# ZONING MAP AMENDMENT REQUEST ZREZ-05-18-00080

#### Post & Courier

#### CHARLESTON COUNTY COUNCIL PUBLIC HEARING: ZONING MAP AMENDMENT REQUEST Tuesday, October 9, 2018 at 6:30 PM

Charleston County Council will hold a public hearing on Tuesday, October 9, 2018 at 6:30 pm in County Council Chambers (located on the second floor of Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405) on the following Zoning Map Amendment request:

<u>ZREZ-05-18-00080</u>: Request to rezone property located at 1029 Orleans Road, West Ashley (TMS: 351-05-00-032) from the Single-Family Residential 4 Zoning District (R-4) to the Planned Development Zoning District (PD-163, Orleans Road) to allow for a Communications Tower (property size: 0.15 acres).

More information may be obtained on-line at the Charleston County Web Site (www.charlestoncounty.org) or by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury Clerk of Council

#### Post & Courier

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<u>ZREZ-05-18-00080</u>: Request to rezone property located at 1029 Orleans Road, West Ashley (TMS: 351-05-00-032) from the Single-Family Residential 4 Zoning District (R-4) to the Planned Development Zoning District (PD-163, Orleans Road) to allow for a Communications Tower (property size: 0.15 acres).

More information may be obtained on-line at the Charleston County Web Site (www.charlestoncounty.org) or by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury Clerk of Council

#### Post & Courier

#### CHARLESTON COUNTY COUNCIL PUBLIC HEARING: ZONING MAP AMENDMENT REQUEST Tuesday, August 21, 2018 at 6:00 PM

Charleston County Council will hold a public hearing on Tuesday, August 21, 2018 at 6:00 pm in County Council Chambers (located on the second floor of Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405) on the following Zoning Map Amendment request:

<u>ZREZ-05-18-00080</u>: Request to rezone property located at 1029 Orleans Road, West Ashley (TMS: 351-05-00-032) from the Single-Family Residential 4 Zoning District (R-4) to the Planned Development Zoning District (PD-163, Orleans Road) to allow for a Communications Tower (property size: 0.15 acres).

More information may be obtained on-line at the Charleston County Web Site (www.charlestoncounty.org) or by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury Clerk of Council

ATTORNEYS AND COUNSELORS AT LAW

JONATHAN L. YATES Direct Voice 843 414-9754 JLY@HELLMANYATES.COM HELLMAN YATES & TISDALE, PA 105 BROAD STREET, THIRD FLOOR CHARLESTON, SOUTH CAROLINA 29401 v 843 266-9099 F 843 266-9188

May 31, 2019

#### VIA E-MAIL

Joel Evans Director, Charleston County Zoning & Planning 4045 Bridge View Drive, North Charleston, SC 29405 (843) 202-7200

Re: ZREZ-05-18-00080 (PD-163, Orleans Road)

Dear Joel,

We would respectfully request that ZREZ-05-18-00080 (PD-163, Orleans Road) be placed on the Charleston County Planning & Public Works Committee agenda for June 13, 2019.

We thank you and your staff for all of the time and consideration that has been afforded to this application thus far and we very much appreciate the incredible work by the Charleston County Planning staff.

If you have any questions or require further clarification on this request, please do not hesitate to call me at (843) 414-9754 or (843) 813-0103.

Thank you so much for all your help with this.

With warmest regards, I am

Yours very truly, hti

Jonathan L. Yates

cc: J. Elliott Summey Charleston County Council Chairman

The Honorable Teddie E. Pryor, Sr. Chairman of Charleston County Public Works and Safety Committee

ATTORNEYS AND COUNSELORS AT LAW

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February 13, 2019

#### VIA E-MAIL

Joel Evans Director, Charleston County Zoning & Planning 4045 Bridge View Drive, North Charleston, SC 29405 (843) 202-7200

Re: ZREZ-05-18-00080 (PD-163, Orleans Road)

Dear Joel,

We would respectfully request that ZREZ-05-18-00080 (PD-163, Orleans Road) be placed on the Charleston County Planning & Public Works Committee agenda for February 21, 2019.

We thank you and your staff for all of the time and consideration that has been afforded to this application thus far and we very much appreciate the incredible work by the Charleston County Planning staff.

If you have any questions or require further clarification on this request, please do not hesitate to call me at (843) 414-9754 or (843) 813-0103.

Thank you so much for all your help with this.

With warmest regards, I am

Yours very truly, minton Z. Juty. Jonathan L. Yates

cc: J. Elliott Summey Charleston County Council Chairman

The Honorable Teddie E. Pryor, Sr. Chairman of Charleston County Public Works and Safety Committee

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November 16, 2018

#### VIA E-MAIL

Joel Evans Director Charleston County Zoning & Planning 4045 Bridge View Drive, North Charleston, SC 29405 (843) 202-7200

Re: ZREZ-05-18-00080 (PD-163, Orleans Road)

Dear Joel,

I apologize profusely for any inconvenience, but we would respectfully request that ZREZ-05-18-00080 (PD-163, Orleans Road) not be placed on the Charleston County Planning & Public Works Committee agenda for November 27, 2018.

Again, our apologies, but unfortunately the Thanksgiving holiday has impeded our ability to meet with all the necessary parties prior to this application appearing before the Charleston County Planning & Public Works Committee.

We thank you and your staff for all of the time and consideration that has been afforded to this application thus far and we very much appreciate the incredible work by the Charleston County Planning staff. We wish you all a happy and safe Thanksgiving holiday.

If you have any questions or require further clarification on this request, please do not hesitate to call me at (843) 414-9754 or (843) 813-0103.

Thank you so much for all your help with this.

With warmest regards, I am

Yours very truly,

Jonathan L. Yates L. July

November 16, 2018 Page 2

cc: The Honorable A. Victor Rawl Charleston County Council Chairman

The Honorable Teddie E. Pryor, Sr. Chairman of Charleston County Public Works and Safety Committee

ATTORNEYS AND COUNSELORS AT LAW

JONATHAN L. YATES DIRECT VOICE 843 414-9754 JLY@HELLMANYATES.COM HELLMAN YATES & TISDALE, PA 105 BROAD STREET, THIRD FLOOR CHARLESTON, SOUTH CAROLINA 29401 v 843 266-9099 F 843 266-9188

November 13, 2018

#### VIA E-MAIL

Joel Evans Director Charleston County Zoning & Planning 4045 Bridge View Drive, North Charleston, SC 29405 (843) 202-7200

Re: ZREZ-05-18-00080 (PD-163, Orleans Road)

Dear Joel,

We would respectfully request that ZREZ-05-18-00080 (PD-163, Orleans Road) be placed on the Charleston County Planning & Public Works Committee agenda for November 27, 2018.

We thank you and your staff for all of the time and consideration that has been afforded to this application thus far and we very much appreciate the incredible work by the Charleston County Planning staff.

If you have any questions or require further clarification on this request, please do not hesitate to call me at (843) 414-9754 or (843) 813-0103.

Thank you so much for all your help with this.

With warmest regards, I am

Yours very truly, Jonathan L. Yates

cc: The Honorable A. Victor Rawl Charleston County Council Chairman

The Honorable Teddie E. Pryor, Sr. Chairman of Charleston County Public Works and Safety Committee

ATTORNEYS AND COUNSELORS AT LAW

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October 16, 2018

#### VIA FEDERAL EXPRESS

Joel Evans Director Charleston County Planning & Zoning 4045 Bridge View Drive, North Charleston, SC 29405 (843) 202-7200

Re: ZREZ-05-18-00080 (PD-163, Orleans Road)

Dear Mr. Evans,

We would respectfully request that ZREZ-05-18-00080 (PD-163, Orleans Road) be deferred from the Charleston County Planning & Public Works Committee agenda for October 18, 2018 and be placed on a future agenda of the Charleston County Planning & Public Works Committee. We are making this request in order to allow more time for community outreach on this application prior to it being heard by the Committee.

