

BOARD OF ZONING APPEALS
June 3, 2015

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4 *Present: Michael Spearman, Frank Richardson, William Smith, Joshua McDuffie,*
5 *Susanne Cecere; Absent: Christopher Sullivan]*

6
7 Called to order: 3:07 pm

8 CHAIRMAN MCDUFFIE: I'd like to call this meeting of the Richland County
9 Board of Zoning Appeals to order and recognize that we have a quorum. First item is
10 the adoption of the Agenda. And this Agenda has been – In accordance with the
11 Freedom of Information Act a copy of this Agenda was sent to radio and television
12 stations, newspapers, persons requesting notification, and posted on the bulletin board
13 located in the lobby here at the County Administration building. Is there a motion to
14 adopt the Agenda?

15 MR. SPEARMAN: So moved, Mr. Chairman.

16 MR. SMITH: Second.

17 CHAIRMAN MCDUFFIE: Alright, we have a motion to adopt the Agenda. All in
18 favor?

19 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere; Absent: Sullivan]*

20 CHAIRMAN MCDUFFIE: Alright, it's unanimous and the Agenda is adopted. And
21 at this time ordinarily we would go to the Board's attorney, Ms. Amelia Linder, to present
22 the Rules of Order. Is someone else prepared to, prepared to present the Rules of
23 Order today?

24 MR. DELAGE: I am.

25 CHAIRMAN MCDUFFIE: Alright, wonderful.

1 MR. DELAGE: Alright, welcome. And just to kind of go over some basic stuff
2 about it, the Board is *quasi*-judicial so the next step would be circuit court if there's any
3 appeals. Also as far as the testimony, the Applicant would have 15 minutes to speak.
4 Any opposition would have three minutes to speak. And then the Applicant is also
5 allowed up to five minutes for a rebuttal. As far as testifying, just make sure to address
6 all remarks to the Board, not to interact with anyone from the audience. Basically no
7 audience demonstrations, no testimony except from the podium. Basically everything is
8 under oath and you are recorded. As far as evidence, it's not as formal as a court, we'll
9 accept any kind of documents that you submitted and will, the Board will weigh them
10 appropriately. As far as approval, you'll receive either an approval or denial or
11 conditional decision. Basically all decisions are final when the Minutes are approved so
12 anything that you do before then is proceeding at your own risk. Any person who may
13 have a substantial interest in a decision made by the Board can request a
14 reconsideration for a decision, for any kind of prior case approvals. And again, the next
15 step is appeal to circuit court. And as far as housekeeping, you know, please make sure
16 your cell phones and pagers, anything else like that is turned down and basically if you
17 need to, once your case is over if you wanna go ahead and leave just please do it
18 quietly. As far as for any witnesses that anyone's going to speak today, we're gonna, if I
19 could have you stand please and raise your hand we'll go ahead and swear you in. Do
20 you swear or affirm that the testimony you shall give shall be the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 AUDIENCE: I do.

23 MR. DELAGE: Alright, everyone answered in the affirmative.

1 CHAIRMAN MCDUFFIE: Alright wonderful, thank you very much. The next item
2 on the Agenda is the approval of Minutes from the April 2015 Board meeting. Has
3 everyone had an opportunity to review the Minutes? Are there any, are there any
4 changes or amendments? Yes, sir?

5 MR. SPEARMAN: Can we amend the Agenda and move the Minutes to the end
6 of the meeting?

7 CHAIRMAN MCDUFFIE: I see no reason why we can't if you'd like to, to move
8 do to so. Alright, we will, we will move the, we will move the approval of Minutes until
9 the end of the meeting. Alright. And so then that leaves us on the next item which is the
10 public hearing portion of today's meeting, and Mr. Price when you're ready if you would
11 please call your first case.

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

13 MR. PRICE: Alright the first item is Case 15-02, it's a Variance. The Applicant is
14 requesting the Board of Zoning Appeals to grant a Variance to exceed the maximum
15 height for a pylon sign in the GC District. The Applicant is Rob Klemple of SGC Design
16 Group. The location is 715 Fashion Drive, it's about a 23 acre tract and currently there's
17 a, the records indicate there's a 53,000 square foot warehouse structure on the
18 property. The proposed land use is going to be for a warehouse club or Sam's
19 Superstore. The area is commercially developed. The Applicant as stated, they're
20 asking to erect an 80' tall pylon sign. In the GC District the maximum height for a pylon
21 sign is 35'. Staff did go out and we did do our review and, of course, on the Variances
22 they have to meet a certain criteria, and so one of the things that Staff was unable to
23 determine, which the Applicant may be able to shine some light on, is that the 80' height

1 would meet the, that's they would need for whatever their use is. This is a little different
2 as far as Variances go for signs cause sometimes it's pretty, it's pretty basic. You know,
3 they're due to a grade or just some reason, we have, all the signs have not had since
4 this, but Staff, I did go out there a couple of times because as I said this wasn't the
5 basic request as far as going out to the site and looking at it. And I think one of the
6 things is the Applicant's going to try to, needs to demonstrate to you, of course, is what
7 it is they're trying to accomplish as far as the visibility on Two Notch Road, cause I
8 believe that's what we're looking at. Staff did notice that once you go to the site there's
9 a grade difference between them and Two Notch Road, they're also behind a railroad
10 track and a number of buildings, some billboards and trees, so I think that's one of the
11 things that they're shooting for, but the question just becomes, is that grounds for a
12 Variance or is it something that the Board, you know, when an applicant buys the
13 property that's something that they should've taken into consideration, or is it something
14 that within reason anybody that uses this property is gonna run into the same problem.
15 So that's what we have.

16 CHAIRMAN MCDUFFIE: Alright. And at this time I'd like to call on the Applicant,
17 Mr. Rob Klemple, please take the stand and state your name and address for the
18 Record.

