

HANAHAN PLANNING COMMISSION
RESCHEDULED REGULAR MEETING
October 15, 2015
6:30 P.M.

The regular monthly meeting of the Hanahan Planning Commission was rescheduled and held on this date in the Debbie Lewis Municipal Chambers – 1255 Yeamans Hall Road at 6:30 p.m. to ensure a quorum could be present. The Honorable Chairman Pat Eckstine presided with Commissioners Carolyn Lackey, Bill Raitt, Butch Thrower and Phil Strophein attendance. Vice-Chairman Leroy E. Calhoun, III and Commissioner Marika Kary were not present. This meeting was advertised and an agenda was posted on the bulletin board at City Hall. A quorum was present. Visitors in attendance included: Kathryn Basha, Planning Director with BCDCOG, F. Truett Nettles, Jonathan Yates, Martin Deputy, Renee French, and Allen Raitt.

Call to Order – Chairman Eckstine

Chairman Eckstine called the meeting to Order.

Pledge of Allegiance to the Flag – Chairman Eckstine

Chairman Eckstine led the Commissioners and the audience in the Pledge of Allegiance to the Flag.

Approval of Minutes, September 1, 2015

Commissioner Strophe made a motion to approve the Minutes of September 1, 2015 as written. Commissioner Raitt seconded the motion. Motion passed unanimously after Roll Call Vote.

Public Hearing:

Consideration of a draft amendment to Section 4.3 Land Use Table and Section 5.14 Supplemental Regulations for Communications Towers and Antennae

Chairman Eckstine called for a motion to enter into a Public Hearing. Commissioner Thrower made the motion and Commissioner Lackey seconded the motion. Kathryn Basha presented the staff report to the Commission. She started with a review of the history of requirements for Communications Tower and Antennae in the City. The original telecommunication ordinance was adopted as an amendment to the 1993 Ordinance. The City used a model ordinance of the Municipal Association of South Carolina (MASC). When the amendment was inserted in the Ordinance without amending other provisions, a couple of inconsistencies were created. The first inconsistency was that the draft model ordinance provided provisions for telecommunication facilities to be located in residential areas and associated standards; however the land use table was not changed to allow the use in residential districts. The land use table previously referred to "communications". Based on the Standard Industrial Classification (SIC) code for "communications", this referenced telegraph, telephone, and radio communications - old technology.

The second inconsistency that occurred came about with adoption of the SC Local Government Comprehensive Planning Enabling Act of 1994 (the Act). The Act set forth a standardized process that "conditional uses" would be approved administratively provided that all conditions for that particular use set out within the ordinance were met. The Act then specified all Special Exception uses would go to the Board of Zoning Appeals. The Ordinance initially adopted by the City continued with the older provisions that a conditional use went to the Planning Commission and City Council as did special exceptions. Ms. Basha noted that those two main inconsistencies were carried forward to the current

ordinance when it was adopted in 2008 in that there continues to be an inconsistency between the land use table and what the supplemental regulations say in terms of where towers are permitted, and that the conditional use and special exception processes are not appropriately represented in the ordinance consistent with state code.

Ms. Basha stated that the first item of concern is to clear up the inconsistencies in the process. Conditional uses throughout the ordinance and throughout the state are where jurisdictions set forth standard conditions for an individual use that need to be met in order to be approved and that, if met, the use can be approved administratively and does not need to go through a public process. A jurisdiction can require that if a use does not meet those conditions, or if a use is proposed with a slight difference from the requirements needing a variance, it can then go to the Board of Zoning Appeals for Special Exception approval. This process is recommended in the proposed amendment to make that clarification and remove the inconsistency.

The second item addressed in the proposed amendment is in regards to permitted locations. In the Land Use Table of Section 4.3, telecommunications facilities are permitted only in the Industrial and CG Districts. Ms. Basha referred to maps that the Planning Commission had looked at during a workshop in July that illustrated the City's zoning districts and where existing cell towers are located. She noted that the most recent proposed cell tower, which is now installed, is in the Industrial District. The COG also mapped what is believed to be the minimum service area as a buffer for those towers so the Commission could see if there are areas of the City that were not going to get the stronger signals that are desirable. The importance of adequate service is that a large number of people have dropped land lines and have come to rely on cell service in their homes, and as a result, a large number of 911 calls are now coming from cell phones. While it is not preferred, the maps show that there appear to be some instances where a residential area might be the only place where a tower could be located in order to provide service to a portion of the City. Ms. Basha pointed out that with that possibility, Staff had combed through and recommended strengthening documentation requirements and the justification needed to place a tower in a residential district. She noted that any time Staff does not feel that those conditions for the justification are being met, an application can be forwarded to the Board of Zoning Appeals for special exception review, which requires a public hearing. In processing a Special Exception, all details of the proposal are reviewed and considered, not only against the standard conditions but against other criteria on a case by case basis.

