



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
TUESDAY, OCTOBER 2, 2012
6:00 P.M.
EAU CLAIRE PRINT BUILDING
3907 ENSOR AVENUE

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Tuesday, October 2, 2012 at the Eau Claire Print Building located at 3907 Ensor Avenue, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:06 p.m. The following members of Council were present: The Honorable Tameika Isaac Devine, The Honorable Brian DeQuincey Newman and The Honorable Moe Baddourah. The Honorable Cameron Runyan arrived at 6:07 p.m. and The Honorable Sam Davis arrived at 6:10 p.m. The Honorable Leona K. Plough was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

Father Anthony Giunta, Chaplain for the Columbia Police Department offered the invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Runyan and seconded by Ms. Devine, Council voted unanimously to adopt the agenda, subject to deferring consideration of **Items 10** and **21**. Mr. Davis was not present for the vote.

PUBLIC INPUT RELATED TO AGENDA ITEMS

Mayor Benjamin asked those in support of a farmer's market coming to Main Street to stand up. He informed Mr. DeFelice that the Council members are on one accord. He said that the proposed table fee will be removed and the hours will be changed.

Mr. Emile DeFelice thanked the members of Council for taking a bold step, making the right decision and for taking a leap of faith by putting this in his hands.

1. ****[Resolution No.: R-2012-092](#)** – Authorizing tastings of locally produced wine at Soda City within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza for Soda City – *Approved as amended. Refer to **Item 22**.*

Upon a motion made by Mayor Benjamin and seconded by Mr. Baddourah, Council voted unanimously to approve Resolution No.: R-2012-092 – Authorizing tastings of locally produced wine at Soda City within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza for Soda City, subject to changes in the hours of operation and fees.

APPROVAL OF MINUTES

2. Minutes of September [18](#), 2012 – *Approved as presented.*

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve the Minutes of September 18, 2012.

PRESENTATIONS

3. [Domestic Violence Awareness Month Proclamation](#) – The Honorable Tameika Isaac Devine

The Honorable Tameika Isaac Devine announced that October is Domestic Violence Awareness Month as well as Breast Cancer Awareness Month. Several years ago, a Domestic Violence Awareness Taskforce was comprised to promote our efforts around Domestic Violence Awareness Month. This marks the 6th Anniversary of the Walk Against Domestic Violence. This year's walk will be held on Saturday, October 13th. Every year, the city partners with Sister Care and the South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA). She reported that one in four women experience domestic violence in their lifetime and South Carolina ranks #2 in the nation in deaths from domestic violence. Domestic violence is the # 1 crime problem in South Carolina with more than 36,000 victims that have reported incidences to law enforcement agencies around the state. Child abuse is encompassed in domestic violence and occurs in 30-60% of the family violence cases. As many as 324,000 women experience domestic violence during pregnancy.

Ms. Pamela Jacobs, Executive Director of SCCADVASA stated that domestic violence is a serious problem across this state and across this country. Today, the Attorney General honored the 52 victims who were murdered last year. It is a huge problem that everyone needs to address by teaching our sons and daughters what healthy relationships look like.

Mayor Benjamin and the members of Council proclaimed October 2012 as Domestic Violence Awareness Month in the City of Columbia.

4. [Fire Prevention Week Proclamation](#) – The Honorable Mayor Stephen K. Benjamin

The Honorable Mayor Stephen K. Benjamin said that the City of Columbia is committed to ensuring the safety and security of all those living in and visiting our city. He urged all citizens to have “*Two Ways Out!*” as an emergency evacuation plan.

Fire Chief Aubrey Jenkins announced the Fire Prevention Parade on Monday, October 8th at 11:00 a.m. from City Hall to the State House.

Mayor Benjamin and the members of Council proclaimed October 7-14, 2012 as Fire Prevention Week in the City of Columbia.

5. Fast Forward’s Anniversary Celebration – Ms. Dee Albritton, Executive Director

Ms. Dee Albritton, Executive Director brought cupcakes in celebration of Fast Forward’s Anniversary. She reported that over 10,000 people have experienced technology through Fast Forward since 1999. This year we served 60 preschoolers; 40 individuals as part of a special diversion program with the court system; and over 300 veterans. We continue to conduct internet safety classes with the Columbia Police Department. We have worked with Parks and Recreation and hope to revive our summer camps. We continue to work with the Babcock Center and we try to be responsive to the needs of the community. The cupcakes are from Publix since they have hired over ten (10) veterans who were transitioning from homelessness. Councilman Baddourah hired a veteran to work at his restaurant, but due to transportation, we had to find something closer. She noted that a lot of veterans walk or ride bikes up to fifteen (15) miles to work.

Mayor Benjamin said on behalf of Council and the city we are thankful for your awesome work. We recently received a draft report from the Mayor’s Veterans Committee. It’s valuable in determining how the city and this region can better serve its veterans and that’s consistent with what Fast Forward does.

Councilor Newman thanked Ms. Albritton for being such a strong supporter of the bus system.

Mayor Benjamin introduced Brooklyn Mack who was born and raised in Elgin, South Carolina. He started his ballet career at the Columbia Classical Ballet Company with Radenko Pavlovich, the Artistic Director for the Columbia Classical Ballet. He began ballet at Elgin Middle School as part of the Classical Ballet’s educational outreach program and now he is one of the most highly acclaimed ballet dancers in the world. He has won numerous awards and was chosen by *Dance* magazine as one of the 2012 25 to Watch. He has been invited to perform in Russia.

Mr. Brooklyn Mack thanked the members of Council for their support of the Columbia Classical Ballet and of the arts. He said that he is honored and humbled.

