# RICHLAND COUNTY BOARD OF ZONING APPEALS 



Wednesday, 7 J anuary 2015 3 p.m.
Council Chambers

## RICHLAND COUNTY BOARD OF ZONING APPEALS January 7, 2015



| CASE NO. | APPLICANT | TMS NO. | LOCATION | DISTRICT |
| :---: | :---: | :---: | :---: | :---: |
| 1. 14-06 SE | Jonathan Yates <br> Optima Towers IV LLC | $19203-14-11$ | Leesburg Road <br> Columbia, SC 29209 | Jackson |



Richland County
Board of Zoning Appeals
Wednesday, January 7, 2015
2020 Hampton Street
$2^{\text {nd }}$ Floor, Council Chambers
3:00 p.m.

## Agenda

I. CALL TO ORDER \& RECOGNITION OF QUORUM Joshua McDuffie, Chairman
II. ADOPTION OF AGENDA
III. PUBLIC NOTICE ANNOUNCEMENT
IV. RULES OF ORDER
V. APPROVAL OF MINUTES - November 2014
VI. PUBLIC HEARING

OPEN PUBLIC HEARING

Optima Towers IV, LLC
Leesburg Rd.
Columbia, SC 29209
TMS\# 19203-14-11
VII. OTHER BUSINESS
VIII. ADJOURNMENT

A special exception to establish a communication tower on property zoned General Commercial (GC).

## REQUEST, DISCUSSION AND RECOMMENDATION

## CASE:

14-06 Special Exception

## REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a communication tower in a GC (General Commercial) district.

GENERAL INFORMATION:
Applicant: Jonathan Yates Optima Towers IV LLC
TMS: 19203-14-11
Location: 1709 Leesburg Road, Columbia, SC 29209
Parcel Size: . $45 \pm$ acre tract
Existing Land Use: The parcel is currently vacant.
Proposed Land Use: The applicant proposes to erect a 138 -foot telecommunications tower, within a 2,500 ( $50 \times 50$ ) square foot leased area.
Character of Area: The abutting adjacent properties along Leesburg Road are mainly commercially developed. A residential neighborhood is located north of the subject parcel.

## ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26152 (d) (22).

## CRITERIA FOR SPECIAL EXCEPTION:

In addition to definitive standards in this chapter, the Board shall consider the following:

1. Traffic impact.
2. Vehicle and pedestrian safety.
3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.
5. Orientation and spacing of improvements or buildings.

## Special exception requirements (as found in section 26-152 (d) (22)):

(22) Radio, television and telecommunications and other transmitting towers.
a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
c. The minimum setbacks for communication towers from abutting districts shall be as follows:

1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet.
2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.
3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located.
d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

## DISCUSSION:

The applicant proposes to erect a 138 -foot monopole telecommunications tower, which will be situated within a 4,900 square foot fenced area.

Staff visited the site.
According to the provisions of subsection 26-152 (d) (22) (c) (1) "...towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower."

In addition, the provisions of subsection 26-152 (d) (22) (c) (3) require "...towers abutting a nonresidentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located." The required setbacks for the GC district are:

- Front - 25 feet
- Rear-10 feet
- Side - None

The submitted site plan indicates that the tower will meet the required setbacks.
Meeting the criteria for a special exception in section 26-152 (d) (22) (c) may indicate that the applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. Staff believes that this request will not impair the properties in the immediate or surrounding area.

The applicant must address, before the Board, the special exception requirements of section 26-152 (d) (22) (d).

Staff recommends approval for this request.

## CONDITIONS:

Section 26-56 (f) (3)
Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS:

N/A

## CASE HISTORY:

A special exception (case $09-05 \mathrm{SE}$ ) to erect a 150 -foot telecommunications tower, within a 4,900 ( $70 \times 70$ ) square foot leased area was approved by the Board of Zoning Appeals at the 4 February 2009 meeting.