Ms. Basha reviewed some of the other supplemental provisions that were reviewed and revised to ensure clarity:

1. Additional documentation requirements to determine whether a proposal meets conditions for approval, particularly when proposing a facility within a residential district, and to ensure the site and setbacks are adequate to accommodate a tower's fall zone.
2. Reductions to maximum tower heights permitted without special exception approval, except in the residential districts where a 20' increase is recommended, as well as stating a height maximum for towers within the APZ for aircraft.
3. Increasing the minimum distance required between a proposed tower and an existing tower from 1,000 to 2,000 feet.
4. Clarification that the Board of Zoning Appeals may impose site specific conditions to mitigate impacts of a proposed tower as part of the special exception approval process.

5. Listing specific considerations to guide the Board of Zoning Appeal's review for special exception approval.

Ms. Basha stated that at the September 2015 Planning Commission meeting, Commissioner Raitt had presented a short list of recommended revisions to the draft. Commissioner Raitt's concern is that the ordinance should include very specific actions for the City to take to insure that any proposed tower will be evaluated for potential negative impact on property values of adjacent residential properties. Both Staff and other members of the Commission have expressed concerns with how the City would administer several of these suggestions and/or whether the City should be in the position of making that assessment for one particular land use. It has been suggested that if there were an assertion of a negative impact for which an adjacent property owner should be compensated, the claim would be against the cell tower company and not with the City. Therefore these assurances should not be made within the ordinance. Staff also noted that even if a tower were located in a nonresidential district adjacent to a residential district, property owners could make the same assertion.

Ms. Basha concluded by saying that the Commission has the authority to initiate an ordinance amendment and if it were to consider recommending the amendment for approval, it would be done by resolution after holding a public hearing. Ms. Basha said her recommendation was to have the public hearing and listen to any comments given, then to have additional discussion among Commissioners afterwards prior to deciding if additional revisions should be made before forwarding a recommendation to City Council.

Chairman Eckstine asked if there were any questions from the public. There were none. Commissioner Raitt made a motion to close the public hearing. Commissioner Lackey seconded the motion. The Public Hearing was closed. Commissioner Raitt stated that he could not escape his responsibility for homeowners. He agreed that the ordinance amendment was well crafted, but still has an issue with the Residential districts. He demonstrated visually the location of a tower next to a house. He said that this would cause depreciation and, in his opinion, that without some compensation or remedy, the City would have some kind of a problem. Mr. Raitt agreed that there are a lot of safeguards written in the provisions, but he would like to see it tightened up even more. Chairman Eckstine thanked the representatives of the different industries that have been at the meeting answering questions on technology. She stated that she liked the specific requirements of what documentation is required to show that a residential area would be the only location that a proposed tower could go in. Chairman Eckstine asked if there was a motion to approve the amendment. Commission Strobe made the motion. Commissioner Thrower seconded. Chairman Eckstine asked if there was any additional discussion from the Commission members. Jonathan Yates responded to a question that was asked. He mentioned that Staff had written a very tough ordinance and that it was stricter than the City of Charleston and the Town of Mt. Pleasant. He also noted that any administrative decision could be appealed to the Board of Zoning Appeals, a quasi-judicial board and that any appeal of the Board of Zoning Appeals decisions would go to Circuit Court. Commissioner Lackey mentioned that she had recently spent a week in upper New York State and she did not have cell service because the tower was so far away and that had an impact on the desirability of that location.

Commissioner Raitt asked Larry Sturdivant whether there was an application for a proposed site on Murray Dr. Mr. Sturdivant Larry explained that an application for a cell tower in an RS property fronting Murray Drive had been submitted early this year and that preliminary review of that application prompted Staff's awareness of the inconsistencies and need for an ordinance amendment. Mr. Sturdivant also pointed out that the subject property is owned by Commissioner Calhoun and therefore

he would have to recuse himself from consideration of the amendment if he had been present. Chairman Eckstine asked if there was any further discussion. She called for the vote. A roll call vote was taken. Motion to recommend the ordinance amendment to Council for consideration passed unanimously.

OLD BUSINESS:

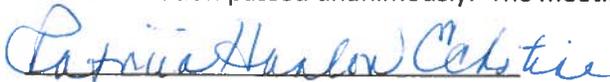
None

NEW BUSINESS:

None

Adjournment

There being no further business, Chairman Eckstine stated that she was happy that the City Building Department was waiving the permit fees for the City's citizens due to the flooding, and asked for a motion to adjourn. Commissioner Lackey made a motion to adjourn. Commissioner Raitt seconded the motion. Motion passed unanimously. The meeting was adjourned at 7:35pm.


Chairman Eckstine

ATTEST:


Larry Sturdivant, Building Official, Interim Secretary