CONSENT AGENDA

Upon a single motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to approve **Consent Agenda Items 6** through **9** and **11** through **18**. Consideration of **Item 10** as deferred.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

6. Council is asked to award the [Renewal of the Retiree Medicare \(Post-65\) Supplemental Insurance Contract](#) for the plan period of January 1, 2013 through December 31, 2013 to United Healthcare in an amount not to exceed \$1,944,288.00. *Funding Source: GL 6048933 - Approved*
7. Council is asked to approve the Purchase of [One \(1\) Skid Steer Loader, Trailer & Attachments](#), as requested by the Fleet Services Division. Award to Blanchard Compact Equipment, using the SC State Contract in the amount of \$76,604.51. This vendor is located in Columbia, SC. *Funding Source: Capital Replacement/Machinery and Equip. Capital; 6308972-658300 - Approved*
8. Council is asked to approve the Purchase of [Temporary Services for Designated Positions at the Metro Wastewater Treatment Plant](#), as requested by the Wastewater Treatment Plant Division. Award to Manpower International, Inc., using the SC State Contract in the amount of \$102,120.00. This vendor is located in Columbia, SC. *Funding Source: Utilities Metro WWTP/Part-time Pay (Outside); 5516208-610700 - Approved*
9. Council is asked to approve [Capital Improvement Project SD8342](#); An Agreement for the Development of a Best Management Practice Manual to obtain a National Pollutant Discharge Elimination Permit from the South Carolina Department of Health and Environmental Control for its Storm Water Management Program, as requested by Utilities and Engineering. Award to AMEC Environment & Infrastructure, Inc., in the amount of \$90,000.00. This vendor is located in Columbia, SC. *Funding Source: Storm Water Maintenance Fund; 5534210-SD834201-636600 – **Note:** The original budgeted amount for this project is \$100,000.00. - Approved*
10. Council is asked to approve the [Purchase of the COPLINK System](#), as requested by the Police Department. Award to International Business Machines Corporation, as a Sole Source in the amount of \$160,500.00. This vendor is located in Atlanta, GA. *Funding Source: GL: US Justice Grants Control-Computer License, 2659999-627510; JL: IDEA-Cola Integrated Data Exchange-Computer License, 9218000012-627510 – Consideration of this item was deferred.*

11. Council is asked to approve [Capital Improvement Projects WM3823 and WM3175](#); Contract Amendment #3 to an Agreement for Engineering Services relating to the Construction of New High Service Discharge Pipe Lines and Transmission Piping Upgrade at the Columbia Canal Water Treatment Plant, as requested by Utilities and Engineering. Award to URS, Inc., in the amount of \$201,400.00. This vendor is located in Columbia, SC. *Funding Source: Water Capital Fund, 5529999-WM382301-657660 & 5529999-WM317501-658660 – **Note:** URS, Inc., is an approved Mentor Protégé firm and formally mentors DESA, Inc., (Columbia, SC); which will provide construction administration services at 5.16% of the total contract value. The following sub consultants will provide additional assistance: Chao & Associates, Inc., (Columbia, SC) will perform structural and architectural design services at 23.54% of the total contract value; Terracon Consultants (Columbia, SC) will perform observation of S&ME testing at 1.62% of the total contract value; and Howard Engineering (Marietta, SC) will perform electrical engineering services at .50% of the total contract value - Approved*
12. Council is asked to approve [Subcontracting Outreach Program Project WM418202](#); Installation of Water Mains and Appurtenances along College, Oak, Gregg and Senate Streets, as requested by Utilities and Engineering. Award to LAD Corporation, the lowest, responsive and responsible bidder in the amount of \$1,588,000.00. This vendor is located in Swansea, SC. *Funding Source: Water Capital Improvement Fund, 5529999-658650 – **Note:** LAD Corporation achieved 29.9% (\$430,220.00) of subcontractor outreach participation in their bid submittal. The original budgeted amount for this project is \$1,588,000.00- Approved*
13. Council is asked to approve the [Emergency Winter Shelter Program Proposal](#) from Christ Central Ministries in an amount not to exceed \$547,126.80. *Funding Source: 638302-1018410 - Approved*
14. Council is asked to approve [Capital Improvement Project SS7102, Change Order #2; North Columbia Pump Station Improvements](#), as requested by Utilities Engineering. Award to M.B. Kahn Construction Co., Inc., in the amount of \$575,415.47. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund – **Note:** This change order was initiated by the City for unforeseen necessary repairs to the pump station and to pump out and clean the existing pump station due to flooding. The contract completion date is extended to December 14, 2012 – Approved*

15. Council is asked to approve [Capital Improvement Project SS7073, Change Order #5](#); Rehabilitation of Existing 48”, 54” and 60” Gravity Sewer, as requested by Utilities and Engineering. Award to McClam and Associates, Inc., in the amount of \$628,565.07. This vendor is located in Little Mountain, SC. *Funding Source: Sewer Improvements Fund – **Note:** This change order was initiated by the City due to unforeseen circumstances and additional bypass pumping necessary to completed the project. The contract completion date is extended to December 31, 2012 - Approved*

ORDINANCES – SECOND READING

16. [Ordinance No.: 2012-089](#) – Granting an easement to South Carolina Electric & Gas Company (SCE&G) along a portion of City property identified as the Columbia Tennis Center for Conversion of Power Lines along St. James Street to underground facilities; Richland County TMS# 11306-03-10 (portion); CF#250-309 – *First reading approval was given on September 18, 2012. – Approved on second reading.*
17. [Ordinance No.: 2012-090](#) – Amending 2011-045 granting Ordinance 83-99 to grant additional encroachments to Parkside Center, LLC for installation and maintenance of columns/pilasters, glass and steel cantilevered canopy, underground parking garage, and nine (9) tables and thirty-six (36) chairs for outdoor dining within the 1100 block of Lady Street adjacent to 1301 Main Street – *First reading approval was given on September 18, 2012. – Approved on second reading.*
18. [Ordinance No.: 2012-092](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order, Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine – *First reading approval was given on September 18, 2012. – Approved on second reading.*

ORDINANCES – FIRST READING

19. [Ordinance No.: 2012-084](#) – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-152 Sewer plant expansion fee (b) – *Approved on first reading.*

Upon a motion made by Mr. Baddourah and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2012-084 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-152 Sewer plant expansion fee (b).

20. [Ordinance No.: 2012-099](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-149 Sewer service rates (a) Generally– *Approved on first reading.*

Upon a motion made by Mr. Baddourah and seconded by Ms. Devine, council voted unanimously to give first reading approval to Ordinance No.: 2012-099 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-149 Sewer service rates (a) Generally.

21. [Ordinance No.: 2012-097](#) - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 20, Special Fees and Taxes to add Article V Municipal Ad Valorem Tax Abatement – *Consideration of this item was deferred.*

RESOLUTIONS

22. [Resolution No.: R-2012-092](#) – Authorizing tastings of locally produced wine at Soda City within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza for Soda City – *Please refer to **Item 1.** - Approved as amended.*

Mayor Benjamin clarified the motion approving Resolution No.: R-2012-092 – Authorizing tastings of locally produced wine at Soda City within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza for Soda City to reflect the following amendments: the hours of operation from 7 a.m. until 1 p.m.; strike item 3; clarify that shopping bags will be acceptable; and add “be it further resolved” to the next to the last paragraph.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to reaffirm the previous motion made to approve Resolution No.: R-2012-092 – Authorizing tastings of locally produced wine at Soda City within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza for Soda City subject to changing the hours of operation to 7:00 a.m. until 1:00 p.m.; striking item 3; clarifying that shopping bags are acceptable; and adding “be it further resolved” to the next to the last paragraph.

