
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
JULY 9, 2013- 10:00 AM

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

In attendance: Ernest Cromartie, III, Patricia Durkin, Dr. Pat Hubbard, Reggie McKnight, Calhoun McMeekin, Chuck Salley

Absent: Preston Young

Staff: Brian Cook, Andrew Livengood

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ernest Cromartie, III, chairperson, called the meeting to order at 10:00 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; reviewed general housekeeping rules; speakers sworn in.

Brian Cook, Zoning Administrator, Planning and Development Services Department, noted there were no items to present on the Consent Agenda, and proceeded with the Regular Agenda items.

II. CONSENT AGENDA

OLD BUSINESS

None.

None.

III. REGULAR AGENDA

OLD BUSINESS

1. **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)

In addition to the standard criteria required for a special exception, the Board is tasked with the application of additional criteria form §17-283_{(d)(1)} and §17-283_{(d)(2)} because this is a stealth wireless communication facility.

Mike Feigenbaum, Development Director for Clear Talk Wireless, presented on the request. Mr. Feigenbaum provided background on Clear Talk Wireless. Conversations were held in the past year with the Mayor and several Council members, as well as community association meetings held with individuals who are impacted by this proposal.

He felt it was important to understand that this is not to permit a wireless telecommunications facility, as much as trying to develop a flagpole that has a secondary use as a wireless telecommunications facility. This will also be able to allow other wireless carriers to provide better services in this area.

Mr. Feigenbaum reviewed the criteria required for a special exception. He also reviewed the additional criteria required for a stealth wireless communication facility.

There is an existing 30" tall wall that will provide some screening of the structure; as well as some landscaping. The equipment will be housed on top of the building or inside the building; and will not be around the base of the structure.

Tom Persons spoke on the design and size of the structure. The stealth tower will resemble a large flagpole with a 30" base diameter with no lighting on the structure except what is required for a flagpole. Mr. Persons said the additional 10' requested for this proposed 90' structure will allow it to allow for use by additional wireless communication companies. The location was chosen because this is where the corporate headquarters are located.

(he did not identify himself)?? of Clear Talk, addressed the criteria specific to a stealth wireless communication facility.

With regard to concerns raised by Mr. Cromartie regarding safety issues for pedestrians and traffic in the event of failure of the structure at the proposed location; Mr. Cook stated a permit cannot be issued from staff level until a letter from a registered structural engineer certifying the wireless communication facility, in the event of a failure, would not fall in the public right of way was received.

Some BoZA members were concerned with the proposed location and did not feel it was appropriate. They felt this is an important corner as well as the main entry to the City; that a great deal of money has been put into the Main Street corridor, and putting the tower at this location is cause for great concern.

?? of Clear Talk said they complied with all the required criteria and held several meetings with the surrounding neighborhood and had copies of certified notices of mailings done to those within 100' of the facility.

Brief recess taken at 11:18 a.m.; meeting resumed at 11:28 a.m.

Ellen Cooper, President for the Cottontown/Belleview Historic Neighborhood and President of the Coalition of Downtown Neighborhoods, spoke for both groups in opposition to this request. She requested the Board deny the request for special exception to establish a tower at this location as it will have an adverse impact on the historic neighborhoods and the area.

John Gibson, vice-president of the Elmwood Park Neighborhood Association, voiced neighborhood opposition to the request for the cell tower.

Tom Levy, resident and property owner, spoke in opposition to the request.

Bonnie Horne, property owner, voiced opposition to the request.

Rebecca Haynes, president of the Earlewood Neighborhood Association, spoke in opposition to the request as it is felt the tower will have an adverse impact on the historic neighborhood if placed at this location.

Frank Brand, veteran and resident, felt it a disgrace to place an American Flag on top of a cell tower. Mr. Brand felt the request should be denied.

Michele Logan, Elmwood Park resident, supported and agreed with Ms. Haynes' comments.

Terry Davis, neighborhood resident, supported the neighborhood speakers and voiced opposition to the request.

Mr. Cromartie asked the applicant to respond to some of the issues raised, and to provide proof of mailings to residents within 1,000 feet of the proposed tower location.

?? stated locations have been researched by Clear Talk for a number of years. This site was chosen as the best location because of the capacity and coverage needed for the area; and they tried to do something with a design that fits the aesthetic character of the neighborhood.

He clarified that the comment in the application stating this tower is critical to the Town of Hopkins and Horrell Hill Area was a cut and paste error from a previous application. This tower's actual coverage will be primarily back to the Elmwood area, west of Main Street, and north of Elmwood. The switching facility will be located at 1401 Main Street.

Regarding notification, Mr. Feigenbaum provided the return receipts received from the notice process. Mr. Persons stated a list of the all addresses within a 1,000 foot radius of the proposed facility was obtained from the assessor's office, and based upon that information a letter of notification was mailed to those addresses. At this time, it is not believed that 1215 Main Street was on that list. The letters were registered letters and all efforts were made to comply with regulations.