19 **TESTIMONY OF ROB KLEMPLE:**

20 MR. KLEMPLE: Thank you, I appreciate your time. My name is Rob Klemple, I'm
21 with SGA Design Group, we're based out of Tulsa. I'm in our Bentville office, my street
22 address is 621 Trailwood Circle, Centertown, Arkansas. And again, I appreciate your
23 time, I won't, I won't go too far into the presentation, I think all the material there has a

1 lot of content to kind of review and go over. Basically what Sam's Club would like to do
2 is ask for a Variance at a maximum of 80'. What we found out with the grades and the
3 site, on the site plan we're proposing two signs for this project for Sam's Club. One is by
4 the fuel station that's off of Fashion Drive, and that's an internal sign, that's viewed, you
5 know, internally, not from Two Notch Road, which is the major thoroughfare as you
6 know. What we've studied on the site lines is that a 30 or 35' pylon cannot be seen from
7 Two Notch Road, so as far as the customers being able to know where the club is or
8 new customers to, as a way to find the club, 35' is just not visible. It's not visible for a
9 variety of reasons, really three that was mentioned just a minute ago. One is the grade
10 difference from basically south to north and north to south. There's a little bit of a grade
11 difference that prohibits a lotta the views of this site since it's backed off of Two Notch
12 Road. The other is an obstruction of a series of buildings along Two Notch Road. Even
13 though they're low structures, maybe you know, up to 20, 25' with a gable or shed roof
14 and a few flat roof structures, it still provides enough obstruction that a 35' sign just can't
15 be seen. The third thing which is really kinda the biggest of all of these is the
16 combination of the existing signage with the trees. There are several clusters of trees
17 along that road that are actually along the railroad tracks that we cannot control that are
18 on the other side of the railroad tracks between Two Notch Road and the railroad
19 tracks. And those clusters of trees are, I mean, they're pretty mature trees, they're
20 anywhere from about 16 to 40' tall. And there're just really no good sight corridors to
21 see any signage or opportunity for signage for the Sam's Club. So we're asking for a
22 little bit of mercy and relief for a pylon sign that we can extend upward to a maximum of
23 80', and why we picked 80' was because we actually had the sign contractor go out

1 there with a cabinet sign that's kind of a typical Sam's Club that would be compliant with
2 the ordinance and raise that up 75' to see if that would be visible from any view,
3 north/south, south and north, on Two Notch Road. And it would be, it would be visible
4 clear above the billboards, clear above the trees, clear above the buildings, and it would
5 give enough of a presence to that major thoroughfare for their customer base and for
6 new customers to recognize where the Sam's Club is. We also tried 50' and we had
7 mixed results with the 50' sign. We can see it in some sight corridors, it is visible but on
8 the grade changes from south to north it cannot be seen just because of the tree line
9 and, and the grades that dip down quite a bit. So we did those two studies to see what
10 the results were and clearly the 75' mark with the sign was the best visibility seen
11 basically from all vantage points. And so that's why we were asking in the request for
12 80'. The other part of this conversation, too, that Sam's Club would like to point out is
13 that the cabinet that is in the exhibits that's showing there is what we're terming as a
14 compliant sign so it's pretty small, and we'd also like to entertain or at least request and
15 discuss increasing that sign square footage proportionate to the pylon sign. Not quite as
16 big as the huge billboards that are out there, obviously, but something more in
17 proportion to, if we can get the 50 or 80'.

18 CHAIRMAN MCDUFFIE: Mr. Klemple, but what you've applied for today is a, is a
19 Variance on the height of the sign, not of the allowable square footage of the sign.

20 MR. KLEMPLE: That's correct.

21 CHAIRMAN MCDUFFIE: Correct, so that would have to be looked at at a
22 separate time. Are there any questions for either Staff or the Applicant at this time, or
23 would anybody like to see any of the, any of the exhibits or have anything explained?

1 MS. CECERE: The second sign, where would it be? Is that near the Plex?

2 MR. PRICE: It should be outside of the –

3 MR. KLEMPLE: It's at the internal intersection there at Fashion Drive and, I don't
4 recall what that –

5 MS. CECERE: Is that –

6 MR. PRICE: [Inaudible].

7 MS. CECERE: Right, uh-huh, yeah. Yeah, where Miyo's is in that little strip thing,
8 yeah. And it'll be behind there, there's like an empty building I think there now?

9 MR. PRICE: Yes.

10 MS. CECERE: Okay.

11 MR. PRICE: Well, if you're on Two Notch Road and you come onto Fashion
12 Drive –

13 MS. CECERE: Right.

14 MR. PRICE: You know, you have the Bible store, the CiCi's Pizza, and then –

15 MS. CECERE: Right.

16 MR. PRICE: And there's a parking lot.

17 MS. CECERE: Right.

18 MR. PRICE: [Inaudible].

19 CHAIRMAN MCDUFFIE: Mr. Price, you, you went out and, and visited the
20 location. How tall are the other signs for, for businesses located in the area
21 approximately? Are there any others that, that would exceed the –

22 MR. PRICE: Take into account, there're two signs that – I'm sorry, new
23 technology. There are two signs out there that I think would address, I know one of the

1 questions that you have. One is the billboard. When billboards were prohibited by
2 Richland County, of course they're all non-conforming at this time, the maximum height
3 was 50 square feet. There's also a sign that's a lot taller than that, which is the, I guess
4 a tenant sign for the Village at Sandhills, which is, I'm sorry I don't have the information
5 before me but it does greatly exceed 50'.

6 CHAIRMAN MCDUFFIE: Maybe granted as part of the PUD or the Planned
7 Development?

8 MR. PRICE: Actually it wasn't.

9 CHAIRMAN MCDUFFIE: Okay.

10 MR. PRICE: Because the Village is not a, a PUD.

11 CHAIRMAN MCDUFFIE: Okay.

12 MR. PRICE: But it was granted by the Board of Zoning Appeals for a Variance,
13 they approved the Variance for the height of those signs.

14 CHAIRMAN MCDUFFIE: Okay.

15 MS. CECERE: And there is a very large billboard right there on Two Notch Road,
16 correct? It's, I'm trying to think of, pass, pass this little piece, I'm trying to think of the
17 picture that it was on. Right there, if you go just past that maybe not even a block think
18 there's a very large billboard there, is it not?

19 MR. PRICE: Yes. I'm trying to – we have to use the old system today for some
20 reason but I think that's the one you're referring to.

21 MS. CECERE: I think so, yeah.

22 MR. SMITH: It's gonna be behind that one, though.

23 MR. PRICE: Right, so –

1 MS. CECERE: Yeah, it's –

2 MR. PRICE: - there are two parcels, again while Staff's recommendation was for
3 denial it wasn't based on, you know, just the fact, well we need to make sure that the
4 minimum was being requested. But there are two, there are two parcels on Two Notch
5 Road in this general vicinity where there's, almost an island in front of them. One of the
6 other ones is the Lowe's, excuse me, the Home Depot if you go down there, and there's
7 a car dealership and a number of businesses. I think that one of the differences is that
8 the Home Depot, of course, is part of the Village and also that where they built the
9 structure, essentially putting a sign the height of the building to serve that purpose also.
10 Whereas with this one their proposed structure would not be on Two Notch Road, I
11 mean, they're close to the railroad tracks because there is an existing access into the
12 property. And I believe the grade does, is a lot different at this location than it was for
13 the Home Depot, and also as you stated Ms. Cecere, there're a number of, you know,
14 this billboard and some other signs, and as the Applicant stated, some trees that are in
15 the right-of-way of the railroad that they would have no control over.