APPOINTMENTS

23. [Fire Advisory Committee](#)

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to appoint Mr. Baddourah, in his capacity as chair of the Public Safety Committee; Mr. Newman as the councilmember appointee; the City Manager; Senior Assistant City Manager; and Fire Chief to the Fire Advisory Committee.

COMMITTEE REPORTS

Mayor Benjamin asked to refer discussion of the Palmetto Compress Building to the Arts and Historic Preservation Committee. He asked that the committee meet with the Historic Columbia Foundation, owners of the building and other interested parties to look at any and all options for the adaptive reuse of the property.

Upon a motion made by Mayor Benjamin and seconded by Mr. Runyan, Council voted unanimously to refer the discussion of the Palmetto Compress Building to the Arts and Historic Preservation Committee, as outlined.

Councilor Devine reported that the Environment and Infrastructure Committee met on Tuesday, September 25th to discuss the following items:

VC Summer Nuclear Plant: We asked staff to review the revised discharge permit and meet with SCANA. At the time of our meeting, a permit had not been issued by the Department of Health and Environmental Control (DHEC), but the comment period had closed. Our staff directed concerns to SCANA and we will be included in the emergency management meetings. Citizens asked questions, but they were pleased with the update and staff's future involvement.

701 Center for Contemporary Arts Phase II Project: Mr. Richard Burts presented ideas about the overall plan for the area to include Olympia Park and the baseball fields. We would recommend that Council ask staff to review the current master plan and contact Richland County, because it is our understanding that the County is undertaking a master plan. We would ask staff to also work with the neighborhood and Richland County to determine a plan for the underutilized property.

Bicycle and Pedestrian Advisory Committee (BPAC): Ms. Natalie Britt provided a great update and we would recommend that she present it to the full Council. They have been working with the Planning and Development Services Department on a bicycle/pedestrian master plan. They are updating our application for our Bicycle Friendly designation, which is due at the end of the year. We have drafted a Request for Proposals with the University of South Carolina for a Bike Share Program and we are jointly moving forward with it.

IBM: Mr. Eric Stotts provided an update from IBM regarding Smarter Columbia: Creating Opportunities Through Leadership and Innovation. Several years ago, IBM offered to do a proposal at no cost to us. They would like to meet with staff and see where we are with our strategic plan. They are working with the Police Department on predictive policing and assisting the Parks and Recreation Department with other products. They would like to see what the overall city needs are and report back.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to authorize the Planning and Development Services Department to work with the Olympia neighborhood and Richland County on the development of a master plan for the Olympia community.

Upon a motion made by Ms. Devine and seconded by Mr. Runyan, Council voted unanimously to approve the request for staff to work with IBM on an assessment of opportunities to use technology to advance the city's strategic plan.

Councilor Devine raised the issue of the city's policy that limits the number of terms appointees can serve on committees. While I support this policy, there are certain committees that appoint people based on their position. In our Memorandum of Agreement with the Midlands Housing Alliance, we appointed an at-large councilmember and an appointee that's selected by the Coalition of Downtown Neighborhoods. I would request that Council affirm that Mr. Richard Rowe can continue to serve.

Upon a motion made by Mayor Benjamin and seconded by Mr. Newman, Council voted unanimously to affirm Mr. Richard Rowe's continuous service on the Midlands Housing Alliance as a representative of the Coalition of Downtown Neighborhoods.

Councilor Davis reported that the Economic and Community Development Committee met on Tuesday, September 25th to discuss the following items:

Taxi Cabs: Ms. Brenda Kyzer, Business License Administrator briefed the committee on recommendations that Council will be asked to consider at a later date. It was suggested that a panel be created to handle certain aspects of vehicles for hire. This panel would be appointed by the City Manager and include the following representatives: Ft. Jackson, University of South Carolina, Columbia Visitor's Bureau or Greater Columbia Chamber of Commerce, and a representative from the Hospitality Association to include hotels and restaurants. They will review, approve, and deny new applications for certificates of public convenience and necessity and hear appeals for denials, suspensions and revocations. We decided not to limit the number of cabs in the city. We asked Ms. Kyzer to work with the Legal Department to draft the suggested changes to the ordinance.

Temporary "For Sale" signs: Ms. Rebecca Best of the Greater Columbia Association of Realtors inquired about signs in the right of way during weekends. Ms. Krista Hampton, Director of Planning and Development Services provided guidance to the committee. We were asked to mimic the Richland County code to create an allowance for off-premise weekend directional signs. This was discussed by a previous Council, but no action was

taken. An amendment to the ordinance will allow temporary signs for special events to be displayed Friday through Sunday only. Ms. Hampton said this problem is difficult to regulate. The city does enforce this and will issue tickets if the owners of the signs can be found. Currently, signs are not permitted within right of ways. The Committee asked Ms. Hampton to develop an alternative solution and come back next month with an update. The crux of it is that the realty industry would place directional signs during weekends and they would be responsible for collecting the signs before 10 p.m. on Sundays. We are not clear if we can do this without considering other entities that would want to place signs within the right of way. There is also a penalty clause in the existing ordinance.

Councilor Runyan recalled that he sent a letter to recipients of hospitality tax grant funds. To date most organizations have returned the requested information. This will be helpful as we begin the challenging task of determining what we have done with the Hospitality Tax in the past and how we will use it in the future. As part of the review, he asked Council to refer the composition of the Hospitality Tax Advisory Committee to the Arts and Historic Preservation Committee.

APPEARANCE OF THE PUBLIC

Dr. Germon Miller, AKERU/RICH Legacy Council thanked Ms. Devine for her domestic violence awareness initiatives. She is a 30-year domestic violence survivor and education was a major part of that. She introduced Peggy Haskins as a survivor of domestic and neighborhood violence, noting that she recently recovered from a broken jaw. Peggy is currently attending Midlands Technical College. She introduced Casey Washington, as one of the newest recruits. Mr. Washington is a father of a special needs child and has returned to school to make a better future for his family. She thanked Mr. Caton for giving them access to Pacific Park for their sessions.

