
**CITY OF COLUMBIA
PLANNING COMMISSION**



**March 4, 2013
5:15 P.M. Regular Session Minutes
EAU CLAIRE PRINT BUILDING**

3907 Ensor Avenue • N. Main Street and Monticello Road • Columbia, SC

In attendance: Maryellyn Cannizzaro, Richard Cohn, Gene Dinkins, Jr., Moryah Jackson, Mark James, John Taylor, Mary Winter Teaster, Paige Tyler

Absent: Chris Brownlee

Staff: Krista Hampton

I CALL TO ORDER/ROLL CALL

Meeting called to order at 5:22PM by Chairperson Mark James. Mr. James explained the purpose and process of the Planning Commission and explained the rules of order for the Planning Commission.

Roll call and quorum established. Krista Hampton, Director of Planning and Development Services, proceeded with review of the Consent Agenda. Ms. Hampton noted that item 3, **305 Veterans Road**, was erroneously placed on the Consent Agenda and staff requests that be put on the Regular Agenda; therefore the Consent Agenda consists of items 1 and 2.

II CONSENT AGENDA

Approval of Minutes

1. Approve **February 4, 2013** minutes.

Annexation with Map Amendment

2. **124 and 126 S. Assembly Street**, TMS# 11301-04-19 and -14; request recommendation concerning application to annex and zone the property M-1, -FP (Light Manufacturing with a Flood Protective overlay). The property is zoned M-1 (Light Manufacturing) in Richland County.

Motion by Mr. Dinkins to approve items 1 and 2 on the Consent Agenda; *seconded by Mr. Cohn*. **Consent Agenda approved 8-0.**

III REGULAR AGENDA

Annexation with Map Amendment

3. **NX 1409 Dunston Street**, TMS# 16309-06-01; request recommendation concerning application to annex and rezone the property M-1 (Light Manufacturing). The property is zoned RS-MD (Single-Family Residential-Medium Density) in Richland County.

Map Amendments

4. **305 Veterans Road**, TMS# 16406-06-06 (portion) and -07; request to rezone from C-1 (Office/Institutional) to C-2 (Neighborhood Commercial).

Request to rezone C-1 to C-2 to allow for retail development. This is an odd shaped lot surrounded by residential PUD on either side. It is adjacent to commercial, as well as the Garners Ferry corridor. Because of the adjacency to the residential as well as single-family residential further down the road, staff could not recommend approval. In addition, there is a lot of vacant stock on the corridor to prevent pursuit of further C-2 zoning.

The Richland County zoning information shows C-3 zoning in that parcel which is incorrect; C-3 is above that parcel.

Allowed in C-2 zoning but not in C-1 are retail and small classes of restaurant use which are the primary ones of concern for traffic. Parking is allowed. The subject parcel is not developed, but if it were desirable to have a more intense retail use on the currently zoned C-2 parcel, which is also owned by the applicant, the subject parcel could be used for parking.

Ms. Teaster said it appears to be a lot of mixed use parcels in the area; commercial, residential. Ms. Hampton agreed and said there is the part that is out of the county below Bolton. The PUDs are fairly recently developed residential.

Major James Cassler, applicant and property owner, purchased both parcels to provide services to people and give back to the community. As he is a veteran himself and this is Veterans Road, he plans to hire vets to provide employment opportunities for them. Major Cassler has a business on one parcel, Patriotic Amusements, which provides entertainment for outdoor events (churches, schools, birthday parties).

The business will be heavily marketed to promote veterans to lease the facility however he will also market to others. Plans are to work with the Wounded Warrior Program, the VA Hospital, and with Ft. Jackson Transition Center, acting as a landlord to pursue veteran owned business to assist the community.

If the rezoning is not approved, Major Cassler will still build offices as planned, but the businesses will be limited to attorneys or such which would really limit a person getting out of the military to apply themselves for store ownership. He has the patriotic business he would like to use for C-2 zoning which he cannot use if the zoning is not approved. He feels Veterans Road is a 'prime location' for a veteran to apply a business, and it is the only Veterans Road in Columbia.

There is a significant power line easement and a ditch easement that is owned by SC DOT which is in a flood plain. It does significantly separate from the housing area, and has a lot of trees as well. The current business is on a C-2 parcel.

Mr. James said the Planning Commission admires what Major Cassler is doing, but this is a major decision of rezoning that could impact a long way into the future and the potential use of the property. Compatibility with surrounding properties must be considered.

John Blackmon gave some background on the property. Mr. Blackmon said there are 14 townhomes in the PUD. The entire area was in a floodplain at one time. When the property was developed, FEMA was petitioned and all was removed from the floodplain and floodway. All of the floodway is now within the ditch and all the property being requested for rezoning is not in the floodplain. He served on the City Planning Commission for eight years and participated in the renaming to Veterans Road when I-77 was

developed. It is a heavily traveled road, and C-2 would be a very appropriate neighborhood commercial use for the property. He is not personally involved in the adjoining property.