16 MS. CECERE: But now the Home Depot, it does not have a sign on Two Notch
17 Road, I don't think.

18 MR. PRICE: Their sign is on the building. If you look at –

19 MS. CECERE: On the building itself.

20 MR. PRICE: - the building.

21 MS. CECERE: Yes, correct. Yeah, because you have to access that through the
22 Sandhills development. But on the other side where the Hobby Lobby, they're kind of
23 sitting in the back but I don't recall a big sign out front for them.

1 MR. PRICE: I'm not sure.

2 MS. CECERE: No, I think they're on that – I'm trying to think of – I'm also trying
3 to recall what the one on Forest Drive looks like at the Sam's? I don't remember there
4 being a very large billboard.

5 MR. PRICE: I was trying to get the Hobby Lobby. Actually I can go to, to, I can
6 find that for you, we can take a look.

7 MS. CECERE: I think they have, like a, one of those multi sign things when you
8 drive in where it lists every business that's in that –

9 CHAIRMAN MCDUFFIE: A tenant sign?

10 MS. CECERE: Um-hum (affirmative).

11 CHAIRMAN MCDUFFIE: Like on a pylon or –

12 MS. CECERE: Right, um-hum (affirmative).

13 CHAIRMAN MCDUFFIE: Tell me again, Mr. Price, how tall the, the Sandhills
14 group development sign and how tall the, the billboard –

15 MR. PRICE: Oh definitely. I can tell you the billboard's 50' in height. I do believe
16 that the, the Sandhills is a lot taller, I don't have it specifically in front of me but I do
17 know theirs is probably in that 70' range.

18 CHAIRMAN MCDUFFIE: Given that the billboard is non-conforming, at this point
19 are there plans for it to, to go away eventually or is it just there as long as it's there?

20 MR. PRICE: It's there as long as it's there, and actually a few years ago Council,
21 that sign actually can come down and be rebuilt as a digital billboard. So their non-
22 conforming is a little different than others, but essentially a sign could be there as long
23 as it wants to.

1 CHAIRMAN MCDUFFIE: Okay.

2 MS. CECERE: One, one more question, Mr. Klemple. Is, will that Sam's Club be
3 accessible only on Fashion Drive or also off of Two Notch Road?

4 MR. KLEMPLE: There is no access from Two Notch Road, it's just internal.
5 Fashion Drive and Forum, that intersection is the only point of access.

6 MS. CECERE: Yeah, because of the railroad, yeah, um-hum (affirmative).

7 MR. KLEMPLE: Yeah, because of the railroad, there's businesses there.

8 CHAIRMAN MCDUFFIE: I guess part of my thinking would be that, that this is not
9 a business that people are just out cruising around and, and stumble upon and go to.
10 It's a, it's a members, you know, it's a club that's targeted at, at existing members for
11 the most part, and you know, they would know that they're going to go there. So, you
12 know, it's not, it doesn't seem quite as critical as if it were, and I know this is not
13 necessarily germane to the, you know, to the, to the Findings of Fact, but you know, if
14 I'm going to Sam's I know I'm going to Sam's and I generally know where it is. You
15 know. But I, I do understand what you're, what you're asking for.

16 MR. PRICE: What I'm showing here, except forgive me for, something's going on
17 with our system so this is an older one. However, pulling up street views of the Sam's
18 on Forest Drive, eventually.

19 MS. CECERE: Because I can't, I can't remember ever seeing a large sign there, I
20 just know where it is because I'm a member there, so. And, but, and I think most people
21 know it because, like Mr. Chair says, that we know where, you know, if you're a member
22 you know where the, the business is.

1 CHAIRMAN MCDUFFIE: Yeah, my, my concern I guess for, for the, for the Board
2 is obviously we wanna, we wanna make, you know, make the sign visible for, for people
3 that are, that are coming and going, but, but also that we're not, you know, sort of
4 granting something that overshadows everything that's, that's there, you know. You
5 know, I'd like to, to see something functional but, you know, but not that's excessive for,
6 for everything else that's in the area.

7 MR. SPEARMAN: Mr. Price, does this part of the Village, this parcel, is it part of
8 the Village?

9 MR. PRICE: It is not.

10 MR. SPEARMAN: No?

11 MR. PRICE: No, sir, the, the Village stops at the Plex and where the, I believe it's
12 Old Navy, that development is, with Miyo's and the other commercial uses that are
13 there, they were, they're not part of it. They were rezoned separately and developed
14 separately from the Village.

15 MR. SPEARMAN: I've got a couple of questions for the Applicant.

16 CHAIRMAN MCDUFFIE: Please.

17 MR. SPEARMAN: The grade, you mentioned the grade would be a difficulty.
18 What, what is the current grade compared to the, to the other parcels? You mentioned
19 that there's a deficit there I guess as far as the grade is concerned, and that's the
20 reason why you need the additional height for your sign, so what kinda grade are we
21 talking about on this 23 acres that, that you're having problems with?

22 MR. KLEMPLE: I have to apologize, I don't have the specific numbers between
23 Two Notch and our property. I do know that the railroad does rise up a little bit more. If

1 you look at the, the Home Depot store and the railroad tracks they're about the same
2 grade, same level. But as you go south, I'm calling it south, on that Two Notch Road,
3 the railroad tracks rise up a little bit, and then the property dips down quite a bit, and
4 then it starts to gently rise up. So there is, there is a lower portion of that. The other part
5 of the grade change is just Two Notch Road as you're going from south to north as I call
6 it, you hit kind of an apex of that hill and then you come down where, towards the, the
7 property. And those views are obscured, unfortunately, by a lot of the trees that are in
8 the easement with the railroad, as well as several billboards. So there's really no
9 opportunity to really see that sign until you get closer to, almost past the, the street that
10 you need to turn on. So that is kind of the difficulty there.

11 MR. SPEARMAN: Has Sam's already purchased the property?

12 MR. KLEMPLE: That I do not know. Typically with Walmart they go through all of
13 the entitlements and then the contracts are signed with the seller. And until then, I do
14 not have any specific information knowing whether that deal has been inked or not.

15 MR. SPEARMAN: The current structure that's on there, is that gonna be used for
16 the store?

17 MR. KLEMPLE: Yes. That piece of property?

18 MR. SPEARMAN: Yes, the current structure I think is, I believe –

19 MR. KLEMPLE: No, no, there, there is no current structure, the structure that
20 we're showing you –

21 MR. SPEARMAN: The warehouse that's there?

22 MR. KLEMPLE: The club is a new, it's ground up, it's, building.

23 MR. SPEARMAN: So you're gonna construct a new building?

1 MR. KLEMPLE: That's right, and those, that set is in permit review currently.

2 MR. SPEARMAN: Okay. How far back from the railroad tracks is the building
3 gonna be?

4 MR. KLEMPLE: If you look at the exhibit here, we have a parcel 4.7 acres
5 between the railroad tracks and us, roughly where the easement, and then the building,
6 there's a parking lot in the front of that so it's another 250, 300' from that 4.7 acres. So
7 roughly, you know, 400 to 500' away from the, from the railroad tracks alone.