We thank you and your staff for all of the time and consideration that has been afforded to this application thus far and we very much appreciate the incredible work by the Charleston County Planning staff.

If you have any questions or require any clarification on this request, please do not hesitate to call me at (843) 414-9754 or (843) 813-0103.

With warmest regards, I am

Yours very truly, Jonathan L. Yates

cc: The Honorable A. Victor Rawl Charleston County Council Chairman

The Honorable Teddie E. Pryor, Sr. Chairman of Charleston County Public Works & Safety Committee

ATTORNEYS AND COUNSELORS AT LAW

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HELLMAN YATES & TISDALE, PA 105 BROAD STREET, THIRD FLOOR CHARLESTON, SOUTH CAROLINA 29401

August 20, 2018

The Honorable A. Victor Rawl Chairman of Charleston County Council 4045 Bridge View Drive, North Charleston, SC 29405 (843) 202-7200

Re: Zoning Map Amendment Request ZREZ-05-18-00080

Dear Chairman Rawl,

As applicant for Zoning Map Amendment Request: ZREZ-05-18-00080, we would respectfully request that this item be deferred from the Charleston County Council Public Hearing Agenda for August 21st, 2018 and be placed on the Agenda for September 11, 2018. We thank you very much for your time on this matter and very much appreciate this deferral. We would like to have this time in order to address an issue that arose late last week.

Should you have any questions, please do not hesitate to contact me. I can be reached at 843-414-9754.

Thank you so much for all of your consideration.

With kindest regards, I am

Yours very truly,

Jonathan L. Yates

JLY: jlc Enclosure

**CC: Joel Evans** Director **Charleston County Zoning and Planning** 

#### ZONING MAP AMENDMENT REQUEST: ZREZ-05-18-00080 (PD-163, Orleans Road) CASE HISTORY

#### Public Hearing: October 9, 2018 Planning and Public Works Committee: July 25, 2019 First Reading: July 30, 2019 Second Reading: August 20, 2019 Third Reading: September 10, 2019

#### **CASE INFORMATION**

Location: 1029 Orleans Road (St. Andrews)

Parcel Identification: 351-05-00-032

Council District: 7

Property Size: 0.15 acres

#### Application:

The applicant is requesting to rezone the subject property from the Single Family Residential 4 (R-4) Zoning District to PD-163, Orleans Road, Zoning District, to allow for a communications tower.

#### Zoning History:

Prior to this request, Prior to this request, Zoning amendment request ZREZ 03-18-00078 was submitted for a similar type Planned Development. This application was withdrawn by the applicant before the scheduled Planning Commission meeting.

#### Parcel Information and Area Description:

The subject property is zoned R-4 and is currently undeveloped. Adjacent properties to the north and east are in unincorporated Charleston County, are zoned either R-4 or Mixed Style Residential 12 (M-12), and are either undeveloped or contain single-family dwellings or multi-family dwellings. Adjacent properties to the south and west are either in the City of Charleston or in unincorporated Charleston County. Those in the City of Charleston are zoned Single Family Residential (SR-1) or General Business (GB) and contain either single dwellings or retail uses. Those in the County are zoned either R-4 or Residential Office (OR) and contain single-family dwellings or a professional office.

#### Overview of PD-163, Orleans Road:

The applicant is requesting to rezone to PD-163 to allow for a communications tower with associated equipment buildings, structures and parking. Specifically, the requested PD-163 guidelines include the following:

- Allowed land uses are limited to a maximum of one communications tower with required lighting and lightning rod, and associated equipment buildings, structures and power supply.
- Maximum height of the communications tower, with associated lighting and lightning rod, is 140 feet.
- Maximum height of the associated equipment buildings and structures is 30 feet.
- A 10-foot buffer and 15-foot setback is required to Orleans Rd, and a 10-foot buffer and setback is required to the side and rear boundaries.
- Access to the site will be from Orleans Road.
- Buildings or structures shall comply with the Architectural Design Guidelines of ZLDR Article 9.6.
- One parking space is proposed, with parking to comply with ZLDR Article 9.3.
- Signage required by the Federal Communications Commission is proposed, and any future signage shall comply with ZLDR Article 9.11.
- Any future lighting shall comply with Federal Aviation Administration requirements and ZLDR Article 9.6.

- A tree survey has been completed and at this stage, no Grand Trees are identified for removal. Any future Grand Tree removals will be subject to approval by the Board of Zoning Appeals.
- The Communications Tower shall comply with ZLDR Sections 6.4.5.F.14 and 6.4.5.G.

Further to the above, the applicant has provided the following commentary on the design of the Planned Development:

"Presently, there exists a severe wireless infrastructure deficit along Orleans Road/ Tobias Gadsden Boulevard from Sam Rittenberg Boulevard to Paul Cantrell Boulevard. This deficit is a result of the incredible demands on the existing wireless infrastructure in the area. Due to this location being near the terminus of I-526, U.S. 17, Sam Rittenberg Boulevard, and Paul Cantrell Boulevard, this part of the County is one of the most heavily trafficked areas in Charleston County, in addition to being densely populated by commercial and residential uses. In order to solve this deficit, it is necessary to place a wireless communication facility somewhere along Orleans Road between the former Citadel Mall property and Savage Road. Unfortunately, after an exhaustive and extensive real estate search of the targeted area, there were no available properties properly zoned for a wireless communication facility, which lead to the selection of this vacant piece of property. From a wireless network perspective, the property in question presents the ideal location for the proposed facility.

The proposed facility is unlike any other previously placed in unincorporated Charleston County. The proposed facility will be a stealth facility where all the antenna and equipment are contained within the pole and the overall height of the pole will be less than almost all other wireless facilities presently operating in unincorporated Charleston County. The standard wireless facility in Charleston County would have 40 to 50 feet of exposed equipment; however, all of the equipment for the proposed facility would be fully contained inside the stealth pole. This presents a much cleaner silhouette and visually appealing appearance."

<u>Municipalities Notified/Response</u>: The City of Charleston, City of North Charleston, and the Town of James Island were notified of the request but have not responded.

Public Input: No public input has been received at this stage.

#### STAFF RECOMMENDATION

According to Section §4.23.9 E (9) of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for PD Development Plans may be approved only if County Council determines that the following criteria are met:

A. The PD Development Plan complies with the standards contained in this Article;

Applicant response: "Adequate wireless infrastructure is vital to the citizens of Charleston County as over 50% of the homes in the United States are wireless only and no longer utilize a landline telephone. In addition, over 80% of the 911 calls to the Charleston County Consolidated Dispatch originate from a wireless device. The proposed development plan meets all standards contained in Article 4.23 of the ZLDR."

*Staff response:* The proposed PD guidelines comply with the majority of the requirements of this Article. Although the applicant states, "...the facility will be surrounded by an incredible landscape package that meets the maximum volume of planting possible to ensure the long term health of the plants,..." the proposed setbacks, land use buffers, and right-of-way buffer do not comply with the ZLDR. In addition, the requirements of ZLDR Section 6.5.4.F.4, Communications Towers Zoning Permit Submittal Requirements, are not met. These requirements state, "The tower must be located no closer to a residential structure than a distance equal to 1 ½ feet for each 1 foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure." This would require the proposed tower to be at least 260' from the closest residence. The proposed tower is 54'11" from the closest residential structure; however, it should be noted that the applicant has submitted a fall zone letter stating "The tower will be designed to collapse in the event of failure

to within a 23' radius circle centered on the tower."

B. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents; and

Applicant response: "The proposed development plan is consistent with the intent of the Comprehensive Plan and all other relevant adopted policy documents, by providing necessary infrastructure to the community as specified by the Comprehensive Plan in the Community Facilities Strategies of the Comprehensive Plan. The Charleston County Comprehensive Plan presently recommends the Urban/ Suburban Mixed Use future land use designation of this property. The proposed use is fully compliant with this designation as Urban/ Suburban Mixed Use encourages mixed-use development consisting of retail, service, employment, civic, industrial, housing and linkages, public transport. The purpose of the proposed facility is to provide the wireless infrastructure necessary to properly service the uses envisioned by this designation."