Mr. Victor Smalls appeared before the members of Council to express concerns about the violence in Five Points. He said that his son was the first one to be attacked last weekend. He said that the issues being portrayed by the media are related to under aged drinking. His son had metal plates put in his arm. He inquired about the long term solution for the violence before people start taking matters into their own hands. He said that there is always a police presence in Five Points, but the Police showed up to take a report two (2) hours after his son arrived at the hospital. He inquired about future plans to install more cameras in Five Points to include traffic cameras.

Mayor Benjamin asked Deputy Chief Wisner to review the operational plan for Five Points with Mr. Smalls. He noted that strong, consistent and even support will be provided across the city. He explained that the traffic cameras are a state house issue; but we are increasing the number of cameras, especially in the Martin Luther King Park area. We will be using stands that allow officers to have better views. He said that cameras have proven to be indispensable in solving many crimes.

- **Mr. Davis left the meeting at 7:03 p.m.**

ZONING PUBLIC HEARING

- **The Zoning Public Hearing was opened at 7:04 p.m.**

ANNEXATION WITH MAP AMENDMENT – FIRST READING

24. [827 Bush River Road](#), TMS# 05916-04-11; request to annex and zone the property C-3. The property is zoned GC in Richland County – *Approved on first reading.*

Council District: 2
Proposal: Annex and zone property C-3
Applicant: Newspring Church, Inc.
PC Recommendation: Approve, (6-0) 08/06/12
Staff Recommendation: Approve

[Ordinance No.: 2012-085](#) – Annexing 827 Bush River Road, Richland County TMS #05916-04-11 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Ms. Devine and seconded by Mr. Baddourah, Council voted unanimously to give first reading approval to the Map Amendment for 827 Bush River Road, TMS# 05916-04-11; request to annex and zone the property C-3 **and** Ordinance No.: 2012-085 – Annexing 827 Bush River Road, Richland County TMS #05916-04-11. Mr. Davis was not present for the vote.

25. [104 Coopers Nursery Road](#), TMS# 28906-01-10; request to annex and zone the property PUD-R. The property is zoned PDD in Richland County - *Approved on first reading.*

Council District: 4
Proposal: Annex and zone property PUD-R
Applicant: Capogrossi Construction, Inc.
PC Recommendation: Approve, (6-0) 08/06/12
Staff Recommendation: Approve

[Ordinance No.: 2012-086](#) – Annexing 104 Coopers Nursery Road, Richland County TMS #28906-01-10 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the Map Amendment for 104 Coopers Nursery Road, TMS# 28906-01-10; request to annex and zone the property PUD-R **and** Ordinance No.: 2012-086 – Annexing 104 Coopers Nursery Road, Richland County TMS #28906-01-10. Mr. Davis was not present for the vote.

26. [7341 Garners Ferry Rd](#), TMS# 16409-05-25; request to annex and zone the property C-3. The property is zoned GC in Richland County - *Approved on first reading.*
- | | |
|-----------------------|--------------------------------------|
| Council District: | 3 |
| Proposal: | Annex and zone property C-3 |
| Applicant: | Mr. Suds' Carwash-Garners Ferry, LLC |
| PC Recommendation: | Approve, (5-0) 07/09/12 |
| Staff Recommendation: | Approve |

[Ordinance No.: 2012-087](#) – Annexing 7341 Garners Ferry Road, Richland County TMS #16409-05-25 – *Approved on first reading.*

No one appeared in support of or in opposition to this mater.

Upon a single motion made by Mr. Baddourah and seconded by Ms. Devine , Council voted unanimously to give first reading approval to the Map Amendment for 7341 Garners Ferry Rd, TMS# 16409-05-25; request to annex and zone the property C-3 **and** Ordinance No.: 2012-087 – Annexing 7341 Garners Ferry Road, Richland County TMS #16409-05-25. Mr. Davis was not present for the vote.

27. [7339 Broad River Rd](#), TMS# 05000-04-28; request to annex and rezone the property C-3. The property is zoned M-1 in Richland County - *Approved on first reading.*
- | | |
|-----------------------|--|
| Council District: | 1 |
| Proposal: | Annex and rezone property C-3 |
| Applicant: | South Carolina Law Enforcement Officers Foundation |
| PC Recommendation: | Approve, (6-0) 07/09/12 |
| Staff Recommendation: | Approve |

[Ordinance No.: 2012-088](#) – Annexing 7339 Broad River Road, Richland County TMS #05000-04-28 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Mr. Baddourah and seconded by Mr. Runyan, Council voted unanimously to give first reading approval to the Map Amendment for 7339 Broad River Road, TMS# 05000-04-28; request to annex and rezone the property C-3 **and** Ordinance No.: 2012-088 – Annexing 7339 Broad River Road, Richland County TMS #05000-04-28. Mr. Davis was not present for the vote.

MAP AMENDMENT – FIRST READING

28. [709 Woodrow Street](#), TMS# 11316-14-06; request to rezone from PUD-C to C-2
- *Approved on first reading.*

Council District: 3
Proposal: Rezone property from PUD-C and C-2
Applicant: Judy and Donny Phipps
PC Recommendation: Approve, (6-1) 08/06/12
Staff Recommendation: Approve

- **Mr. Davis returned at 7:08 p.m.**

Mr. Donny Phipps, Applicant appeared in support of this amendment.

Upon a motion made by Ms. Devine and seconded by Mr. Baddourah, Council voted unanimously to give first reading approval to a Map Amendment for 709 Woodrow Street, TMS# 11316-14-06; request to rezone from PUD-C to C-2.

MAP AMENDMENT – SECOND READING

Please note that this item was inadvertently published for first reading consideration on October 2, 2012. This matter should have been published for second reading consideration. Please recall that on March 27, 2012, City Council voted unanimously to give first reading approval to the Map Amendment for 2011 Bull Street, TMS# 11501-01-01; request to rezone from C-1 -DP to PUD-LS, – DP, subject to Mayor Benjamin and the City Manager working aggressively with Mr. Hughes to address all concerns to include staff comments, dialogue from citizens and specifically regarding the Consolidated Review Committee (CRC) in an effort to resolve these issues to the satisfaction of City Council prior to second reading consideration on April 10, 2012.