8 MR. SPEARMAN: Have you looked at other options as far as signage is
9 concerned? As far as, you know, I don't know if you have the option to put it on top of
10 the building or something like that to give some additional height or, I mean, what other
11 options have you, are on the table other than this Variance as far as the sign -

12 MR. KLEMPLE: Well, the depth is such that it prohibits really any functional use
13 of the sign. By the time - well number one, the building could not be tall enough to have
14 a sign that would be viewed, that the, the walls for the club are pretty much at the max
15 of 26 to 30', roughly, a little bit more at the entry vestibule. But that is so deep set that
16 based on the sightlines a person would never be driving 40, 45, 50 along Two Notch
17 and be able to see that sign perpendicular to the property, then be able to maneuver to
18 the intersection and make that turn. That is really kinda the critical part of this is being
19 able to allow the customer to make those decisions vehicularly to get into the right lane
20 and, and turn in there. And I understand, I respect that, you know, once you know the
21 club is there then you know it's there, but getting the customer base to know where that
22 club is, if they, the signage is not available for us then it becomes a little bit more
23 challenging and the more challenging you have for your customer base to get to your

1 stores, the more frustrated they get and the less likely that they'll return and be
2 committed to that business. So that's part of what Sam's Club is kind of concerned
3 about with this property is just, it just lacks the visibility that they would like to have.

4 MR. SPEARMAN: Well, I don't know if you're familiar with that area and have
5 done any traffic studies, but I would think that your customers would have more
6 frustration dealing with the traffic trying to turn on and off of Two Notch Road onto
7 Fashion Drive, and then trying to negotiate another left turn to get back into your store
8 more so than a signage. And, and not know the elevation that we're talking about, I, I
9 fail to see where, you know, where you've been able to articulate, you know, the specific
10 need without telling us the elevation that you're trying to overcome. You know, it would
11 be, personal opinion Mr. Chairman, it would be hard for me to, to vote on this without
12 knowing what they're trying to overcome as far as elevation of the site is concerned.

13 CHAIRMAN MCDUFFIE: Perhaps Mr. Price could, could pull up the parcel on the
14 county's GIS and, and we could look at with some topo lines or something on it.

15 MR. PRICE: We actually looked at this. I can pull it up again.

16 CHAIRMAN MCDUFFIE: Okay. Oh, sure. Or maybe you know the answer, so.

17 MR. PRICE: I don't, and [inaudible] take the opportunity to show you what we
18 were looking at.

19 CHAIRMAN MCDUFFIE: Sure, thank you.

20 MR. KLEMPLE: I guess the only reference I have is the 50' sign that's in your
21 packet, that is basically the only sign that could be visible, so as a frame of reference,
22 irrespective of what the grade numbers are on a technical matter, the technical matter
23 is, anything less than 50' will not be viewed as we've proven in the packet, so.

1 CHAIRMAN MCDUFFIE: Would – if you did not receive a Variance for the, for
2 the 80' number, for the 80' tall sign, would that, would that prevent the project from
3 moving forward or, or would you reapply and try to go for a, a lower Variance?

4 MR. KLEMPLE: That's a tough question. I'd have to ask Sam's Club. I think we
5 would like to ask for the, at least 50', and if that's not acceptable, that sign goes away,
6 and unfortunately Sam's Club would have to just live with the consequences. If they, if
7 they wish to move forward with the project. But I can't say one way or another how that
8 –

9 CHAIRMAN MCDUFFIE: You know, I, I've, cause you know, it looks like from,
10 from the, from the exhibits presented that, that the 50' is, while it's not as outstanding as
11 the 80' or the 75', it is still, you know, fairly visible from, you know, from most of the, the
12 points of view that you guys have sampled there. You know, from most of your vantage
13 points. You know, and what, I guess what we're looking to try to do is to come up with,
14 with a solution that, that, you know, meets the requirements but is a minimal Variance,
15 you know, rather than a, a maximum Variance. And so I'm, I'm personally nervous
16 about, about granting a Variance for 80' because then every other parcel that has some
17 sort of a similar situation along, along Two Notch Road in the area is gonna say, well
18 they got a Variance for 80', why can't we have a Variance for 80'? So sort of trying to
19 avoid that. Mr. Price, have you got some, something for us?

20 MR. PRICE: Yeah, we were looking at this as a Staff and as you can see, the
21 topography, you know, kinda varies greatly in this area. Just from going out to the site,
22 you're looking at, it can vary from, you know, 8 to 10', you know, in some areas, some

1 maybe even 6'. But I will say it's safe to say between the 8 and 10' from the rear of
2 where the railroad is to actually that particular side of the property.

3 CHAIRMAN MCDUFFIE: To, to the, sort of the base elevation of the, of the pylon
4 then would be 10' maybe.

5 MR. PRICE: Right.

6 CHAIRMAN MCDUFFIE: Okay.

7 MR. PRICE: So, you know, to answer your question, so if, let's just say taking out
8 the 75 or 80' request, I think within reason, with, if someone came in and said, due to
9 the grade elevation we're 10' below, that would, that would be more acceptable as a
10 Variance, just to kind of give you –

11 CHAIRMAN MCDUFFIE: And that would put us at about 45'.

12 MR. PRICE: Correct, at least.

13 CHAIRMAN MCDUFFIE: Would it be within this Board's purview to, to grant a
14 Variance for less than the requested 80'? Or would it just be our, our option to deny the
15 Variance then as requested?

16 MR. PRICE: You, I think you can, you can make that, that's one of your options
17 to grant what you feel is the minimum necessary for the Applicant.

18 CHAIRMAN MCDUFFIE: Okay. Are there any other questions for other Staff or
19 the Applicant, or discussion?

20 MS. CECERE: Well my, excuse me, my discussion would be that there are a
21 number of places in that Sandhills shopping area, my favorite stores, they don't have a
22 sign on Two Notch Road but I know where they are. It's because, you know, people,

1 they, they make themselves aware of it whether the sign is out front or not, I don't think
2 that has anything to do with it.

3 MR. KLEMPLE: There are two signs for Sandhills that are on Two Notch Road
4 that has most of those large box, there's a –

5 MS. CECERE: They have it – excuse me.

6 MR. KLEMPLE: - one by Home Depot, which Home Depot has their name on,
7 and then there's a monument sign that's at the entry of, near Fashion Drive, so they do
8 have a presence on the, on that street. It's the smaller boutique shops that don't, but the
9 larger ones that draw more of a customer base they do have that presence on there.
10 We've looked at, just to let you know, we've looked at a number of options. I, I told
11 Sam's Club, let's look at some of those billboards to see if they're available to lease and
12 put Sam's Club logo and information on there and an arrow, which they've done before.
13 We've looked at the monument sign for the development that's right there at the corner
14 of Fashion Drive and there's no capacity there, and apparently there was no –

15 MR. SPEARMAN: But you would not be a part of their, you would not be a part of
16 the Village so you couldn't use their signage for the Village to point people to Sam's.