*Staff response:* The Charleston County Comprehensive Plan recommends the Urban/Suburban Mixed Use future land use for the subject site. This future land use designation "…encourages compatible mixed use development and a general land use pattern that includes a variety of housing types, retail, service, employment, civic and compatible industrial uses, as well as public open spaces and linkages to public transit…." The requested PD guidelines allow for a communications tower with associated equipment buildings and structures that are not consistent with the mostly residential development on surrounding properties that front Orleans Road; however, the proposed Planned Development provides infrastructure to the community in a manner consistent with the residential character of the surrounding neighborhood.

C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed. Applicant response: "Please see Exhibit "3" for Coordination Letters, which assure the necessary public services, facilities, and programs will serve the proposed development at the time the property is developed. The unmanned facility will only require the provision of power and telecommunications services and does not require any other services from the county and any other agency."

*Staff response:* The applicant has submitted letters of coordination from applicable agencies to demonstrate that there are adequate public services, facilities, and programs to serve the proposed development.

Because the requested PD is not completely consistent with the *Comprehensive Plan* and the *Charleston County Zoning and Land Development Regulations Ordinance* (ZLDR), Staff recommends disapproval. If, however, the Planning Commission decides to recommend approval, staff suggests the following conditions of approval:

- Sec. I, Overview:
  - <u>Point A</u>: Amend the formatting to remove reference point number 3 from occurring twice:
    - "**34**. All matters not addressed in the Planned Development Guidelines shall comply with the R-4 Zoning District requirements of the ZLDR in effect at the time of subsequent development application submittal."
- Sec. XV, Communications Tower Zoning Requirements:
- <u>Point E</u>: Delete Point E.
- Appendices:
  - A receipt from the United Stated Army Corps of Engineers (USACOE) for a jurisdictional wetlands determination application, or, correspondence from the USACOE that a jurisdictional wetlands determination is not warranted for this Planned Development, must be submitted at least 18 days prior to the public hearing for which it is scheduled (this date is by close of business August 3, 2018 for the August 21, 2018 public hearing).

#### PLANNING COMMISSION MEETING: JULY 9, 2018

Recommendation: Approval with conditions (vote: 8-0, 1 absent).

#### • Sec. I, Overview:

- Point A: Amend the formatting to remove reference point number 3 from occurring twice:
  - "**34**. All matters not addressed in the Planned Development Guidelines shall comply with the R-4 Zoning District requirements of the ZLDR in effect at the time of subsequent development application submittal."
- Sec. XV, Communications Tower Zoning Requirements:
  - <u>Point E</u>: Delete Point E.
- <u>Appendices:</u>
  - A receipt from the United Stated Army Corps of Engineers (USACOE) for a jurisdictional wetlands determination application, or, correspondence from the USACOE that a jurisdictional wetlands determination is not warranted for this Planned Development, must be submitted at least 18 days prior to the public hearing for which it is scheduled (this date is by close of business August 3, 2018 for the August 21, 2018 public hearing). (Note: the applicant submitted the USACE letter of receipt on July 10, 2018; therefore, this condition has been met.)

Speakers: 2 people spoke in support of the application and no one spoke in opposition to the application.

Notifications:

173 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the St Andrews area Interested Parties List on June 22, 2018. Additionally, this request was noticed in the *Post & Courier* on June 22, 2018.

#### PUBLIC HEARING: AUGUST 21, 2018

Notifications:

173 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the St Andrews area Interested Parties List on August 3, 2018. Additionally, this request was noticed in the *Post & Courier* on August 3, 2018 and a notification sign was posted on the property on August 3, 2018.

On August 20, 2018, the applicant submitted a request to postpone the August 21<sup>st</sup> public hearing to September 11<sup>th</sup>. This request was accepted.

#### PUBLIC HEARING: SEPTEMBER 11, 2018

Notifications:

173 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the St Andrews area Interested Parties List on August 24, 2018. Additionally, this request was noticed in the *Post & Courier* on August 24, 2018 and a notification sign was posted on the property on August 24, 2018.

#### The Public Hearing was postponed as County Offices were closed due to Hurricane Florence. <u>PUBLIC HEARING: OCTOBER 9, 2018</u>

Speakers: 3 people spoke in support of the application and 2 people spoke in opposition to the application.

Notifications:

173 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the St Andrews area Interested Parties List on September 21, 2018. Additionally, this request was noticed in the *Post & Courier* on September 21, 2018 and a notification sign was posted on the property on September 21, 2018.

#### PLANNING AND PUBLIC WORKS COMMITTEE: OCTOBER 18, 2018

On October 16, 2018 the applicant submitted a request to defer consideration of the application from the October 18, 2018 Planning and Public Works Committee meeting to a future Planning and Public Works Committee meeting date, in order to allow for more time to work with the community. This request was accepted.

#### PLANNING AND PUBLIC WORKS COMMITTEE: NOVEMBER 27, 2018

On November 13, 2018 the applicant submitted a request to have the application heard at the November 27, 2018 Planning and Public Works Committee meeting, and this request was accepted. However, on November 16, 2018, the applicant submitted a request to defer consideration of the application from the November 27, 2018 Planning and Public Works Committee meeting to a future Planning and Public Works Committee meeting date, in order to allow for more time to work with the community. This request was accepted.

#### PLANNING AND PUBLIC WORKS COMMITTEE: FEBRUARY 21, 2019

Notifications:

181 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on February 15, 2019.

On February 13, 2019, the applicant submitted a request to put the application on the February 21, 2019 Planning and Public Works Committee Meeting agenda and this request was accepted. However, on February 19, 2019, the application was withdrawn from the agenda by the Chair of the Committee, with the request that the applicant further consult with the community.

#### PLANNING AND PUBLIC WORKS COMMITTEE: JUNE 13, 2019

Notifications:

181 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on June 4, 2019.

On June 4, 2019, the applicant submitted a request to put the application on the June 13, 2019 Planning and Public Works Committee Meeting agenda and this request was accepted. However, on June 7, 2019, the application was postponed to the July 25<sup>th</sup> Committee meeting by the Chair of the Committee at the request of Council Member Moody.

#### PLANNING AND PUBLIC WORKS COMMITTEE: JULY 25, 2019

Notifications:

181 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on June 10, 2019.

# Charleston County Zoning Map Amendment Request ZREZ-05-18-00080

Public Hearing - October 9, 2018 Planning and Public Works Committee – July 25, 2019