29. [2100 Bull Street](#), TMS# 11501-01-01; request to rezone from C-1 -DP to PUD-LS, –DP. – [Bull Street Neighborhood PUD Submittal](#) – *First reading approval was given on March 27, 2012. - Approved on second reading.*

Council District: 2
Proposal: Rezone property from C-1 -DP to PUD-LS, –DP
Applicant: Hughes Development
PC Recommendation: Approve, (9-0) 09/10/12
Staff Recommendation: Approve

Ms. Krista Hampton, Director of Planning and Development Services explained that this is an extension of the Zoning Public Hearing held in March. At that meeting Council gave first reading approval to the Bull Street Neighborhood PUD. There were a number of outstanding items that staff and the community had raised. Council directed the Mayor and City Manager to meet with the development team and most of those issues were addressed. A revised PUD was developed. State law dictates that anytime you have a

significant change of an amendment, it has to be reviewed by the Planning Commission. The amended PUD was unanimously approved by the Planning Commission. She said that the composition of the Consolidated Review Committee (CRC) elicited most of the discussion. It has been modified and it is now a staff group made up of individuals that have review approval over projects. They will review projects, make recommendations on minor amendments and other tasks. Now, Council approval is required in order to change the designation of precedent buildings. Also, any approval of the baseball stadium would have to come back to City Council.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation recalled that in 2009, they worked with local and statewide preservation partners, historic neighborhoods and city staff in support of a historic overlay for the Bull Street campus. This proposal would have provided local protection and review for seventeen (17) buildings within that historic core. That was withdrawn by City Council on October 7, 2009. In that meeting there was a stipulation that “Any contract of sale of any portion of the State Hospital site that includes the overlay, will include a binding provision that purchase of the property could not be completed until the seller has reached a mutually satisfactory development agreement with the city that addresses the preservation of the structures which lay within the parameters of the proposed overlay.” To this date, that agreement does not exist. We initially worked with the developer to identify which sites were historic and which were character defining features. Without any clear parameters from Council the decisions for what has been deemed as a precedent structure has been determined by the developer. Without an historic overlay and without the promised development agreement, the buildings not identified as precedent structures are at risk. In the PUD before you, the developer has designated four (4) precedent structures: north and south wings of the Babcock Building, two (2) dining halls, the core of the Williams Building and the Chapel of Hope. These buildings in addition to those that are already landmarked are protected. After the March 2012 hearing, we requested that all structures that were in the original overlay be qualified as precedent buildings with tiers that would delineate the level of significance.

Upon a motion made by Mayor Benjamin and seconded by Mr. Runyan Council voted five (5) to one (1) to refer a comprehensive review/discussion of the Duany Plan, previous recommendations from the Historic Columbia Foundation and Mr. Hughes’ plans to the Arts and Historic Preservation Committee for consideration on Tuesday, October 9, 2012. Voting aye were and Mr. Runyan, Mr. Newman, Ms. Devine, Mr. Davis and Mayor Benjamin. Mr. Baddourah voted nay.

Mr. Michael Beddenbaugh, Palmetto Trust concurred with Ms. Waites. He said that Palmetto Trust is a statewide preservation organization and they feel very passionate about the importance of this place. He thanked Mayor Benjamin for bringing forth the motion. He said that they look forward to participating in any way to ensure this place can speak to future generations of South Carolinians.

Ms. Kathryn Fenner, University Hill Neighborhood resident stated that this past Saturday the Historic Columbia Foundation had a behind the scenes tour of the campus. She said that the beautiful old trees are irreplaceable. I understand that the current PUD is in accord with the city's tree ordinance. I think that it's very short sighted and we should insist that the developer preserve the grand trees.

Ms. Trudy Siebels asked Council to ensure that everyone involved in discussions regarding stipulations of the new smart code understands exactly what it means. The tree survey must be included. She cannot comprehend who decides when a major or minor amendment is forwarded to the city as opposed to the developer. More things need to be specifically outlined. We must be careful and go more slowly rather than more rapidly with approving those things that Mr. Hughes wants as soon as possible.

Ms. Ryan Nevius, Executive Director for Sustainable Midlands began by saying this city is on the verge of greatness. We are excited about the Bull Street development and the step forward in using smart codes to create a new city and new opportunity. I applaud you for your negotiations with the CRC, but I must ask that we move quickly to finish the development agreement that will spell out the details so we will all know just what this large development will be like. We don't understand the concept of what the first phase will look like. She referred to **Item 35**, which will permit private dormitories in the Bull Street PUD. This raises a lot of questions. I urge you to move quickly to develop the development plan so that Mr. Hughes can start us off on this great adventure, but to do it before you approve the PUD so that we have leverage and understanding.

Ms. Jeannie Eidson, Livable Links said that she reviewed the new PUD and she outlined her [concerns](#) regarding the plan.

Councilor Devine asked the City Attorney about the status of the development agreement.

Ms. Krista Hampton, Director of Planning and Development Services said that a draft from the developer has been submitted to Administration and it is currently under review. She stated that a lot of the agreement relates to the funding of infrastructure and is impacted by the tax increment financing plan. Usually, the funding mechanism, development agreement and PUD are developed in concert.

Mayor Benjamin asked Ms. Hampton to provide recommendations on how to preserve trees on the property. This update should be provided over the next few weeks to either City Council or the Environment and Infrastructure Committee.

Ms. Krista Hampton, Director of Planning and Development Services said that the developer would need to provide some of that information. We do have provisions for mitigation of grand trees in certain locations, but not all grand trees.

Councilor Newman inquired about the level of involvement of the City's Tree and Appearance Commission and requested that the Commission be included in this process.

Ms. Krista Hampton, Director of Planning and Development Services explained that first reading isn't necessary, because it has already been granted; second reading is necessary at this time.

Mayor Benjamin said that we will have the opportunity to negotiate a number of things that may or may not make this project float.

Councilor Newman said that the particulars could be added to the development agreement.

Councilor Baddourah said that he is hesitant to move forward without more details. He suggested that second reading be deferred until they receive more information.

Councilor Runyan said that he and Councilman Baddourah are at a disadvantage, because they are newer. He is also concerned about giving up our leverage without assurances.

Ms. Krista Hampton, Director of Planning and Development Services said that unless Mr. Hughes plans to fund the entire infrastructure on his own, the city retains some leverage through the development and funding agreement. Ideally, staff would like to have a development agreement along with the approval of the PUD.