17 MR. KLEMPLE: That's right, there's no opportunity to have any kind of an
18 easement or any, any kind of structure of contract for signage or availability of signage
19 near Two Notch Road, so thus this was our only option.

20 MS. CECERE: And how, excuse me, how tall is this sign?

21 MR. PRICE: That's that, we can, I can pull that information if you need. I'm sorry I
22 don't have that with me. But I do know that, you know, going back some years, Sam's,
23 excuse me, sorry, the Village, representatives from the Village actually had about three

1 signs approved by the Board to exceed the maximum height allowed in the General
2 Commercial District. So they have, this is off of Clemson Road.

3 MS. CECERE: Right.

4 MR. PRICE: And I think if you were to go further down there, the, the bypass
5 near Two Notch, I believe there's a sign in that general area, and also down Two Notch
6 also. So they, they have a few signs that actually exceed, I think all of their signs
7 exceed the maximum height allowed in General Commercial District.

8 MR. SPEARMAN: Mr. Chairman?

9 CHAIRMAN MCDUFFIE: Yes, sir?

10 MR. SPEARMAN: If you have that much of a deficit in your building footprint to
11 begin with, you know, you've got storm water runoff and everything else, aren't they
12 gonna have to raise the level, you know, with the fill or whatever, when they start
13 construction to where they can overcome any type of flooding issues or whatever?
14 Without, without having, without having the numbers, you know, to look at, as far as I'm
15 concerned, just me, you know, it would be difficult for me to, to look at this and approve
16 it because you have not, I don't think, as far as I'm concerned you have not satisfied
17 the, or, or articulated the need for the Variance, because there are other issues that
18 need to be addressed, even – because the building hasn't been constructed yet. So.

19 MR. KLEMPLE: That, that set has been permitted, or it's in permit review and
20 coordinated with Planning Staff as well as the engineering of this county, and so the
21 storm water detention and how we control all that is kind of separate and not germane
22 to what we're talking about, but I understand where you're coming from. We have
23 designed that site specifically for the club to make sure that, that everything is satisfied

1 with the Code and with all of the departments of this county. What we're seeing by
2 virtue of the sightline study, the graphics that you have in front of you, is that basically
3 anything less than 50' will not be visible, not be seen, thus the reason for the crane
4 study, thus the reason for all of the graphics, is to show in real time, in real manner the
5 location of that sign with the crane, how would you view it, is there anything presence
6 on Two Notch Road. Anything less than 50' the answer is no.

7 CHAIRMAN MCDUFFIE: I, I would be very comfortable, I think, just looking at the
8 Findings of the Fact and looking at the facts of this case, I think I would be comfortable
9 with, with granting a Variance for 50'. I think that would meet sort of the minimum
10 requirement for, for, for their elevation for, you know, for a visible sign. I'm, I'm very
11 uncomfortable going all the way to 80'. Cause I think that, you know, that certainly
12 exceed what they would need to have to, to, you know, to be, to be visible along Two
13 Notch Road there. Is there, is there anyone who would care to begin going through the
14 Finding of Fact? And we can take it from there.

15 MR. SPEARMAN: Mr. Chairman, I, I will –

16 CHAIRMAN MCDUFFIE: Okay.

17 MR. SPEARMAN: This is for 15-02 Variance. The street address is 715 Fashion
18 Drive. The tax map number is 22910-01-15. The property is zoned General
19 Commercial. Publication of the notice of the public hearing was posted on the property.
20 Notice was published in a newspaper of general circulation within the county not less
21 than 15 days prior to the public hearing on this matter, yes. And number 4, this is where
22 I have a problem, are there extraordinary or exceptional conditions permitting [sic] this,
23 to the particular piece of property. I'm gonna say and I'm gonna open it up for

1 discussion and in that regard, without, without some specific numbers it, it's hard for me
2 to understand what they're –

3 CHAIRMAN MCDUFFIE: I mean, I'm sort of going by, you know, my, my
4 experience and, and just having been out past that site a lotta times, and then also by
5 what, what Mr. Price was saying that, you know, we're dealing with about a 10', you
6 know, maybe a 10' grade, you know, a 10' drop there. And I, I guess I would also
7 consider the, the rail frontage, there being a, if not, you know, if not truly exceptional just
8 to that parcel it is sort of exceptional in that area, that you have a major commercial
9 thoroughfare, you know, coupled with a, you know, with a, a rail line, you know, in what
10 would otherwise be very valuable commercial property.

11 MR. SPEARMAN: Number 4, for all practical purposes let's say yes.

12 CHAIRMAN MCDUFFIE: Okay.

13 MR. SPEARMAN: And then the, the next one, if yes, what are the extraordinary
14 or exceptional conditions? What you just articulated?

15 CHAIRMAN MCDUFFIE: Yeah, I think, I think it would be the, the rail frontage
16 and the, and the, the topography of that, of that particular piece.

17 MR. SPEARMAN: Do these conditions generally apply to other property in the
18 vicinity? I do not know of any other properties, or it hasn't been brought to my attention,
19 so the answer would be no. Would the application of this chapter to this particular piece
20 of property effectively prohibit or unreasonably restrict the utilization of the property
21 because of the aforesaid extraordinary or exceptional conditions? Would be yes, due to
22 what you stipulated.

1 CHAIRMAN MCDUFFIE: Yeah, I, I think, I mean, this is, this is commercial
2 property and it's, generally speaking, and it's, it's, if business isn't granted some sort of
3 visible signage it's going to be very difficult for, for them to make a go of it. You know, I
4 think, I think that would be a pretty strong restriction or a pretty strong limitation on, on
5 potential development.

6 MR. SPEARMAN: Will the granting of this Variance be a substantial detriment to
7 adjacent property or to the public good or will it harm the character of the district? Will it
8 restrict any of the views of, of any other properties or signage? In your opinion?

9 CHAIRMAN MCDUFFIE: I, I think, as I stated before I think granting an 80'
10 Variance could be considered, you know, of substantial detriment. But I, I think 50'
11 would, would be more in line with what's existing in the area, you know, given the, the
12 billboard and given the, the pylon signs for the, or the monument style signs for, for the
13 Village.