# **Case Timeline**

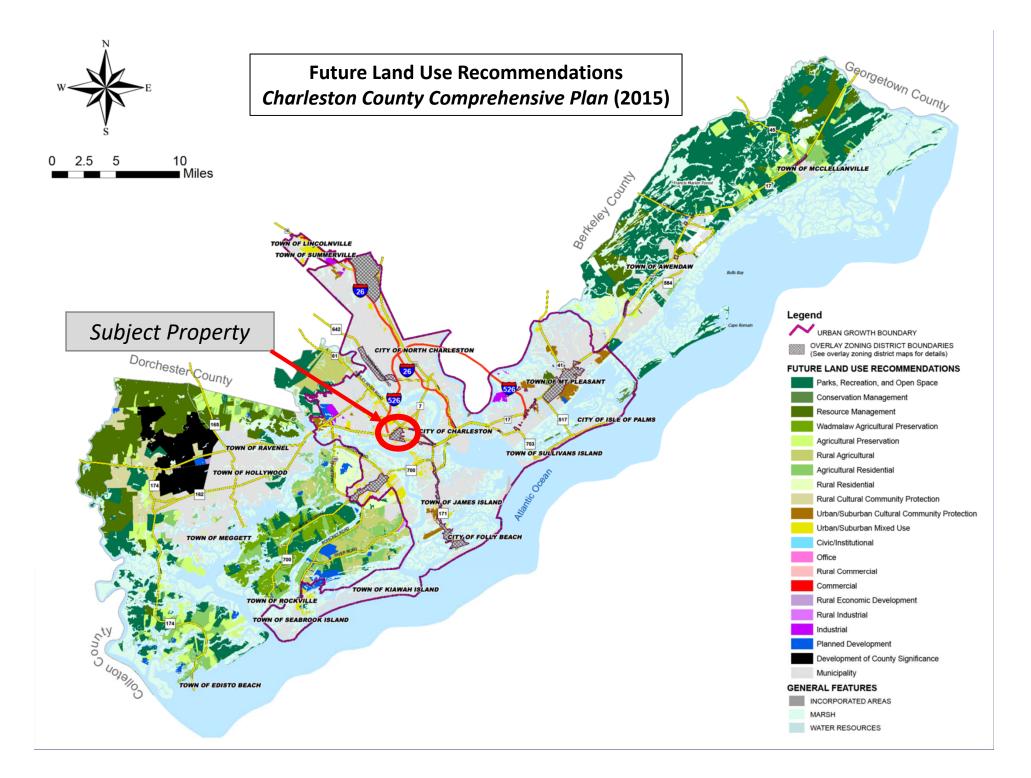
- July 9, 2018: application heard at Planning Commission; vote 8-0 (with 1 absent) recommending Approval with Conditions.
- August 20, 2018: applicant requested to postpone public hearing from August 21 to September 11.
- September 11, 2018 Public Hearing: *postponed due to Hurricane Florence*.
- October 9, 2018: application heard at Public Hearing.
- October 16, 2018: applicant requested deferral from the October 18 Planning and Public Works Committee meeting.
- November 13, 2018: applicant requested to be heard at the November 27 PPW Committee meeting.
- November 16, 2018: applicant requested deferral from the November 27 PPW Committee meeting to a future meeting date, to allow for more time to work with the community.
- February 13, 2019: applicant requested to go on the February 21, 2019 Planning and Public Works Committee meeting agenda.
- February 19, 2019: application withdrawn from the agenda by the Chair, with the request that the applicant further consult with the community.
- June 4, 2019: applicant requested to go on the June 13, 2019 PPW meeting agenda.
- June 7, 2019: the application was withdrawn from the agenda by the Chair of the Committee at the request of Council Member Moody.

# ZREZ-05-18-00080

- St Andrews Area: 1029 Orleans Road
- Parcel I.D.: 351-05-00-032
- Request to rezone from the Single Family Residential 4 (R-4) Zoning District to PD-163, Orleans Road, Zoning District to allow for a communications tower
- Applicant: Jonathan L. Yates
   105 Broad Street, Charleston, SC, 29401
- Owner: Daniel Brown and Annabelle Brown
   1776 Turkey Pen Road, Charleston, SC, 29407
- Acreage: 0.15 acres
- Council District: 7

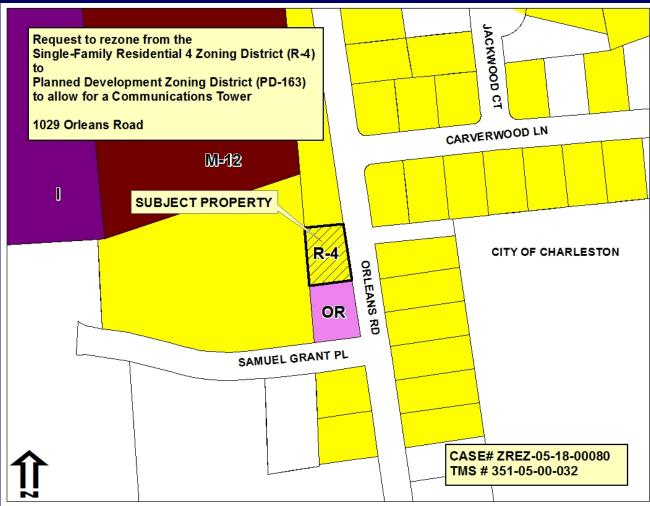
# **Zoning and Application History**

- Prior to this request, Zoning amendment request ZREZ 03-18-00078 was submitted for a similar type Planned Development.
- Application was withdrawn by the applicant before the scheduled Planning Commission meeting.



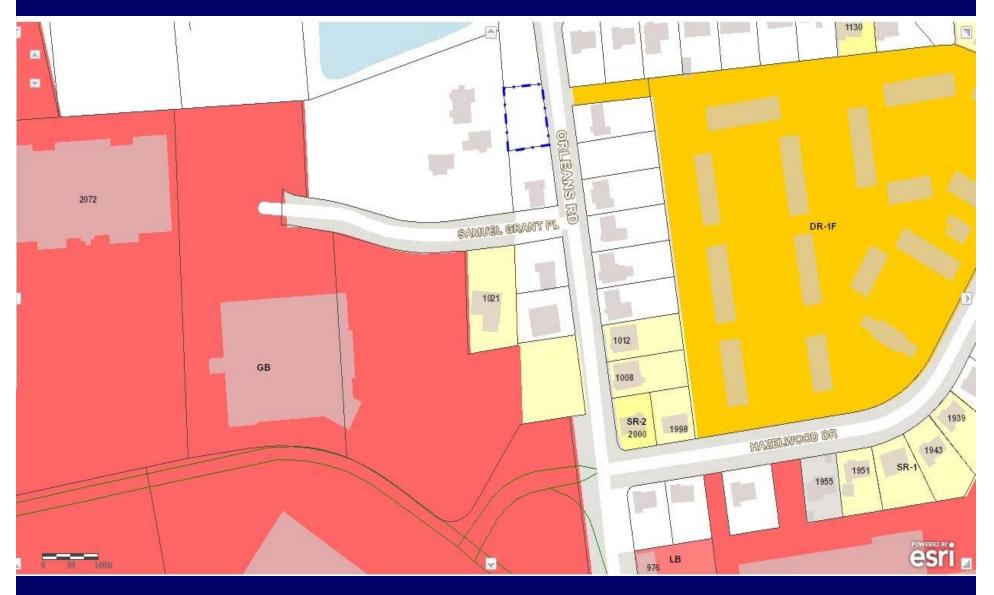


# **Area Description**



The subject property is zoned R-4 and is currently undeveloped. Adjacent properties to the north and east are in unincorporated Charleston County, are zoned either R-4 or Mixed Style Residential 12 (M-12), and are either undeveloped or contain single-family dwellings or multi-family dwellings. Adjacent properties to the south and west are either in the City of Charleston or in unincorporated Charleston County. Those in the City of Charleston are zoned Single Family Residential (SR-1) or General Business (GB) and contain either single dwellings or retail uses. Those in the County are zoned either R-4 or Residential Office (OR) and contain single-family dwellings or a professional office.

