obstruction of air flow upon adjoining property, impact upon aesthetics character of the environs, to include the possible need for screening from view, impact in terms of orientation and spacing of improvements or buildings, and will the proposal adversely affect the public interest.**

Mr. Ward asked the Board to limit their decision to the criteria, and impose the conditions they feel are necessary to have a safe and responsible organization.

Testimony closed for Board discussion.

Mr. Cromartie stated he wanted to talk to staff regarding these conditions as he sees them as different from the self-imposed conditions as noted by applicant. He sees them as a resident facility that is federally regulated by the Bureau of Prisons housing non-violent felons, there will be a landscaping plan, and there will be no loitering. Those are the use conditions, and is contingent upon the awarding of a Bid to Bannum. Mr. Cromartie wanted to make it clear he was distinguishing between the condition of going to Bannum, and the fact is it is conditioned upon an award to Bannum. Special exceptions are not limited to specific entities, however in this instance the Board has been informed that it has not yet been awarded, and the only potential entity to whom the award can be granted consistent with ownership as presented through the application is Bannum.

Mr. Cook said another option is to place criteria on failure to establish a use within a time frame which would void the special exception as opposed to tying it to a specific company. Perhaps something like,

“residential re-entry center for up to 46 residents in conjunction with the United States Department Justice Bureau of Prisons to being or establish the use within a determined amount of time from the date of this meeting shall void the special exception”.

Mr. Cromartie asked if it would be appropriate to say “failure to receive an award to Bannum”, or should Bannum be left out.

Mr. Cook preferred the first option of leaving the specific name out.

Mr. Cromartie asked if there was anything heard that the applicant or owner would be opposed to in terms of the language just discussed.

Mr. Ward stated they were not. There is a delivery date to the federal government of November 1, 2013.

Mr. Cromartie voiced concerns with increased traffic load on the neighborhood which is the first criterion. He is also impacted by the testimony all things being equal, with the extent of regulation and supervision with respect to this facility probably makes this the best use of this type of use.

Ms. Durkin referenced the comment that the building will look more like a barracks when it is done, and voiced concerns with aesthetics saying it will have an impact on the neighborhood. Residents cannot congregate outside, and when they are allowed out, there will be noise and smoke.

Mr. Cromartie said his interpretation of the barracks comment is that the barracks look will be more internal and not reflect a military installation on the outside.

Mr. McMeekin said it is a tough application and he always tries to weigh both sides. The Board is taxed with making a decision based on the criteria. He felt no concrete evidence was presented, saying nice people can fall on hard times. He is in favor of the application, but is not in favor of the strict way it is being accepted by the applicant, but is in favor of granting the special exception based on criteria.

Mr. McKnight stated Mr. McMeekin is a stickler for criteria. He waited to hear the public speak to the criteria, and did not hear them make that case. He lives in the proximity and feels this facility will be grand as it will be a federal entity. When he first moved into the neighborhood, he was apprehensive of such things as well, but did not hear the neighborhood referencing the five criteria. He agrees with Mr. McMeekin in granting this, and feels it may be beneficial not only to the neighborhood, but to the community in general.

**Motion by McMeekin to grant the request** for special exception for **1315 Calhoun** to establish a residential re-entry center that will house up to 47 residents that will be administered by Bannum in conjunction with the US Department of Justice Bureau of Prisons for non-violent offenders, a landscaping plan will be implemented, and a start date of 12/1/2013 based on testimony offered by the applicant for BID date of 11/1/2013.

There will be no impact of the proposal upon traffic; no impact upon vehicular and pedestrian safety; there is no adverse impact in terms of noise/lights/fumes or obstruction of airflow on adjoining property; no adverse impact on the aesthetic character of the environs, to include the possible need for screening from view; no impact in terms of orientation and spacing of improvements or buildings; and there was no concrete evidence of adverse effect on the public interest. *Motion seconded by Mr. McKnight.* **Request granted 3-2 with Ms. Durkin and Mr. Young in opposition.**

**IV. OTHER BUSINESS**

**Approve May 14, 2013 Minutes**

**Motion by Mr. McMeekin to approve the May 14, 2013 minutes; seconded by Mr. Cromartie. Minutes approved 5-0.**

**V. ADJOURNMENT**

**There being no further business, motion to adjourn the June 11, 2013 meeting at 4:58 p.m. by Mr. Cromartie.**

Respectfully submitted by Andrea Wolfe  
Sr. Admin. Secretary  
Planning and Development Services Department  
City of Columbia