Testimony closed for Board discussion.

Motion by Mr. Hubbard to deny the request for special exception for 2101 Main Street to establish a 90 foot tall stealth wireless communications facility (90 foot stealth cell tower) as this particular location is a major gateway, the City Center Design Guidelines in terms of how things in Columbia work and the traffic patterns, the Bull Street Development, which will hopefully allow for the area to be de-cluttered and made much nicer, and the flag would not fit in at all in terms of where the City wants to go and the Main Street structure. The area is delicate as well because of the historic importance of the neighborhoods around it. However he feels on the street at that spot is not the proper location for the tower.

In terms of criteria: aesthetics and public interest are part of the standard criteria. There are also those in Section 17-283. It will substantially detract from the aesthetics, it does not emulate to anything appropriate that is on that street corner. The height and thickness of it is not at all appropriate at that particular location. That location is right in the middle of the scenic view sheds. It is to some extent, when coming up from the river area, becomes a dominant thing as it is up on a hill. Given these criteria, this should not be approved at this location. *Motion to deny seconded by Ms. Durkin.*

Mr. Salley agreed with Mr. Hubbard that this is not the appropriate location. He researched flag poles and found they can go up to 100 feet and 130 feet, but with a base of 14 inches as opposed to 36 inches. Therefore the scale of the proposed tower will not masquerade as a flagpole very well. He feels the scale and sight views of the tower would be diminished significantly if moved in between behind the back of the building and the mini-storage and warehouse facility. It may not need to be used to fly a flag at all. It is 90 feet and fairly slender and tapered as opposed to what a normal cell tower would be. He feels it might be appropriate to consider a motion that would approve that location not at the corner, but behind the building.

Mr. Cromartie said the Board only has this specific location and this specific intersection being presented, and then the issue becomes issues of notice and whether or not all of the notice requirements would be acceptable for a location in the rear opposed to at the corner. He agreed that may be an efficient option but did not the application be changed.

Mr. Cook agreed that was correct. If the tower is put on a parking lot, the parking must be taken into consideration. Distance from setbacks would need to be specific. If the tower is moved, it may adjust the line, and there would need to be notification. So it would need to be resubmitted. If the request is denied today, and the applicant comes back with a different application, it would be considered a new application which can be submitted immediately. However, they would need to notify the neighborhood and meet all required criteria again.

Motion to deny the request granted 4-2; with Mr. Salley and Mr. McMeekin in opposition of denial.

Short recess taken at 12:31 pm; meeting resumed at 12:36 pm

NEW BUSINESS

2. 13-045-SE Dist. 3 2800 Rosewood Drive (TMS# 11313-05-01) Special Exception to establish a craft beer and wine store (liquor store) (Andrew Johnson)(C-3)

Andrew Johnson, applicant, stated there will definitely be no sale of hard liquor/spirits. Only craft beers from bottles and growlers, and wines will be sold. There will be open containers for tastings.

Kellan Monroe, business partner, presented on the request for the high-end craft beer and wine store. There will be a growler filling station in the back where the on-site consumption of a 4 oz. tasting will be done with a limit of four tastings; however the main focus will be on bottle sales with the growler filling as extra. Distributors will do on-site tasting for which there will be a charge. Wine tastings of the wines sold will also be done; as well as information on wine and food pairings. Seating will be limited to six seats at the growler station with no outside seating. Proposed hours of business will be from 10AM to 7PM.

Mr. Johnson reviewed the criteria required for a special exception.

Motion by Mr. McMeekin to approve the request for special exception for 2800 Rosewood Drive to establish a craft beer and wine store. Applicant testimony has satisfied there will be no impact on traffic, or vehicular or pedestrian safety; no impact on noise, lights, fumes, or obstruction of air flow on the adjoining property; no impact on the aesthetic character of the environs; or orientation or spacing of improvements of buildings; and it does not adversely affect the public interest. Approval is conditioned upon the hours of operation being from 10 AM until 8 PM. The applicant is permitted to have six-seat station area provided for on-site consumption. Amended to include there will be no off-premise consumption or outside seating. *Motion seconded by Mr. Hubbard. Motion approved 6-0.*

IV. OTHER BUSINESS

Approve June 11, 2013 Minutes

Motion by Mr. Hubbard to approve the June 11, 2013 minutes; seconded by Mr. McKnight. Minutes approved 6-0.

Special Exception Criteria

Informal discussion and review of current Special Exception criteria.

Additional and revised special exception criteria will be presented to the Planning Commission and City Council.

V. ADJOURNMENT

There being no further business, motion to adjourn the July 9th, 2013 meeting at 1:01p.m. by Mr. Cromartie.

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