# **City of Charleston Zoning**



# **Aerial View to the North**



# **Aerial View to the South**



## ZREZ-05-18-00080



## **1 – Subject Property**

## 2 – Adjacent Property



## ZREZ-05-18-00080



## 3 – Adjacent Property

## 4 – Adjacent property



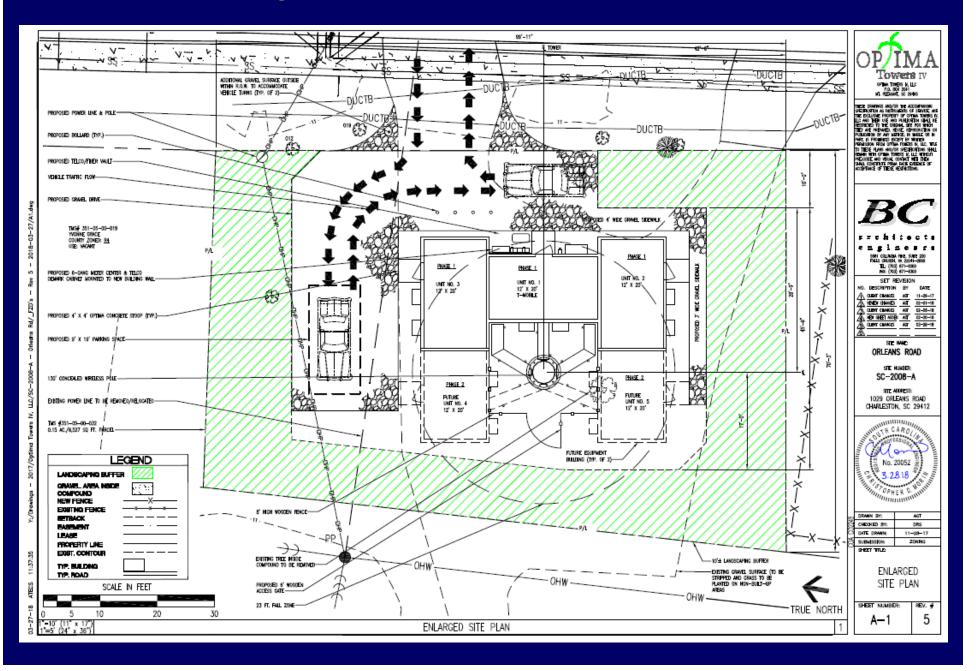
# **PD-163 Requested Guidelines**

- Allowed land uses are limited to a maximum of one communications tower with required lighting and lightning rod, and associated equipment buildings, structures and power supply.
- Maximum height of the communications tower, with associated lighting and lightning rod, is 140 feet.
- Maximum height of the associated equipment buildings and structures is 30 feet.
- A 10-foot buffer and 15-foot setback is required to Orleans Rd, and a 10-foot buffer and setback is required to the side and rear boundaries.
- Access to the site will be from Orleans Road.
- Buildings or structures shall comply with the Architectural Design Guidelines of ZLDR Article 9.6.
- One parking space is proposed, with parking to comply with ZLDR Article 9.3.
- Signage required by the Federal Communications Commission is proposed, and any future signage shall comply with ZLDR Article 9.11.
- Any future lighting shall comply with Federal Aviation Administration requirements and ZLDR Article 9.6.
- A tree survey has been completed and at this stage, no Grand Trees are identified for removal. Any future Grand Tree removals will be subject to approval by the Board of Zoning Appeals.
- The Communications Tower shall comply with ZLDR Sections 6.4.5.F.14 and 6.4.5.G.

# **PD-163 Requested Guidelines continued**

- Further to the above guidelines, the applicant has provided the following commentary on the design of the Planned Development:
  - Presently there exists a severe wireless infrastructure deficit along Orleans Road and Tobias Gadsen Boulevard from Sam Rittenberg Boulevard to Paul Cantrell Boulevard.
  - In order to solve this deficit, it is necessary to place a wireless communication facility somewhere along Orleans Road.
  - The proposed facility will be a stealth facility where all the antenna and equipment are contained within the pole.

# **Proposed Sketch Plan**



# **Approval Criteria**

According to Section §4.23.9 E (9) of the *Zoning and Land Development Regulations Ordinance (ZLDR),* applications for PD Development Plans may be approved only if County Council determines that the following criteria are met:

### A. The PD Development Plan complies with the standards contained in this Article;

Applicant response: "Adequate wireless infrastructure is vital to the citizens of Charleston County as over 50% of the homes in the United States are wireless only and no longer utilize a landline telephone. In addition, over 80% of the 911 calls to the Charleston County Consolidated Dispatch originate from a wireless device. The proposed development plan meets all standards contained in Article 4.23 of the ZLDR."

*Staff response:* The proposed PD guidelines comply with the majority of the requirements of this Article. Although the applicant states, "...the facility will be surrounded by an incredible landscape package that meets the maximum volume of planting possible to ensure the long term health of the plants,..." the proposed setbacks, land use buffers, and right-of-way buffer do not comply with the ZLDR. In addition, the requirements of ZLDR Section 6.5.4.F.4, Communications Towers Zoning Permit Submittal Requirements, are not met. These requirements state, "The tower must be located no closer to a residential structure than a distance equal to 1 ½ feet for each 1 foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure." This would require the proposed tower to be at least 260' from the closest residence. The proposed tower is 54'11" from the closest residential structure; however, it should be noted that the applicant has submitted a fall zoned letter stating, "The tower will be designed to collapse in the event of failure to within a 23' radius circle centered on the tower."

## **Approval Criteria continued**

# B. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents; and

Applicant response: "The proposed development plan is consistent with the intent of the Comprehensive Plan and all other relevant adopted policy documents, by providing necessary infrastructure to the community as specified by the Comprehensive Plan in the Community Facilities Strategies of the Comprehensive Plan. The Charleston County Comprehensive Plan presently recommends the Urban/ Suburban Mixed Use future land use designation of this property. The proposed use is fully compliant with this designation as Urban/ Suburban Mixed Use encourages mixed-use development consisting of retail, service, employment, civic, industrial, housing and linkages, public transport. The purpose of the proposed facility is to provide the wireless infrastructure necessary to properly service the uses envisioned by this designation."

*Staff response:* The Charleston County Comprehensive Plan recommends the Urban/Suburban Mixed Use future land use for the subject site. This future land use designation "…encourages compatible mixed use development and a general land use pattern that includes a variety of housing types, retail, service, employment, civic and compatible industrial uses, as well as public open spaces and linkages to public transit…." The requested PD guidelines allow for a communications tower with associated equipment buildings and structures that are not consistent with the mostly residential development on surrounding properties that front Orleans Road; however, the proposed Planned Development provides infrastructure to the community in a manner consistent with the residential character of the surrounding neighborhood.

# **Approval Criteria continued**

**C.** The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed. Applicant response: "Please see Exhibit "3" for Coordination Letters, which assure the necessary public services, facilities, and programs will serve the proposed development at the time the property is developed. The unmanned facility will only require the provision of power and telecommunications services and does not require any other services from the county and any other agency."

*Staff response:* The applicant has submitted letters of coordination from applicable agencies to demonstrate that there are adequate public services, facilities, and programs to serve the proposed development.

# Recommendation

 The requested PD is not completely consistent with the Comprehensive Plan and the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)

## **STAFF RECOMMENDATION:** Disapproval

PLANNING COMMISSION RECOMMENDATION: Approval with conditions (vote: 8-0, 1 absent)

## **Recommended Conditions of Approval**

### Sec. I. Overview:

- <u>Point A</u>: Amend the formatting to remove reference point number 3 from occurring twice:
  - "34. All matters not addressed in the Planned Development Guidelines shall comply with the R-4 Zoning District requirements of the ZLDR in effect at the time of subsequent development application submittal."
- Sec. XV. Communication Tower Zoning Requirements:
   Point E: Delete Point E.
- <u>Appendices:</u>
  - A receipt from the United Stated Army Corps of Engineers (USACOE) for a jurisdictional wetlands determination application, or, correspondence from the USACOE that a jurisdictional wetlands determination is not warranted for this Planned Development, must be submitted at least 18 days prior to the public hearing for which it is scheduled (this date is by close of business August 3, 2018 for the August 21, 2018 public hearing). (Note: the applicant submitted the USACE letter of receipt on July 10, 2018; therefore, this condition has been met.)