Councilor Devine asked for a date of approval. She said that there are a lot of moving parts, but the developer needs to know where his zoning is going to be in order to move forward. There's information that needs to be shared to make this happen. We will need a date certain, because the approval of the zoning hinders us from approving other matters.

Councilor Runyan asked if it would be feasible to have the agreement in hand by the next Zoning Public Hearing.

Mayor Benjamin said that it is possible. He said that this will not happen unless we commit to public infrastructure throughout the project.

Councilor Devine suggested that a draft development agreement be provided to City Council within two (2) weeks.

Ms. Krista Hampton, Director of Planning and Development Services said that under State law, the development agreement requires two public hearings and two readings for approval.

Councilor Davis said that they should receive the current draft with staff's comments. He said that Council will still have latitude and time for discussions.

Mayor Benjamin requested staff's version of the development agreement. He asked that it reflect the principles outlined by the citizens committee and that staff be prepared for a full comprehensive review by November 13, 2012.

Councilor Baddourah insisted that the development agreement is needed.

Upon a single motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted five (5) to one (1) to give first reading approval to a Map Amendment for 2100 Bull Street, TMS# 11501-01-01; request to rezone from C-1 -DP to PUD-LS, -DP. Voting aye were Mr. Runyan, Mr. Newman, Ms. Devine, Mr. Davis and Mayor Benjamin. Mr. Baddourah voted nay.

MAP AMENDMENT – FIRST READING

30. [Parcel bound by Forest Drive on the South, Old Forest Drive to the north and Hill Street to the east](#), TMS# 28400-01-01(portion); request to rezone from RS-1 to C-3 - *Approved on first reading.*

Council District: 4
Proposal: Rezone property from RS-1 to C-3
Applicant: Edward C. Mann
PC Recommendation: Approve, (6-0) 07/09/12
Staff Recommendation: Approve

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Mr. Baddourah and seconded by Mr. Newman, Council voted unanimously to give first reading approval to a Map Amendment for a Parcel bound by Forest Drive on the South, Old Forest Drive to the north and Hill Street to the east, TMS# 28400-01-01(portion); request to rezone from RS-1 to C-3.

31. [823 Gervais Street](#), TMS# 08916-01-04 and 08916-01-19; request to rezone from PUD-C, -DD, -DP to M-1, -DD, -DP - *Approved on first reading. Mayor Benjamin abstained from voting due to a conflict of interest.*

Council District: 2
Proposal: Rezone property from PUD-C, -DD, -DP to M-1, -DD, -DP
Applicant: John Cooper, Noble Investment Group
PC Recommendation: Approve, (8-0) 09/10/12
Staff Recommendation: Approve

- **Mayor Benjamin abstained from discussions and Mayor Pro-Tempore Newman is presiding.**

Ms. Krista Hampton, Director of Planning and Development Services stated that this was previously brought before Council for approval and there were some questions about the revisions. The owners decided that a large part of why they originally requested the PUD was no longer present and they are now requesting to go back to the original zoning of M-1, which is light industrial with the overlays of -DD and -DP. There has been a lot of discussion and I will address some of the questions that people had. The maximum height in this district before, during and after the PUD in most of the city is 75'. We say it's a 50' height limit, because that's your base height; you can go above that 3' for every 1' you setback up to a

maximum of 75'. That is in M-1, C-3 and C-2. The original PUD amended that height, only because it required a setback. The original plan approved by City Council was 75' over the entire parcel. There are provisions within the historic district and city center guidelines that talk about generally being compatible with adjacent properties. It puts the review in the hands of the Design Development Review Commission (DDRC) to determine that compatibility. It doesn't take away the height permissions that are in that district. The other question is about the view to the State House. There is a provision in the city center guidelines that important views should be preserved. By no means is it possible to preserve every view.

Councilor Davis sought clarification about compatibility that refers back to the height of 50' or 75'.

Ms. Krista Hampton, Director of Planning and Development Services said that there isn't a hard and fast number, because every situation is different.

Councilor Baddourah asked if the building was being redesigned or if the setbacks had changed. Is everything still the same?

Ms. Krista Hampton, Director of Planning and Development Services said that it's still the same. The zoning won't affect the design of the building; the building must comply with the setbacks. If the design were to change, it would have to be reviewed again.

Councilor Baddourah asked if the design is in compliance with M-1 zoning.

Ms. Krista Hampton, Director of Planning and Development Services said yes, if it maintains the setbacks as proposed.

Mr. Steve Hinson, 530 Lady Street said that buildings such as McDonalds and Publix fit in with the Vista. We all want this hotel, but we don't want it to be so tall. They are trying to jam a suburban type Hyatt Place into the Vista. The developer's job is to build it as tall as they can, but it's the city's job to push back on that and make it fit in with the Vista. If you allow a 75' building there, the Vista will be dramatically worse. There is room to make it lower and longer and they could use the city's parking garage. In 2007, it was called Center Vista and people thought it was too tall then. The hotel doesn't deserve the height exception. We requested that the height be lowered and that it goes back to the DDRC.

Mr. Dick Clark, 530 Lady Street echoed Mr. Hinson's concerns as a resident in the Vista. He asked when we will stop constructing buildings that move out of the character of the current Vista.

Mr. Jack Pringle, Representative of Miller Valentine Group said that all of this is about the height, which was unanimously approved by this Council in 2007. This matter went to the DDRC for a thorough and extensive review and they granted the certificate of design approval. This PUD amendment was approved unanimously by the Planning Commission. A legal issue arose; we went back through the approval process; and the only thing changing is the zoning, everything else is exactly the same. We met the

restrictions, all of the surrounding area is M-1 and we went to the Board of Zoning Appeals to obtain a special exception for additional parking. We have an agreement with the city for additional parking in the city garage.

Councilor Devine inquired about the PUD application. Why did it go from M-1 to a PUD if the same thing could be built?

Mr. Jack Pringle, Representative of Miller Valentine Group said that a PUD classification is designed to give more flexibility.

Councilor Baddourah said that according to the website they applied for a PUD in 2007 to have retail, residential and commercial use and to create a more overlay look for the Vista. After cleaning up the soil contamination, you threw the PUD idea away for a hotel concept.

Mr. Jack Pringle, Representative of Miller Valentine Group agreed that the 2007 PUD was a different project, in a different time. Half of the parcel is their office building and Jason's Deli. It's the same building; it has been through the DDRC in the same way; and it stands on that.

Councilor Baddourah sought clarification from Ms. Hampton.