Motion by Mr. Dinkins to approve the request for **305 Veterans Road**, to rezone from C-1 (Office/Institutional) to C-2 (Neighborhood Commercial) rezoning; *seconded by Mr. Cohn.*

Mr. Dinkins said in looking at the geometry of the particular parcel; something could be built on the north side, but it is not well suited for office or institutional zoning. For all the factors stated; being close to I-77, industrial is across the street, he feels this is a good fit for the area. He voiced concerns that if the property remains C-1, it may remain vacant for a long time. This is the type of zoning that fits for this parcel. **Motion to rezone granted 8-0.**

5. **701-729 Lady Street, 704-718 Lady Street, 1320-1332 Wayne Street, and 1315 Gadsden Street**, TMS# 09009-08-01, -04, -08, -09, -10, 08912-07-01 and -02; request to rezone from PUD-C, -DD and PUD-C, -DD, -DP (Planned Unit Development – Commercial in a Design Development and Design Preservation overlay) to C-4, -DD and C-4, -DD, -DP (Central Area Commercial district in a Design Development and Design Preservation overlay).
6. **1428 Heidt Street**, TMS# 11411-01-11; request to rezone from RG-2, -DP (General Residential in a Design Preservation overlay) to C-3, -DP (General Commercial in a Design Preservation overlay).

This request was deferred from last month. This is a single parcel that faces into the residential and adjoins a strip of C-3 commercial where all of the structures face into the neighborhood.

Mr. James stated he had an email from the applicant sent to Brian Cook, zoning administrator, requesting deferral.

Ms. Hampton stated the applicant needed to request that as there were others in attendance for the second month in a row to hear this request. Staff did not receive the applicant's email until today, the same day as the meeting, which did not allow time for dissemination. It is up to the Commission as to defer or not. She will provide the overview of the request. There are people from the neighborhood who may want to speak to the request with regard to granting another deferral as they expressed to staff.

The owner wants to have the property rezoned to permit its conversion into office.

Unless the Commission had other desires, Mr. James said they would hear from the applicant first and then from the public.

Darryl Cawley, attorney for applicant, requested a continuance with regard to this matter as he said they were not notified of the Planning Commission meeting being held today. He said they were unsure of the process for deferral, and assumed they would have gotten a notice about the meeting. They would like to defer to the April 1st meeting as they will then be aware of the meeting, and will not ask for another deferral. The reason for the deferral was to allow them to meet with the community.

The met with the City on Friday, and learned initially that the C-3 zoning was being opposed. They are requesting a continuance so they can meet with community and come to agreement. He represents Clifford Bush, property owner, who could not be here today.

Mr. James stated for clarification that the request is to rezone from RG-2 to C-3 for office use which is acceptable under C-1 zoning which is less intensive.

Ms. Hampton stated the applicant requested deferral from last month to this date. Notices are not sent out to applicants when they are the ones requesting a case be deferred, so there would not have been a notice sent. If the applicant requests a deferral, they should be aware of the meeting date.

Mr. James said the options are to defer now; invite discussion and defer; he questioned if a vote can be made even though the applicant requested deferral.

Ms. Hampton said a vote can be done; it is the prerogative of the Planning Commission whether to vote today or approve another request for deferral.

Ms. Cannizzaro said it “*seems like it is a honest mistake*”, saying if there were people in attendance to speak on the application, she felt it may be interesting to hear them speak and allow the Commission to think on their thoughts until next month. She felt that postponing the case for a month may be an inconvenience but it’s not that bad.

Doris Hildebrand, president of the Historic Waverly Community, said it is a hardship to reschedule. She spoke to Mr. Bush once who sent a registered letter wanting two years of information regarding to who paid dues and other information that she feels is not his business. She has never seen Mr. Cawley before today, and feels the applicant needs to speak for himself. Members of the neighborhood had to make arrangements to attend meeting today. She is opposed to the rezoning because this is a regular house that does not need to be a business; and there is no room for parking. The neighborhood does not want a law firm in their community. The house needs to be fixed up and can be made into a residence. The neighborhood has been decreasing for years and she feels this is very crucial, stating *this is a historic district*.

Mr. James asked if there was other zoned commercial property in the neighborhood. Ms. Hampton said there is on the periphery.

Mr. Taylor questioned staff recommendation and Ms. Hampton stated staff does not recommend rezoning this parcel.

Ms. Cannizzaro felt, as with other neighborhoods with this same issue, that the applicant needs to meet with the neighborhood to let them speak together to find the real issue. Personally, she would not like to see it become commercial but feels communication needs to be done to see what the real issue is which is an erosion to the periphery of the neighborhood.

James Baker, resident, said they were advised of the last minute deferral made last month, he contacted staff and advised them there would be a deferral again this month. He feels they are

delaying tactics to disrupt the neighborhood situation. This is a single house with residences in the front and on both sides. It could be law office today, but C-3 zoning would open it up to become anything in the future. Currently it is a residence in sad need of repair. It will eventually go to City Council for resolution, so they would like a vote taken today and not be deferred today so a vote can be made.