## **Notifications**

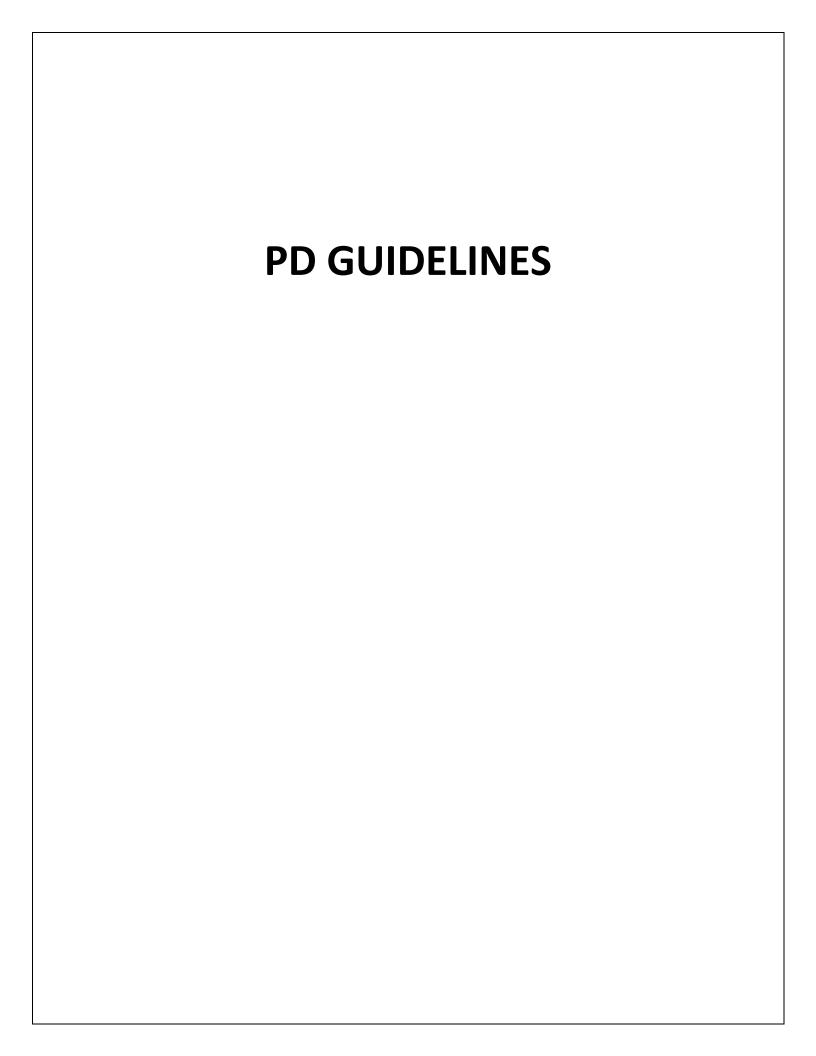
#### • Planning Commission, July 9, 2018

- 173 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on June 22, 2018.
- Ad ran in the *Post & Courier* on June 22, 2018.
- Public Hearing, August 21, 2018, September 11, 2018, and October 9, 2018
  - 173 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on August 3, 2018, August 24, 2018, and September 21, 2018.
  - Ad ran in the *Post & Courier* on August 3, 2018, August 24, 2018, and September 21, 2018.
  - Notification sign posted on the property on August 3, 2018, August 24, 2018, and September 21, 2018.
- Planning and Public Works Committee, February 21, 2019, June 13, 2019, and July 25, 2019
  - 181 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on February 15, 2019.
  - 181 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on June 4, 2019.
  - 181 notifications were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the St Andrews area Interested Parties List on June 10, 2019.

# Charleston County Zoning Map Amendment Request ZREZ-05-18-00080

Public Hearing - October 9, 2018 Planning and Public Works Committee – July 25, 2019

ZONING	G CHANGE	APPLICA	TION			
CASE <u>2RE 2~</u>	05~00020 p	163 D				Zoning/Planning Department Lounie Hamilton, III
	PROPERTY INFO	RMATION			ITHI	Public Services Building 4045 Bridge View Drive North Charleston, SC 29405
- CURRENT DISTRICT PARCEL ID(S)351	R-4 REQI	JESTED DISTRICT	PD		NTY 📓	(843) 202-7200 1-800-524-7832 Fax: (843) 202-7222
CITY/AREA OF COUNT	Y Charleston					
STREET ADDRESS	1029 Orlear	ns Road				ACRES .15
DEED RECORDED:	воок 525	_PAGE <u>34</u> 8	DATE			
PLAT RECORDED:	воок 🖉	PAGE	DATE	APF	PROVAL#	
	APF	LICANT-OV	VNER-REPI	RESENTATIVE		
APPLICANT	Jonathan L. Yate	es		HOME PHONE	<u> </u>	
MAIL ADDRESS	105 Broad Stree	t, 3rd Floor	·	WORK PHONE	(843)	414-9754
CITY, STATE, ZIP	Charleston, SC	29401		_CELL PHONE		
				EMAIL	jlc@he	ellmanyates.com
OWNER	Daniel Brown &	Annabelle B	rown	HOME PHONE		
MAIL ADDRESS	1776 Turkey Pe	en Road		WORK PHONE		
CITY, STATE, ZIP	Charleston, SC	29407	······	CELL PHONE		
				EMAIL		
REPRESENTATIVE	Keith Powell			HOME PHONE	(843) 32	24-9745
MAIL ADDRESS	PO Box 2041			WORK PHONE		
CITY, STATE, ZIP	Mount Pleasant	, SC 29465		CELL PHONE		
					keith.pc	well2@comcast.net
		CE	RTIFICATIO	N		
		✓ Copy of <u>Appr</u>	oved and Recorde	d Plat showing pres	ent boundarie:	s of property
This application will b applicant within fiftee	n (15) business days if				vner's signatui	e must maich documentation.)
these items are not su application or if any a	ibmitted with the		<u>ned Restricted Cov</u>			
inaccurate:			ed Posted Notice / nius \$10.00 per ar	<u>\ffidavit</u> :re (Fees vary for Pl	annad David-	omente l
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- 17 / SE	uirements for submitting	ı my zoning chang		-	,	equired information has been
provided and all infor	maron's correct,	3/30/18	()	and the second	1195	71 212n/mi
Signature of Owner/s			Signature/of Ann	licant/ Representat	ive/if other th	<u>Al Diputadur</u> an owner) Date
Isorab		5/24/18	> /		V	,
Planner's Signature	an a	Date	Zoning Inspector	's Signature	na nahang séri yan nga nanang nanah manan	Date
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### Planned Development Guideline Specifications

1029 Orleans Road Charleston, SC

TMS# 351-05-00-032

Property: 1029 Orleans Road Charleston, SC

HELLMAN YATES & TISDALE

HELLMAN VATES & TISDALE, PA 105 BROAD STREET, THIRD FLOOR CHARLESTON, SOUTH CAROLINA 29401

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#### PLANNED DEVELOPMENT GUIDELINE SPECIFICATIONS FOR ORLEANS ROAD PUD

#### PURSUANT TO THE ZONING AND LAND DEVELOPMENT REGULATIONS OF CHARLESTON COUNTY, SOUTH CAROLINA ("ZLDR")

#### **I. OVERVIEW**

#### A. PURPOSE

1. This is an application for the property located at 1029 Orleans Road, Charleston, South Carolina, bearing Tax Map number 351-05-00-032 from R4 to Planned Development ("PD") pursuant to the ZLDR. The property is presently vacant.

2. The primary focus of the rezoning is to allow for the placement of one communication tower including required lighting and lightning rod, and associated equipment, structures, power supply, and parking. The units/ structures shown on the sketch plans are for storage of equipment for each associated carrier. The maximum height of the communications tower, including any required lighting and lightning rod, will be 140 feet. The maximum height of associated equipment units and structures will be 30 feet.

3. Presently, there exists a severe wireless infrastructure deficit along Orleans Road/ Tobias Gadsden Boulevard from Sam Rittenberg Boulevard to Paul Cantrell Boulevard. This deficit is a result of the incredible demands on the existing wireless infrastructure in the area. Due to this location being near the terminus of I-526, U.S. 17, Sam Rittenberg Boulevard, and Paul Cantrell Boulevard, this part of the County is one of the most heavily trafficked areas in Charleston County, in addition to being densely populated by commercial and residential uses. In order to solve this deficit, it is necessary to place a wireless communication facility somewhere along Orleans Road between the former Citadel Mall property and Savage Road. Unfortunately, after an exhaustive and extensive real estate search of the targeted area, there were no available properties properly zoned for a wireless communication facility, which lead to the selection of this vacant piece of property. From a wireless network perspective, the property in question presents the ideal location for the proposed facility.