14 MR. SPEARMAN: So this would be approval of a 50' instead of 80'.

15 CHAIRMAN MCDUFFIE: That's, no one, no one's made a motion yet.

16 MR. SPEARMAN: No, I'm just, I'm just saying –

17 CHAIRMAN MCDUFFIE: But I'm, but I'm saying that, that a –

18 MR. SPEARMAN: - this would be, this would be –

19 CHAIRMAN MCDUFFIE: - that I think an 80' sign might be of substantial
20 detriment, but a 50 might not.

21 MR. SPEARMAN: - not the, not the square footage of the message board of the
22 sign itself -

23 CHAIRMAN MCDUFFIE: That is not in consideration today.

1 MR. SPEARMAN: - the height of the sign, period.

2 CHAIRMAN MCDUFFIE: Yeah, that is, that is not in consideration today, the
3 square footage of the sign itself.

4 MR. SPEARMAN: Okay, Mr. Chairman, that's the Finding of the Fact.

5 CHAIRMAN MCDUFFIE: Would someone, anyone like to make a, a motion
6 based on that?

7 MR. SPEARMAN: Do we, do we need to amend the application?

8 CHAIRMAN MCDUFFIE: I don't believe so, we can, we can –

9 MR. SPEARMAN: Or would this be a condition, we would set this as a condition -

10 CHAIRMAN MCDUFFIE: I, I would grant, if it were my motion I would make it to
11 grant the Variance to go to a certain height, rather than to go to 80', whatever you
12 might, whoever's making the motion would be comfortable with.

13 MR. SMITH: I'd like to grant the motion of the particular signage to be at 50', and
14 to allow that the Variance to pass from that regard.

15 CHAIRMAN MCDUFFIE: Alright, we have a motion to, we have a motion for a
16 Variance to, to go to 50' rather than the 80 that was originally requested. Is there a
17 second?

18 MR. RICHARDSON: I second that motion.

19 MS. CECERE: I second.

20 CHAIRMAN MCDUFFIE: Okay, we have a pair of seconds. Is there any, any
21 other discussion of that at this time?

22 MR. SPEARMAN: I, I kind of agree with, with what you and Ms. Cecere had to
23 say, if you're a customer of this particular business, you know where they are. I mean,

1 and all the apps and the GPS and everything else that's available today, you know, for
2 you to find it, you know, and you're a member of this club, you're not just somebody
3 stopping in to get a loaf of bread or a gallon of milk and mosey on home. So, you know,
4 I think that the points that y'all made earlier really, really make good sense in regard to,
5 to, you know, what this sign is. And I, like I said, my own opinion, I fail to see where the
6 need has been established to, to raise it without some of the numbers and stuff that,
7 you know, that are needed and, and the process as far as, you know, getting permitting
8 through Richland County through the various, you know, county departments.

9 MS. CECERE: One of my questions is, we have not established that the
10 Applicant is okay with a 50' sign, I think.

11 MR. PRICE: As the Board, really, you know, you can make any type of
12 stipulations on approval, it's really up to you the Applicant to abide by that. You know, if
13 50 doesn't work, that's what they have and in all instances what you've done is you've
14 denied an 80' request, but you've given, you know, a 50'. And if that doesn't work for
15 them they just don't put up a sign.

16 CHAIRMAN MCDUFFIE: If, and if the Applicant was to determine that 50 would
17 not meet their needs they could always appeal this and come back.

18 MR. PRICE: Correct.

19 CHAIRMAN MCDUFFIE: Alright, are there any more, any more questions or
20 discussion? Alright, at that point we have a motion, it has been properly seconded and I
21 would go ahead and call for a vote. All in favor of approving the Variance to allow the
22 sign to reach a maximum of 50' in height say aye.

23 MR. PRICE: Those in favor: Richardson, Smith, McDuffie, Cecere.

1 CHAIRMAN MCDUFFIE: And all opposed?

2 MR. PRICE: Spearman.

3 *[Approved: Richardson, Smith, McDuffie, Cecere; Opposed: Spearman; Absent:*
4 *Sullivan]*

5 CHAIRMAN MCDUFFIE: Okay. Mr. Klemple, the Board has approved a
6 Variance for 50', and Staff will be in touch. Thank you very much.

7 MR. KLEMPLE: Thank you very much, I appreciate your time.

8 CHAIRMAN MCDUFFIE: Alright Mr. Price, when you're ready please call your
9 next case.

10 **CASE NO. 15-08 SE:**

11 MR. PRICE: Alright. The next item is Case 15-08 Special Exception. The
12 Applicant is requesting the Board of Zoning Appeals to grant a Special Exception to
13 permit the construction of a communication tower in a GC District, General Commercial.
14 The Applicant is Keith Powell of Optimus Towers IV LLC. The location is 813 Pridemore
15 Street. The parcel size is a little more than half an acre, it's currently occupied by,
16 records indicate an 1800 square foot building, looks like a storage building. The
17 Applicant proposes to erect a 190' telecommunications tower within a 6500 square foot
18 leased area, and it would be enclosed within a 3600 square foot fenced area. As I
19 stated the Applicant is looking to erect a 190' monopole telecommunications tower.
20 Within the Special Exception criteria, §26-152(D)(22)(c)(iii) applies, that's regarding the
21 setbacks for the tower which states that towers abutting a non-residentially zoned parcel
22 without a habitable residential dwelling shall observe the setbacks of the district in which
23 it is located. And in this particular case, in the GC district they would have to meet the

1 setbacks of 25' in front, 10' in the rear, and 0 on the sides if there are no habitable
2 residential dwellings in this particular area. And according to the submitted site plans
3 they will meet those required setbacks. That's it from Staff.

4 CHAIRMAN MCDUFFIE: Thank you, Mr. Price. At this time would like to call the
5 Applicant, Mr. Keith Powell and, and/or Mr. Johnathan Yates.

6 **TESTIMONY OF JOHNATHAN YATES:**

7 MR. YATES: I am not Mr. Keith Powell but he's a good friend. Thank you so
8 much.

9 CHAIRMAN MCDUFFIE: Yeah, please, please state your name and address for
10 the Record.

11 MR. YATES: Certainly. Johnathan Yates, 105 Broad Street, Charleston, South
12 Carolina. It's good to be back before my Board this afternoon. We had a little trouble
13 getting outta Charleston this morning as the monsoons were setting in so Keith and I
14 are glad to be here. Before we get started, and I know you've had a long afternoon so
15 I'll brief, but I just want to say one thing, I, I do this work all over the state and one thing
16 I don't encounter all over the state is staff like Geo Price and Suzie Haynes. Even
17 though we've done it, I don't know how many times, I always come up with a stupid
18 question, they never laugh at me, they never call me an idiot. But no, you, you have
19 gems here. I think our Planning Director's job in Charleston's coming up, if I steal him
20 don't yell at me, okay, cause he's awfully good. And Suzie, thank you, thank you for all
21 your help. What Keith is doing this afternoon, and we thank you, this is a 190' monopole
22 facility. Again, Keith has done a very good job of finding a good piece of property on it,
23 it's at 813 Pridemore Street. If, to put you in context of 813 Pridemore, right on the