Frank Houston, resident, said this is a very vulnerable community presently and they are fighting to keep it the way it is. It is a historical community and they would like to keep it that way. To open it to businesses will make it open to other things to come in. They had a lot of famous individuals come out of the community and make it the way it is, and they would like the community to remain that way.

Mr. Caswell said he is hearing what is said and that is why they want to talk to the community.

Mr. James said Ms. Hildebrand comments were heard and she is very influential with the Planning Commission and City Council. He strongly suggested that the applicants 'reach out to the community' before the next meeting.

Mr. Dinkins stated it was regrettable that people showed up again for the second time in a row, and he is sensitive to their time, but given the facts in this case, he 'really feels a deferral is best. **Motion by Mr. Dinkins to defer** the request for **1428 Heidt Street**, to rezone from RG-2, -DP to C-3; *seconded by Ms. Cannizzaro*. She added she is sad for the community for the deferral but has confidence that ultimately the Planning Commission will make a proper decision. **Motion to defer carries 7-1 with Ms. Jackson in opposition.**

7. E/S Clemson Road at N/S Earth Road, TMS# 25700-04-02; request to rezone from C-3 (General Commercial) to C-3 with AS (arterial street sign) overlay

This request is to rezone from C-3 to C-3 with AS. These types of requests are received extremely rarely, and it is how the city applies a zoning overlay to an off-premise advertising sign, more commonly known as billboards. There is a cap and replace, in order to put a sign here, another one must be removed.

Mr. Cook stated the applicant is asking for a 600 sq. ft. area for a billboard; half of the billboard could be digital. The height on a potential billboard in this district is 35' and the maximum square footage is 380 sq. ft. In order to put that sign there, several other non-conforming signs around the city would need to be removed. The applicant is proposing to take down one sign on North Main at this time which will give the 121 sq. ft. In this particular case, if a non-conforming sign is removed anywhere in the city, and a city is erected anywhere in the city that is not in the FS (Free Way) sign overlay district, you get one foot of new display area for each two feet of existing non-conforming display that is taken down. On North Main, if you take down 242 sq. ft. of non-conforming sign, either digital or static, you can put up 121 sq. ft. of advertising sign in a new location. If you take down several more signs, you get the same rate up to 380 sq. ft. The zoning in the area in general commercial and will remain general commercial. To his understanding, there is not a billboard at this location at this time.

Mr. Cohn recused himself from this case.

Blake Valentine, Lamar Advertising, said City guidelines are a bit in the cap and replace restrictions. All height and spacing requirements have been met. The proposed sign is smaller than what is allowed for the area, it will be 242 sq. ft. back to back sign, with digital display on one side, and will be 25' in height. Regarding the replacement square footage, one sign has been located for removal on North Main, and the second replacement sign is being sought.

Responding to Mr. James' question, Mr. Cook said that non-conforming signs can be removed from anywhere as long as it is not in the SF overlay already. He will not be bound to a 240 sq. ft. sign; he will be limited to 380 sq. ft. as allowed in the overlay district and 35' height. Because their proposed sign is smaller, if he removes several non-conforming signs to get to that replacement of 380 sq. ft., he can go there and would not need to come back to the Commission.

Mr. Valentine said there are no other similar signs in close proximity. The next is sign is further down on Sparkleberry Road, and the next one is further down Two Notch Road.

Mr. James asked for clarification if approval is given for rezoning, though he plans to put a 25' tall sign at the location, he could change that and build a 35' tall sign that is 380 sq. ft. Mr. Cook confirmed that he could, but it would also call for the need to remove non-conforming signs somewhere else.

Chris Kemmerling, neighborhood resident, said the intersection has a traffic light and gets an enormous amount of traffic. It is only a two-lane road and many accidents occur at the intersection. Ms. Kemmerling voiced concerns with a digital billboard that it will be a danger at least until the road is increased to four-lane. She is also concerned with the size of the billboard and would prefer a smaller commercial that would not be as big and garish.

Motion by Mr. Dinkins to approve the request for **E/S Clemson Road at N/S Earth Road**, to rezone from C-3 (General Commercial) to C-3 with AS (arterial street sign) overlay; *seconded by Mr. Taylor.*

Mr. Dinkins said there are residential areas nearby but this is an intensive commercial zoning on a large piece of property fronting Clemson Road very close to the interstate. It could be intensively developed with all kinds of signage with the AS overlay, and here is an applicant who will follow the right procedures and remove billboards to put up a billboard. If a billboard is not allowed here, he questioned where it could be put. **Motion carries 7-0.**

IV OTHER BUSINESS

1. Adjourn.

There being no further business, motion to adjourn by Mr. Dinkins; meeting adjourned at 6:16 PM.

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