The proposed facility is unlike any other previously placed in unincorporated Charleston County. The proposed facility will be a stealth facility where all the antenna and equipment are contained within the pole and the overall height of the pole will be less than almost all other wireless facilities presently operating in unincorporated Charleston County. The standard wireless facility in Charleston County would have 40 to 50 feet of exposed equipment; however, all of the equipment for the proposed facility would be fully contained inside the stealth pole. This presents a much cleaner silhouette and visually appealing appearance. The standard wireless facility in Charleston County would have its ground equipment placed behind an 8 foot chained linked fence with three strands of barbed wire on top; however the proposed facility will place all of the ground equipment in an architecturally designed building incorporating the Lowcountry vernacular. In addition, the facility will be surrounded by an incredible landscape package that meets the maximum volume of planting possible to ensure the long term health of the plants. This will be the most expensive wireless facility ever placed in unincorporated Charleston County and it would be very similar to one presently being deployed in Rivertowne Country Club in Mount Pleasant. The overarching goal of the Planned Development is to produce a wireless communication facility that is unlike any other in unincorporated Charleston County and to be the most sensitive to the surrounding residential area.

The Charleston County Comprehensive Plan presently recommends the Urban/ Suburban Mixed Use future land use designation of this property. The proposed facility absolutely is fully compliant with this designation as Urban/ Suburban Mixed Use encourages mixed use development consisting of retail, service, employment, civic, industrial, housing and linkages, public transport. The purpose of the proposed facility is to provide the wireless infrastructure necessary to properly service the uses envisioned by this designation.

Adequate wireless infrastructure is vital to the citizens of Charleston County as over 50% of the homes in the United States are wireless only and no longer utilize a landline telephone, In addition, over 80% of the 911 calls to the Charleston County Consolidated Dispatch originate from a wireless device. The residents and businesses in this part of Charleston County deserve the same wireless infrastructure that is presently available to the residents and businesses in Mount Pleasant, Summerville, and North Charleston.

- This rezoning meets the objectives, intent, and results of ZLDR Section 4.23.4 as follows:
  - a. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the standard of this Ordinance that were designated primarily for development on individual lots;

This development would not be possible under strict application standards of this Ordinance as the property would be required to be zoned for other more intensive uses.

b. A greater freedom in selecting the means to provide access, light, open space and design amenities;

Due to the unique nature of the permitted use, there is greater freedom allowed through the rezoning to PD.

c. Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;

Due to the small size of the parcel being rezoned and its strategic location, it presents a perfect location for a wireless infrastructure platform. The proposed development will encompass quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements.

d. Development pattern in harmony with the applicable goals and strategies of the Comprehensive Plan;

The development pattern is in harmony with the applicable goals and strategies of the Comprehensive Plan as it provides for effective communications to the surrounding area and important access to 911 First Responders: Fire; Police; and EMS.

e. The permanent preservation of common open space, recreation areas and facilities;

The area immediately surrounding the communications use will remain as open space with planted landscaping.

f. An efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities;

The type of communications tower permitted will provide effective wireless infrastructure to serve the surrounding area.

g. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities; and

By limiting uses as opposed to more intensive zoning districts, the property can be designed specifically for the allowed use with special setbacks and other requirements that will benefit not only adjacent properties, but also the surrounding vicinity.

h. A development pattern that incorporates adequate public safety and transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site.

The purpose of this development is to provide enhanced wireless infrastructure and effective access to emergency first responders in the Orleans Road area, which will aid in pedestrian and vehicle traffic safety. The proposed development presents a development pattern that incorporates adequate public safety and transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site by providing effective wireless communications to the surrounding area.

3. All matters not addressed in the Planned Development Guidelines shall comply with the R-4 Zoning District requirements of the ZLDR in effect at the time of Subsequent development application submittal.

#### **B. OWNERSHIP/OPERATION**

1. The communications tower facility will be owned and managed by Optima Towers IV, LLC, or its designees, successors, or assignees.

#### **C. SITE INFORMATION**

- 1. The total property consists of 6,527 square feet.
- 2. The entire site is high land., with 0.00 acres of wetlands. At the time of the proposed Planned Development application, the property is vacant.
- 3. Pictures of the subject property are attached hereto as Exhibit "1" and incorporated herein by reference.

#### **D. LOCATION**

1. The subject property is located at 1029 Orleans Road, Charleston, South Carolina, being shown on the tax map of the County of Charleston as tax map number 351-05-00-032. The closest residential structure is 54' 11" from the proposed facility and is located outside of the 23-foot fall zone of the proposed concealed monopole tower.

#### **E. IMPACT ANALYSIS**

- 1. The proposed development plan for this parcel is for an unmanned concealed wireless telecommunications facility not to exceed 140 feet in height, which includes any required lighting and lightning rod. There will be no water or sewer improvements to this site. After construction is completed, the property will only have one visitor four to six times a year for maintenance, which will have one vehicle accommodated with the allotted parking space. The development will have minimal to no impact on existing public facilities and services.
- 2. The Letter of Coordination has been received from SCDOT and is included in Exhibit "3", listed as the Letters of Coordination, and the development will comply with all SCDOT requirements.
- 3. The proposed development plan will not have any impact on the access to adjacent properties or their owners as they presently have no legal access over the subject property.

#### **II. PROPOSED USES**

#### **A. PERMITTED USES**

- 1. Allow by right for the placement of a maximum of one communication tower, with a maximum height of 140 feet, which incudes all required lighting and lightning rod.
- 2. Allow by right for associated equipment, structures, and power supply for users of the communication tower, with a maximum height of 30 feet for the equipment structures
- 3. Allow by right for the communication tower to be utilized by governmental, commercial, and non-commercial providers.
- 4. Allow by right for facilities and structures for government, commercial, and

non-commercial entities, communication infrastructure, support technologies, and related uses, with a maximum height of 30 feet for the equipment structures.

#### III. COMPLIANCE WITH THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ("ZLDR")

- A. Development of the subject property will comply with processes included in the ZLDR that are not mentioned in the PD stipulations. All matters not addressed in the Planned Development shall comply with the R-4 Zoning District requirements of the ZLDR in effect at the time of subsequent development application submittal.
- **B.** The development will proceed in accordance with the applicable provisions of these zoning regulations, and the Charleston County Comprehensive Plan, and with such conditions as may be attached to any rezoning to the proposed PD District.
- **C.** The provisions of Article 3.10, Variances, of the ZLDR shall not apply to the proposed planned development and all major changes to the planned development must be approved by Charleston County Council. Tree variances may be granted in accordance with this Article and all other sections of the ZLDR.
- **D.** Development of the subject property complies with the approval criteria found in Article 4.23.9(e)(9) of the ZLDR as stated below:
  - a. The PD Development Plan complies with standards contained in this Article;

In order to solve a severe wireless infrastructure deficit, it is necessary to place a wireless communication facility along **Orleans Road between the former Citadel Mall property and** Savage Road. From a wireless network perspective, this property presents the ideal location for the proposed facility to solve the deficit in this area. The proposed facility is unlike any previously placed in unincorporated Charleston County and will be the most expensive wireless facility ever placed in unincorporated Charleston County. Adequate wireless infrastructure is vital to the citizens of Charleston County as over 50% of the homes in the United States are wireless only and no longer utilize a landline telephone. In addition, over 80% of the 911 calls to the Charleston County Consolidated Dispatch originate from a wireless device. The proposed development plan meets all standards contained in Article 4.23 of the ZLDR.

b. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents; and

The proposed development plan is consistent with the intent of the Comprehensive Plan and all other relevant adopted policy documents, by providing necessary infrastructure to the community as specified by the Comprehensive Plan in the Community Facilities Strategies of the Comprehensive Plan. The Charleston County Comprehensive Plan presently recommends the Urban/ Suburban Mixed Use future land use designation of this property. The proposed use is fully compliant with this designation as Urban/ Suburban Mixed Use encourages mixed use development consisting of retail, service, employment, civic, industrial, housing and linkages, public transport. The purpose of the proposed facility is to provide the wireless infrastructure necessary to properly service the uses envisioned by this designation.

c. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

> Please see Exhibit "3" for Coordination Letters, which assure the necessary public services, facilities, and programs will serve the proposed development at the time the property is developed. The unmanned facility will only require the provision of power and telecommunications services and does not require any other services from the county and any other agency.