1 corner of Garners Ferry and Pridemore there's an Auto Zone. Right next to the Auto
2 Zone is a major AT&T switch facility. This was a residual piece of property behind the
3 Auto Zone, it was left over from the development of the Auto Zone. And literally the only
4 thing on the property is an 1800' storage building. Keith's objective in this, and again
5 what we're working on as we were working on the last time before you, trying to improve
6 our residential in building coverage. Presently there's a deficiency, if you put a map in
7 your mind, you go north from Eastfair, south from Fountain Lake, east from both
8 Pineview and Garners Ferry, and then west to Atlas, we have an area of deficient or
9 lacking coverage. And that was the goal of this facility. What Keith is proposing today,
10 again is a 190' monopole style facility so as facilities go, if you look, the two closest
11 towers, they're about a mile away, a little less than a mile, and they're around 280, 290'
12 and they're what we call the three-sided lattice or self-support towers. Keith is doing
13 something completely different, it's the monopole which is basically a pylon with
14 equipment on it. So with that intro, Keith, I'm gonna start if I may, as it is a Special
15 Exception with your indulgence I'm gonna move through the criteria just to show
16 compliance. And again, even though I'm presenting if you have a question, stop me. If
17 I'm talking too fast, slow me down. If I'm talking too slow, give me the thumbs up. This is
18 §22 under 26-152, the question it asks, we have to be in a district that allows for
19 communication facilities and GC, we are zoned GC, GC allows for communication
20 facilities, so hence our property makes that. The next question is, in Richland County
21 the maximum height of a tower is 300', hence that 280' and 290' one a mile away, we
22 are well within sight of that at 190'. We're gonna get to this in a little bit but I wanna
23 stress the importance of 190'. At 200' and above the FAA will require us to put air nav

1 lights on these, lighting. The essential part of doing under 200', particularly when I'm
2 trying to cover a residential area, is no lights. So that's very important and Keith has,
3 again designed it well. Geo touched on the setbacks. We are a GC zoned property,
4 we're surrounded on all four sides by GC. The property immediately next to us, we have
5 the Auto Zone up front, we have AT&T down one side, and right to the north of us we
6 have Larry Gamble's property. Larry is zoned GC, it's his mother's old house, we're not
7 sure if it's habitable but to be safe we also have compliance with §(c)(ii), (c)(ii) requires
8 that you be at least 50' from a non-residentially zoned property with a habitable
9 residential structure. We weren't sure if it was habitable or not so we made sure we met
10 that setback no matter what. The same thing across Pridemore Street, there's an old
11 kennels there and it's owned now by C&B Real Estate Investments. I understand their
12 plans are to tear down the kennels and tear down the house, but in an abundant of
13 caution we carefully located, we're actually 159' away from them. We just wanted to be
14 careful that we met that criteria no matter what. And then to the (c)(iii) criteria that Geo
15 had talked about, I keep saying, I say Zeo not the Geo, I'm talking about a Z, that
16 criteria is that we're a GC district, we're surrounded on four sides by GC, gotta meet 25
17 front, 0 sides, and 10 rear. I'm actually 119 to the front, 42 ½ to the rear, 53 to one side
18 and 91 to the other, so we meet that. Section (d) is the tower; two parts, is the tower
19 gonna be available for co-location? Yes, Keith has designed it for at least four, most
20 probably five carriers, depending, you know, as they fill in. And when Keith did his
21 search in this area, in order to cover the deficit that I outlined, the closest again he
22 found were those two tall ones about a mile away, so this is more of an infill or what we
23 call a capacity site for the residential in building. Next question is actually the

1 illumination question that if a tower, if it's required by the FCC or FAA to illuminate.
2 Keith has, and we can show it to you, but he has an FAA determination of no hazard to
3 air navigation, that's the important part, and furthermore the agency determined that no
4 lights would be required on this facility. So again, this is what the FAA – sort of hot off
5 the press actually, so they got a little behind this year, the FAA, in their work. They
6 issued this finally on Monday but they determined no hazard to air navigation and they
7 determined that marking and lighting are not necessary. Thank you, Keith.

8 MR. SPEARMAN: Mr. Yates, do you have a copy of that letter?

9 MR. PRICE: We have it.

10 MR. SPEARMAN: Oh, you've already got it, okay. Thank you.

11 MR. YATES: And what we do, Commissioner Spearman, the FAA is running a
12 little far behind this year, we always hire an independent aviation specialist, Mr. Ken
13 Patterson, who did his 20 years or so with the FAA. He does a review before we even
14 touch a site. He can tell us whether the FAA's gonna approve it or not.

15 MR. SPEARMAN: He didn't sign his letter again.

16 MR. YATES: I gotta work, you know, and he charged Keith the whole amount.
17 We gotta work on that. And he keeps charging. Next question is we have to enclose the
18 ground equipment with a 7' fence. Keith is gonna enclose a 45' by 80' area with a 6'
19 chain link fence topped with three strands of barbed wire as an anti-climbing device.
20 The next section is we have to meet the requirements of 26-176 as to landscaping. And
21 if you go look at Stan's property it has some beautiful tree cover between it and AT&T
22 and it and the Auto Zone and along Larry's property. But Keith, even with that he's
23 gonna come back in with 18 Caroline Sapphires and plant them along the fence line. No

1 signage can be attached, Keith cannot use this for advertising, neither can the carriers.
2 The only signage that'll be on the facility is the FCC required site identification or
3 emergency signage. And the final criteria under the general criteria for towers, if the
4 tower ever goes outta service it has to be removed within 120 days. Keith has provided
5 to Geo a letter to that effect, agreeing that he would remove it. Next Keith, we need to
6 look, as with all Special Exceptions in Richland County, we have four criteria that we
7 have to go through. And I know we've gone through these before but we need to do
8 them for each one. Traffic impact, none whatsoever. It'll take Keith about 30 days to
9 build it. After that each carrier visits about four times a year in a light utility truck for
10 about an hour or two, and so there is really no traffic impact whatsoever. It is an
11 unmanned facility operated remotely so you don't have people coming in and out of
12 Pridemore Street on a daily basis. Next question, vehicle and pedestrian safety. This
13 facility will hopefully enhance vehicle and pedestrian safety. Keith, I don't have the
14 numbers in Richland County but I do have them in Charleston County, and there's
15 interesting numbers I just saw, in Charleston County and I think they're similar across
16 the state, 84% of all 911 calls into our Charleston County Dispatch Center come from a
17 wireless device. So what we're seeing in terms of accessing first responders, wireless is
18 taking more than the lead but literally 84%. And that makes sense, if you're in your car
19 and you see a guy driving erratically or you see an accident, you don't have to do what
20 you used to have to do, go over and try to find a pay phone or go to a gas station, you
21 can stop your car and call from right there, so that's why we're seeing that incredible
22 enhancement to public safety via wireless. Next question is, the potential of noise,
23 lights, fumes or obstruction of airflow. There will be no noise, no lights, no fumes, no