## ATTACHMENTS:

- Site plan
- Zoning Application Packet

14-06 SE Optima TOWERS IV, LLC
LEESBURG ROAD
COLUMBIA, SC 29209
TMS\# 19203-14-11

















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Section 26-152(d) (22) Conditions

Optima Towers proposed 138 -foot monopole-style wireless telecommunications facility to be located at 1709 Leesburg Road, Columbia, SC 29209

In support of this request we have taken the liberty of recasting the relevant provisions of the Richland County Land Development Ordinance with our answer to the relevant provision in bold font beneath the section. As will be evident from a review of the attached, Optima Towers has not only met, but has exceeded, all of the necessary requirements for approval under the Richland County Land Development Ordinance.
(22) Radio, television and telecommunications and other transmitting towers .
a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.

The proposed tower shall be located in the General Commercial (GC) district of Richland County.
b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.

As shown on Sheet Z3 of the Site Plans and Drawings, attached hereto as Exhibit " 1 ," the proposed tower is a 138 ' monopole tower, which easily meets the requirements of this section.
c. The minimum setbacks for communication towers from abutting districts shall be as follows:

1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet.

The proposed facility is set back at least 138 feet from any residentially-zoned property, as shown on Sheet Z2 of Exhibit "1."
2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.

The proposed tower meets these setback requirements. These details can be found on page $Z 2$ of the Exhibit "1."
3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located.

> The proposed tower meets the GC district setback requirements. These details can be found on page $\mathrm{Z}_{1}$ of Exhibit "1."
d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.

There were no existing towers, alternative towers, buildings or other structures available in the vicinity of the proposed monopole, as stated in the letter of Keith Powell of Optima Towers. Furthermore, ASR Registration search results indicate that there are no existing towers within a radius of 0.8 kilometers. This documentation is attached hereto as Exhibit " 3 ." The closest tower is 0.61 miles away, as shown in Exhibit " 3 ." The need for additional coverage in this area is further detailed in the letter of CelPlan, which is attached hereto as Exhibit "8" and incorporated herein by reference.

In addition, Optima Towers has designed this facility for collocation up to four (4) wireless carriers, as shown on Sheet Z3 of Exhibit "1" and as shown in the Collocation Policy letter by Keith Powell of Optima Towers, attached hereto as Exhibit "4."
e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.

As the monopole is only 138 feet, the FAA will not require illumination, as shown on Sheet Z3 of Exhibit "1," and in the FAA Letter by Ken Patterson of Airspace Engineering, attached hereto as Exhibit "6." Exhibit " 6 " references the original proposed height of 150 , but, as the new proposed height is shorter, this letter is more than sufficient.
f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

The proposed wireless communications tower and associated structures shall be appropriately secured by means of a seven-foot chained link fence topped with three strands of barbed wire as an anti-climbing device, for a total height of eight (8) feet, as shown on Sheet Z8 of Exhibit "1."
g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.

The tower site will be landscaped in accordance with the requirements of Section 26-176 of this chapter. Landscaping details can be found on Sheet L1 of Exhibit "1." Optima Towers will plant 17 Leyland Cypresses, 3 October Glory Maples, and 57 Prague Viburnums to screen the facility.
h. No signage may be attached to any portion of a communications tower . Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.

Signs for the purpose of identification, warning, emergency function, and contact will be placed as required by applicable state and federal law. Examples of such signage can be found on Sheet $\mathrm{Z}_{7}$ of Exhibit "1."
i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

Optima Towers has agreed to remove the tower and/or antenna within one hundred twenty (120) days after cessation of use, as provided in the letter of Keith Powell of Optima Towers, attached hereto as Exhibit "5."

In addition, a copy of the site survey is attached hereto as Exhibit " 2 ," a copy of the recorded plat is attached hereto as Exhibit " 7 ," and a copy of the recorded deed is attached hereto as Exhibit " 9 ."

We feel that we have met the requirements of the Richland County Ordinance, and we have found a location that will provide the best possible site to reduce visibility of the facility to the surrounding area. In addition, the facility will employ the monopole design, which is generally received as the most innocuous and visibly pleasing type of communications facility. After a construction period of 30-45 days, the facility will only be visited by the carriers for routine maintenance approximately 4-6 times per year, thus it will not increase traffic in the area. Finally, the facility does not produce any off-site noise, light, odors or fumes. The facility will simply provide the necessary platform to deliver adequate wireless infrastructure to the surrounding area.