Ms. Krista Hampton, Director of Planning and Development Services explained that Council doesn't approve the building, the DDRC does.

Councilor Davis sought clarification of DDRC's approval.

Ms. Krista Hampton, Director of Planning and Development Services said that it approves a Certificate of Design Approval.

Councilor Baddourah asked if the requirements are the same for a PUD and M-1 zoning.

Ms. Krista Hampton, Director of Planning and Development Services said that as the design meets the underlying zoning there is no need for additional design review. The Planning Commission reviewed the building only in its capacity as a PUD. In all of these instances where the DDRC has design approval, the only way it is dependent on the underlying zoning is through those bulk height setback issues. If it continues to meet those requirements, it does not require additional review. The design guidelines haven't changed. That review and approval would still stand.

Councilor Baddourah said that an ex-council member guaranteed him that the 50' height restriction was enforced on any building constructed in the Vista. He said that it is not to the benefit of the historic overlay in the Vista or the view of any building to change that. I am not against any developer or economic development in this city. I am against somebody getting special treatment against somebody else.

Ms. Krista Hampton, Director of Planning and Development Services said there is no exception to the height being granted in this location. The height was the same when the Hampton Hotel was built as it is today.

Mr. Jack Pringle, Representative of Miller Valentine Group said that in 2007 the Council voted unanimously to approve the plan with the building being at 75’.

Mr. Brink Hinson said that it amazes him that we are discussing what was approved in 2007 when this building is not a PUD, it’s a hotel. It needs to go back to the DDRC to make sure it meets all of the requirements. He distributed the [DDRC meeting minutes from December 8, 2011](#), which shows that the DDRC didn’t have the power to limit the height because it was a PUD. It’s no longer a PUD so the DDRC has the power to limit the height. It is important to have consistency and it is unfair to the existing businesses that have worked hard to conform to the Vista.

Mr. Toby Ward, Esq., Representing the Hampton Inn and Springhill Suites said that his clients support going to M-1, because the PUD was illegal. We vehemently disagree that no new reviews are required. This project has progressed as a PUD, but Council should direct the City Manager to direct staff to send it back through the review process as M-1. He provided the following excerpt from the July 17, 2012 City Council Meeting minutes: “Relief from the zoning ordinance granted in the proposed language include relaxation of the landscaping requirement, reduction in the parking requirements, increase in sign area, and reduced step back for the upper floors above 50’”. Why did staff tell you that the PUD would accomplish these things? It needs to go back through the regulatory process. At the December 2011 DDRC meeting, the DDRC was told don’t touch this from a height perspective, because the PUD gives them six (6) floors. It is very clear that the city guidelines call for a review, because buildings are supposed to be similar in mass and scale and as a general rule most buildings should be no more than five stories. - [Handout](#)

Ms. Sarah Luadzers, Director of the Congaree Vista Guild said that they are proud of their historic design district area. She said that they are in favor of the project and that the group has spent a lot of time addressing their concerns. Many of the board members are surrounding property owners and the height is not of concern. We attended all of the DDRC and Planning Commission meetings and we support their recommendations of approval. We are in anticipation of the project and can absorb the numbers. She recalled that the room numbers are compatible with the Hampton Inn.

Mr. Michael Arket, Tranquil Moments Day Spa said that he is a business owner on Devine Street. He said that Council is getting off track and this is a simple zoning change that is easily allowed. They were zoned M-1, surrounding properties are M-1 and they want to go back to M-1.

Councilor Baddourah said that zoning changes normally go to the DDRC and Planning Commission before coming to Council.

Mr. Michael Arket, Tranquil Moments Day Spa stated that Council's job is to vote on the M-1 zoning.

Councilor Devine asked Ms. Hampton to clarify what is allowed under M-1 zoning and the difference between what is being discussed today and what has been told to other developers in the past.

Ms. Krista Hampton, Director of Planning and Development Services clarified that the M-1 zoning allows for a base height of 50', but you can exceed that up to 75' if you step back 3' feet for every 1' that the building extends up to 75'. There are no required yards in this area; we don't want step backs. The height is not up for your consideration. You are here to determine if M-1 zoning is appropriate. You can't condition a re-zoning. Generally, five (5) stories are appropriate in the City Center, which also includes Assembly Street, Huger Street and Main Street. The guidelines were written in 1994 and they were very emphatic. It actually has a passage in bold and underlined. It says that the approval affects only exterior design, no property owner shall lose any rights, and these are characteristics allowable under existing zoning. At the request of the property owner or owner agents, rights created by specific zoning district regulations including maximum heights may not be limited or removed by actions of the commission or staff. The DDRC, in the review if asked by the owner, cannot limit the height allowed under the existing zoning. The Planning Commission reviewed and unanimously approved the M-1 zoning. It is not in the purview of the DDRC to review map amendments.

Councilor Newman stated that he has heard a great deal from a number of people and he has constituents on both sides. He said that there was a great deal of ambiguity and rumors. This would not be an improper zoning given the properties it is adjacent to. Going forward, we should not micromanage our staff.

Councilor Devine concurred with Mr. Newman. She said that she met with Mr. Hinson. It is her personal opinion that the project should not be that high, but to deny the M-1 zoning isn't equitable. She hopes that it is a great fit.

Councilor Baddourah said that he doesn't have an issue with the M-1 zoning, but the overlay and height are in question. He recommended that this plan go back to the DDRC and Planning Commission to enforce the historic overlay for that district.

Upon a single motion made by Ms. Devine and seconded by Mr. Runyan, Council voted unanimously to give first reading approval to a Map Amendment for 823 Gervais Street, TMS# 08916-01-04 and 08916-01-19; request to rezone from PUD-C, -DD, -DP to M-1, -DD, -DP. Mayor Benjamin abstained from discussions and voting due to a conflict of interest.