1 obstruction of airflow, no effect off property. Third question, adverse impact on the
2 character of the environs and the possibility of screening. What we have here is a gem
3 of a property, we're tucked in behind the Auto Zone, next to the AT&T facility, we're off a
4 very busy commercial corridor, Garners Ferry Road, we're surrounded by GC
5 properties, and in addition to the existing trees on the property, Keith is gonna come
6 back with the 18 Carolina Sapphires. Final question, orientation and spacing of
7 improvements or building. Keith is gonna locate this behind Stan's metal building and
8 alongside the AT&T facility so we're able to tuck it in behind the Auto Zone, behind the
9 aluminum building and in the back of the AT&T facility. So sorry, I had to, cause it's a
10 Special Exception I had to go through all the criteria. Keith and I are here for any and all
11 questions.

12 CHAIRMAN MCDUFFIE: Are there any questions at this time, either for Staff or
13 for the Applicant?

14 MR. SPEARMAN: Mr. Yates, on page 35 Mr. Patterson's letter, is there a second
15 page to this or just one page?

16 MR. YATES: Let's see.

17 MR. SPEARMAN: Mr. Powell has kindly –

18 MR. YATES: It should be just a map [inaudible].

19 MR. SPEARMAN: Referring to this letter right here. Is there a second page to it?

20 MR. POWELL: No, sir, there's not. The second page that he sends us is a map.

21 MR. YATES: In the future we will bother Mr. Patterson again to make sure he
22 actually signs and put his – he spent too much time in the federal government I'm afraid.

1 MR. SPEARMAN: Well, Mr. Powell has been so kind in signing all of his letters
2 on each, each facet that you spoke about and, you know, it would be, since this is part
3 of the official Record.

4 MR. YATES: Yes, sir. We will definitely remedy that in the future.

5 CHAIRMAN MCDUFFIE: And we also apparently now have the letter, the actual
6 letter from the FAA, correct?

7 MR. YATES: Yes.

8 CHAIRMAN MCDUFFIE: Would, would anyone care to go through the Findings
9 of Fact for Special Exception communication tower or is there any other discussion?

10 MR. SPEARMAN: I don't have any other discussion. This is for Special Exception
11 15-08. The street address is 813 Pridemore Street. Tax map number is 16314-02-04.
12 This property is zoned General Commercial. Notice was posted on the property
13 regarding this public hearing. Also notice was published in a newspaper of general
14 circulation within the county regarding the, this public hearing and the date that it's
15 supposed to be taking place. Will the tower have a maximum height of less than 300'?
16 Yes, I believe Mr. Yates said 190' is what they're requesting. Will the proposed tower be
17 located on a, the answer to that is not applicable as far as 4(a), excuse me. 4(b) is not
18 applicable as well. 5(b) as Mr. Yates stated in his testimony there is a, a habitable,
19 maybe a, possibly a habitable dwelling, excuse me, that they're gonna be – what was
20 the footage away from that dwelling that you referred to. Mr. Yates?

21 MR. YATES: Fifty-three feet to the north and then – to the property line, to the
22 actual property line of that. And then 159', the one to the east on Pridemore. So both

1 houses look to be a wreck but we just wanted to be safe and meet that standard either
2 way.

3 MR. SPEARMAN: Thank you, Mr. Yates, sure do appreciate that. That answers
4 question number 5. Has the Applicant shown proof to co-locate on existing towers? Yes.
5 Will the Applicant allow co-location? Yes, the Applicant will according to their testimony.
6 Illumination requirements, they're not required for this 190' tower. Will the
7 communications tower and associated – number 8 is not applicable as well. The
8 Applicant has agreed to landscape in accordance with Richland County Code of
9 Ordinances, §26-176. He answered that in the affirmative. Has the Applicant agreed to
10 place no signage on any portion of the communications tower? Yes, except for what is
11 required for identification purposes, federal and state law. The Applicant has agreed to
12 dismantle the tower within 120 days if the tower's taken out of service. Traffic will not be
13 impacted, number 12, in regard to this particular tower. Will the proposed tower effect
14 vehicle or pedestrian safety? No. Is there a potential impact for noise, lights, fumes or
15 obstruction of airflow on the adjoining properties? No. Does the proposed
16 communications tower have an adverse impact on the aesthetic character of the
17 environs? It does not have any impact whatsoever according to the Applicant and
18 testimony presented by them. Is the orientation and spacing of the improvements or
19 buildings appropriate? Yes. Unless there's some discussion I'd like to make a motion.

20 CHAIRMAN MCDUFFIE: Proceed.

21 MR. SPEARMAN: Motion to approve 15-08 Special Exception with the condition
22 that the letter from Mr. Patterson dated April 3, 2015, that, since it's part of the Record,
23 official Record of this case, that he or the author of this letter provides us with a signed

1 original copy to be placed in the, placed in the file. Other than that condition, motion to
2 approve, Mr. Chair.

3 MS. CECERE: Second.

4 CHAIRMAN MCDUFFIE: Alright, we have a motion and it's been properly
5 seconded. Is there any discussion at this time? Hearing none, I'll go ahead and call for a
6 vote. All in favor?

7 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere.

8 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere; Absent: Sullivan]*

9 CHAIRMAN MCDUFFIE: Alright, that's everyone that's here today, so Mr.
10 Powell, you have your, you have your, your Special Exception and thank you very
11 much, Staff will be in touch.

12 MR. POWELL: Thank y'all very much.

13 CHAIRMAN MCDUFFIE: And at this time we'll move on to the next portion of –
14 that concludes the, the public hearing portion of today's meeting. Do we have any other
15 business before we move on to the approval of Minutes?

16 MR. PRICE: No.

17 CHAIRMAN MCDUFFIE: Okay. Alright, since we have no other, no other
18 business, has everyone had an opportunity to, to look over the Minutes, and are there
19 any, any edits or amendments that need to be made? Anyone? Alright, is there a
20 motion to approve?

21 MR. SMITH: Motion to approve the Minutes.

22 MR. RICHARDSON: Second.

1 CHAIRMAN MCDUFFIE: Alright, we have a motion to approve the Minutes and it
2 has been properly seconded. All in favor?

3 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere.

4 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere; Absent: Sullivan]*

5 CHAIRMAN MCDUFFIE: Alright, the Minutes are approved and if there's no
6 other business at this time, this meeting is adjourned.

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[Meeting Adjourned at 4:12pm]