## LACK OF COLLOCATION DOCUMENTATION

Optima Towers III, LLC
PO Box 2041
Mount Pleasant, SC 29465

October 27, 2014
Geonard Price
Richland County
Zoning Administrator
2020 Hampton Street, 1st Floor
Columbia, SC 29202
Re: Wireless Communications Facility Application- Lack of collocation

## Dear Richland County Zoning Administrator,

Please accept the signed statement below as confirming §§ 26-152, paragraph 24(d) of the Richland County Zoning Ordinance:

Please accept this letter as evidence by Optima Towers III, LLC (Optima) confirming that no other structures exist to provide coverage for the vicinity of Leesburg Road within the 0.5 mile search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria. Attached is a search of the FCC database confirming the non-existence of collocate-able structures and a map illustrating the closest existing structure. The closest existing structures are 0.61 miles to North, 1.93 miles to East, 1.79 miles to South-Southeast, 1.1 miles to West Southwest, and 1.23 miles to West. The proposed Optima site is designed to handle coverage and capacity between the appropriate structures. If you have any questions, please feel free to give me a call at 843-324-9732.

Sincerely,
kal

Keith Powell
Director of Engineering
Optima Towers III, LLC


Collocation Policy by Keith Powell of Optima Towers

## OPfinA <br> Towers

Optima Towers IV, LLC
PO Box 2041
Mt. Pleasant, SC 29465

October 27, 2014
Geonard Price
Richland County
Zoning Administrator
2020 Hampton Street, 1st Floor
Columbia, SC 29202
Re: Wireless Communications Facility Application- Collocation site design and policy statement

## Dear Richland County Zoning Administrator,

Please accept this letter as notice and confirmation of Optima Towers (Optima) commitment to provide this communications facility for collocation to multiple wireless telecommunication entities. Optima's plan includes the engineered design to handle multiple (no less than four) collocations for its proposed site at 1709 Leesburg Road. If you have any questions, please feel free to give me a call at 843-324-9745.

Sincerely,


Keith Powell
Managing Member
Optima Towers IV, LLC

Tower Removal Letter by Keith Powell of Optima Towers


Towers
Optima Towers III, LLC
PO Box 2041
Mount Pleasant, SC 29465

October 27, 2014
Geonard Price
Richland County
Zoning Administrator
2020 Hampton Street, 1st Floor
Columbia, SC 29202
Re: Wireless Communications Facility Application- Tower Removal

Dear Richland County Zoning Administrator,
Please accept the signed statement below as confirming §§ 26-152, paragraph 24(i) of the Richland County Zoning Ordinance:

Optima Towers III, LLC, its successors and assigns, provide this statement declaring itself, its successors and assigns of being financially responsibility to assure the proposed communications tower which is no longer used for communications purposes will be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.
Applicant: Optima Towers III, LLC, a South Carolina limited liability company


Acknowledged and Accepted
By: Keith Powell
Its: Director of Engineering
Date: 10/27/2014
cc: Jonathan L. Yates, Esquire

## FAA Letter by Ken Patterson of Airspace Consulting

# Ken Patterson Airspace Consulting, Inc. <br> unw.airspace-ken.com 

Site ID: Leesburg Road - SC 1019
October 29, 2015

## Notice to the FAA is Required

## To Whom It May Concern:

On October 29, 2015, I personally conducted an evaluation of a proposed telecommunications site for Optima Towers. The study was to determine if the proposed structure would create any adverse effect on navigable airspace. The site is located near Columbia, South Carolina at $33^{\circ} 58^{\prime} 40.75^{\prime \prime}$ North and $80^{\circ} 55^{\prime} 52.07^{\prime \prime}$ West (NAD 83). The site elevation is $314^{\prime}$ above mean sea level (AMSL). The proposed structure height is $150^{\prime}$ plus appurtenances above ground level (AGL). Part 77 of the Federal Air Regulations and Part 17 of the FCC Rules and Regulations were used as the primary reference for this evaluation.

The closest public use or DOD runway is Runway 31 at Columbia Owens Downtown Airport. The distance to the runway is 3.25 nautical miles on a true bearing of $077.42^{\circ}$ from the runway edge.