- **Mayor Benjamin returned at 8:30 p.m. and is now presiding.**

CASES WITH MAP AND TEXT AMENDMENT – FIRST READING

32. A. [\(Map Amendment\) 1321 Lady Street](#), TMS# 11401-01-05; request to add –DP (Design Preservation) overlay to C-5, DD zoning to designate structure as a Group II *Landmark - Approved on first reading.*
- Council District: 2
- Proposal: Rezone to add –DP overlay to designate as a Group II Landmark.
- Applicant: Krista M. Hampton, Director of Planning and Development Services
- PC Recommendation: Approve, (6-0) 08/06/12
- DDRC Recommendation: Approve, (5-0) 06/14/12
- Staff Recommendation: Approve
- B. **(Text Amendment) Amend §17-691(c) Landmarks Buildings and Sites List**, to add **1321 Lady Street**, TMS# 11401-01-05 as a Group II Landmark.
- Proposal: **Amend §17-691(c) Landmarks Buildings and Sites List**, to add **1321 Lady Street**, TMS# 11401-01-05 as a Group II Landmark
- Applicant: Krista M. Hampton, Director of Planning and Development Services
- PC Recommendation: Approve, (6-0) 08/06/12
- DDRC Recommendation: Approve, (5-0) 06/14/12
- Staff Recommendation: Approve

[Ordinance No.: 2012-082](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V. Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691 Buildings and sites list (c), to add 1321 Lady Street, TMS #11401-01-05 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Mr. Davis and seconded by Ms. Devine , Council voted unanimously to give first reading approval to the Map Amendment for 1321 Lady Street, TMS# 11401-01-05; request to add –DP (Design Preservation) overlay to C-5, DD zoning to designate structure as a Group II Landmark **and** Ordinance No.: 2012-082 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V. Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691 Buildings and sites list (c), to add 1321 Lady Street, TMS #11401-01-05.

TEXT AMENDMENTS – FIRST READING

33. [Amend §17-311 -DD design/development area](#) to permit hotels (SIC 701) in – DD overlay zoning district under specified conditions

Proposal: **Amend §17-311 -DD design/development area** to permit hotels (SIC 701) in –DD overlay zoning district under specified conditions

Applicant: Krista M. Hampton, Director of Planning and Development Services

PC Recommendation: Approve, (6-0) 08/06/12

Staff Recommendation: Approve

[Ordinance No.: 2012-095](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-311, -DO design/development area – *Approved on first reading.*

Ms. Krista Hampton, Director of Planning and Development Services explained that during discussions they realized that hotels weren't a permitted use in M-1. This is an amendment to clarify this. It is our understanding that some hotels were designated as residential and we are trying to fix that.

No one appeared in support of or in opposition to this matter.

Councilor Devine clarified that this is not to allow what Council just approved. There are existing hotels in this district that are not allowed either.

Upon a single motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2012-095 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-311, -DO design/development area.

34. [Amend Chapter 17, Article III, Division 3 to create the Board of Zoning Appeals – FBC \(Form-Based Codes\)](#)

Proposal: **Amend Chapter 17, Article III, Division 3** to create the Board of Zoning Appeals - FBC (Form-Based Codes)

Applicant: Krista M. Hampton, Director of Planning and Development Services

PC Recommendation: Approve, (8-0) 09/10/12

Staff Recommendation: Approve

[Ordinance No.: 2012-096](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 3, Board of Zoning – *Approved on first reading.*

Ms. Krista Hampton, Director of Planning and Development Services explained that this text amendment is to create a Board of Zoning Appeals for form based codes. Currently it will only be used for Bull Street, but we do anticipate form base codes being used more in the city. This board requires the following professional requirements: one (1) attorney; one (1) architect; one (1) landscape architect; one (1) person involved in real estate; and one (1) person not designated in a professional slot. City Council will be asked to make these appointments.

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to give first reading approval Ordinance No.: 2012-096 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 3, Board of Zoning.

35. [Amend 17-321 to permit private dormitories in the Bull Street PUD](#)

Proposal:	Amend 17-321 to permit private dormitories in the Bull Street PUD.
Applicant:	Krista M. Hampton, Director of Planning and Development Services
PC Recommendation:	Approve, (8-0) 09/10/12
Staff Recommendation:	Approve

[Ordinance No.: 2012-094](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory– *Approved on first reading.*

Ms. Krista Hampton, Director of Planning and Development Services explained that a private dormitory is a living arrangement generally for students and universities. Our current ordinance does not permit any more than three (3) unrelated persons in one (1) dwelling unit. Most private dormitories have four (4) bedrooms around a common living area. The private dormitory ordinance was developed to permit those, but under certain criteria.

Councilor Devine inquired about the review process for private dormitories.

Ms. Krista Hampton, Director of Planning and Development Services said that it's a conditional use, although not all of the conditions would be applicable to the Bull Street area because of the form based code. A conditional use sets out a lot of parameters, but it's allowed out right as long as it meets all of those criteria. In this case it would be receiving word from their DRB and ensuring that it meets the ordinance. There would not be any extra review.

No one appeared in support of or in opposition to this matter.

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted five (5) to one (1) to give first reading approval to Ordinance No.: 2012-094 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory. Voting aye were Mr. Runyan, Mr. Newman, Ms. Devine, Mr. Davis and Mayor Benjamin. Mr. Baddourah voted nay.

▪ **Council adjourned the Zoning Public Hearing at 8:38 p.m.**

Mayor Benjamin sought procedural clarification on Bull Street being listed under first reading.

Ms. Krista Hampton, Director of Planning and Development Services explained that it was a typographical error. We already held the public hearing and Council gave it first reading approval on March 27, 2012; after which, the document was changed. When it does change State law gives the Planning Commission the ability to review it again; however that doesn't mean that it starts all over again. If they recommend favorable approval, it comes back to Council for the second reading.

Mayor Benjamin asked the City Attorney if that was his opinion as well.

Mr. Kenneth E. Gaines, City Attorney said yes sir.

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 8:40 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk

Meeting Dates	Type of Meeting	Meeting Times
October 9, 2012	Economic and Community Development Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	9:00 a.m.
	Public Safety Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	11:00 a.m.
	Arts and Historic Preservation Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	2:00 p.m.
October 16, 2012	Work Session <i>Eau Claire Town Hall – 3905 Ensor Avenue</i>	2:00 p.m.
	District II Evening Meeting <i>Burton-Pack Elementary School – 111 Garden Drive</i>	6:00 p.m.
	Zoning Public Hearing <i>Burton-Pack Elementary School – 111 Garden Drive</i>	7:00 p.m.
November 6, 2012	ELECTION DAY - No Meetings Scheduled	
November 13, 2012	Work Session <i>Eau Claire Town Hall – 3905 Ensor Avenue</i>	2:00 p.m.
	Council Meeting <i>Eau Claire Print Building – 3907 Ensor Avenue</i>	6:00 p.m.
	Zoning Public Hearing <i>Eau Claire Print Building – 3907 Ensor Avenue</i>	7:00 p.m.