The proposed 150 ' AGL structure would exceed FAR Part 77.9 (b) Notice Requirement by 118 '. Notice of Proposed Construction or Alteration Form 7460-1 must be filed with the FAA and a favorable FAA determination must be received prior to beginning construction.

The proposed 150' tower does not exceed any FAA Obstruction Standard.
Marking and/or lighting should not be required. The FAA should approve the proposed structure without conducting an extended study. AM broadcast stations and private use landing facilities are not a factor for this site. For additional information or questions about this study, contact my office anytime.

Sincerely,


Ken Patterson

## Cell Plan Letter with Propagation Maps

November 28, 2014
Geonard Price
Zoning Administrator
Richland County
2020 Hampton Street
1st Floor
Columbia, SC 29204

Re: Optima Towers proposed communications facility at 1709 Leesburg Rd
Dear Mr. Price,
I appreciate the opportunity to address and demonstrate the needs for additional advance cellular coverage and capacity in the Leesburg Road and Fairmont Drive area. To provide the minimum level of in-building coverage and to provide an adequate service and data speed levels, a new tower of approximately $135-\mathrm{ft}$ to $150-\mathrm{ft}$ in height is required. We reviewed the following information, submitted to us by Optima Towers:

1. Current transmitting locations of the PCS and Cellular carriers in and around the residential and commercial areas of Leesburg Road, North towards Fort Jackson, South towards Garners Ferry, West towards Interstate 77, and East towards Bendemeer and Berkeley Forest;
2. The current available coverage requirements including existing structure evaluation and user transmitting-receiving locations;
3. Residential-Commercial layout and density, physical properties, general usage type and uplink-downlink velocity;
4. Existing cellular PCS coverage of commercial areas of Interstate 20, Garners Ferry, and Leesburg Road.
5. Existing cellular PCS coverage of residential areas of Yorkshire, St. Marks Woods, Village Bond, Bendemeer, Berkeley Forest, and Charlestown.
6. Existing structures available for collocation respective to the needs of coverage; and
7. Properties zoned for wireless communication facilities.

Our analysis concluded that a tower in the proposed search area by Optima Towers is absolutely necessary in order to improve cellular, voice, and data usage. Cellular voice, data usage, and coverage have changed over the years and the development of the communications facilities have changed accordingly. Previously, communications facilities were developed to be big and tall to provide a large coverage area for voice calls and outside usage. Currently with the move to more extensive in-building Cellular phone usage (vs landline phones) and after smart-phone development, the coverage necessary to handle extensive data and voice traffic, and the ever increasing data speed needs, requires communications facilities to be smaller and more precise in their location. Subsequently, the search areas for newer facilities have been reduced dramatically and the proposed search ring for this site is no more than a $1500-\mathrm{ft}$ radius.

As this relates specifically to the Leesburg Road area, our analysis shows an area of distressed or lacking in-building coverage exists: North from Fort Jackson; West from Neighborhoods just east of I-20
1920 Association Dr
4
Reston,
RA 20191
and Greenlawn Road, East from Ulmer Road; and South from Caughman Drive. The distressed area is a dynamic area that requires additional in-building coverage for high volume cellular and PCS traffic and also supplementary and new coverage to areas that no coverage currently exists or is extremely limited in service capabilities. In addition, this area experiences not only heavy vehicular use, but also residential and commercial usage in which many calls and data transmissions are interrupted due to lacking service and also protracted data speeds attributed to not having a dominate server in the area.

These dynamics require a structure to be located in the center of this search area near the intersection of Leesburg Road and Caughman Road with an approximate height of $135-150 \mathrm{ft}$. There are no existing communications facilities that will provide a complete solution for this area. The heights of the surrounding communication facilities are low to moderate in size, approximately $220-\mathrm{ft}$ to $150-\mathrm{ft}$ above ground level. The planned communications facility by Optima Towers will solve the existing problems, extend coverage, and enhance the call and data usage to the distressed commercial and residential areas centered around Leesburg Road and Caughman Road. The radio frequency emissions from the planned Optima Towers facility will comply with all FCC standards.

Sincerely,

## Cristine Korowajczuk

Project Engineer
cristine@celplan.com
703-259-4036