#### **IV. ARCHITECTURAL GUIDELINES**

**A.** The Architectural Design Guidelines of Article 9.6, Architectural and Landscape Design Standards, of the ZLDR in effect at the time of subsequent development application submittal shall apply to the Planned Development.

#### V. AREAS DESIGNATED FOR FUTURE USE

**A.** All areas designated for future expansion or not intended for immediate improvement or development shall remain in a natural state until such time as development permits are approved.

#### VI. DIMENSIONAL STANDARDS

A. The maximum heights for the development are 140 feet for the communications tower, which includes any required lighting and the lightning rod, 30 feet for the equipment buildings and structures, and 8 feet for the fence at the rear of the communications tower and equipment buildings.

- B. Maximum lot coverage shall be seventy-five (75) percent of the lot.
- C. Compliance with the buffer and setback standards of the ZLDR is not possible on site, therefore, we have provided are own standards as follows:

	Setback Standards	The second se	
a the state with	Equipment Buildings/Structures	Communications Tower Pole	
Minimum Front Setback	15 feet	25 feet	
Minimum Side Setback	10 feet	25 feet	
Minimum Rear Setback	10 feet	25 feet	
Minimum Setback from Nearest Residential Structure		50 feet	
Minimum OCRM Critical Line Setback	15 feet	15 feet	
Minimum OCRM Critical Line Buffer	35 feet	35 feet	

#### D. Buffer Depth and Landscaping Standards:

Land Use Buffer Star	idards
Minimum Buffer Depth (feet from property line)	10 feet
Minimum Land Use Buffer Landscaping (Plants per 100 linear feet)	
Canopy Trees	2
Understory Trees	3
Shrubs	25

Right-of Way Buffer St	andards	
Minimum Buffer Depth (feet from right-of-way)	10 feet	
Minimum Buffer Landscaping (Plants per 100 linear feet)		
Canopy Trees	2	
Understory Trees (at least 50% evergreen)	3	
Shrubs	25	

**E.** All permitted encroachments in the required buffers and setbacks are shown on Sheets A-0 and L-2 of Exhibit 2, and include the required driveway and associated vehicle maneuvering area.

#### VII. LIGHTING PLAN

**A.** At this time, no site lighting is proposed or required by the Federal Aviation Administration, but any future site lighting will comply with the Federal Aviation Administration and with the lighting standards of Article 9.6, Architectural and Landscape Design Standards, of the ZLDR in effect at the time of subsequent development application submittal.

#### VIII. PARKING CRITERIA

- **A.** The proposed development will comply with the parking standards of Section 9.3.2, Off-Street Parking Schedule, of the ZLDR in effect at the time of subsequent development application submittal.
- **B.** One (1) parking space will be provided on site. Parking is limited to service vehicles. This use will occur on an infrequent basis.
- C. No sidewalk is proposed as part of this Planned Development.

#### **IX. TREE PROTECTION/ NATURAL RESOURCES**

**A.** Every effort will be made to preserve Grand Trees on the site, but if removal of trees is required, this will be done in compliance with tree protection and preservation standards of Article 9.4, Tree Protection and Preservation, of the ZLDR in effect at the time of subsequent development application submittal.

#### X. SCREENING AND BUFFERING

- A. The subject property enjoys a mature vegetation of primarily pine trees. The current planned additional improvements will have no adverse impact on the natural buffering that exists around the perimeter of the subject property and additional trees will be added around the perimeter of the property as shown on Sheet L-2 Exhibit "2". The proposed development will not substantially detract from the aesthetics and neighborhood character or impair the use of neighboring properties. The development shall complete the site plan review process.
- **B.** All permitted encroachments in the required buffers and setbacks are shown on Sheets A-0 and L-2 of Exhibit "2", and include the required driveway and associated vehicle maneuvering area.

#### XI. FENCES AND WALLS

**A.** The concealed monopole will be enclosed with a wooden fence with a maximum height of eight (8) feet tall placed on the back of the property, as shown on Sheet A-3 of Exhibit "2".

#### **XII. SIGNS**

**A.** No signage is proposed on site except for those signs for site identification and emergency contact which may be required by the Federal Communications Commission or any other public safety or regulatory agency, as shown on Sheet A-4

of Exhibit "2". If additional signage is proposed, any future signage will comply with the signage standards of Article 9.11, Signs, of the ZLDR in effect at the time of subsequent development application submittal.

#### XIII. HISTORIC AND ARCHAEOLOGICAL SURVEY

**A.** The subject property does not contain any historic and cultural sites, structures, or landscape. Please see map from the South Carolina Department of Archives and History, attached hereto as Exhibit "9" and incorporated herein by reference.

#### **XIV. LETTERS OF COORDINATION**

**A.** The required letters of coordination are attached hereto as Exhibit "3" and incorporated herein by reference.

#### **XV. COMMUNICATIONS TOWER ZONING REQUIREMENTS**

- **A.** The Fall Zone is shown on Sheet A-0 on Exhibit "2". The Fall Zone area is within the property boundaries of this Planned Development.
- **B.** At the time of Site Plan Review application, any communications tower or related facility proposed on the site in accordance with this PD will be exempt from the requirements of Sections 6.4.5 Communications Towers of the ZLDR in effect or adopted in the future.

Notwithstanding the above, at the time of Site Plan Review application, the following apply:

1. Section 6.4.5.F.14 of the ZLDR: A statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.

### 2. Section 6.4.5.G, Retention of Expert Assistance and Reimbursement by Applicant of the ZLDR:

- **a.** The County may hire any consultant/ or expert necessary to assist the County in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
- **b.** For towers proposed to be 100 feet or higher, the applicant shall deposit with the County fund sufficient to reimburse the County for all reasonable costs of the consultant and expert evaluation and consultant to the County in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$5,000.00. The application will not be processed until the receipt of this initial deposit. The County will maintain a separate account for all such funds. The County's consultant/ experts shall invoice the County for all its

services in reviewing the application, including the construction and modification the site, once permitted. If at any time during the process, this account balance is less than \$1,000.00, the applicant shall immediately, upon notification by the County, replenish said account so that is has a balance of at least \$5,000.00. Such additional account funds shall be deposited with the County before any further action or consideration is taken on the application. In the event that the amount held in the account by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings of unused funds.

- **c.** The total amount of the funds needed as set forth in subsection 2 of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.
- **d.** Additional fees may be required if additional hearings before the board of Zoning Appeals are caused by or requested by the applicant.
- **C.** If the communications tower on the subject property is not used for communications purposed for more than 120 days (with no new application on file for any communication user), it is presumed to be out of service, and the owner of such tower must notify the County and remove the tower within 50 days. Towers which are not maintained by the owner according to the County Building Code shall be removed by the owner within 60 days. To assure the removal of tower which do no meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of the anticipated removal costs shall be posted for each tower over 150 feet. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
- **D.** Compliance with Section 6.4.5.F.4 of the ZLDR in effect at the time of PD submittal, regarding the minimum distance required between a communications tower and a residential structure cannot be achieved. In this regard, the minimum distance from a residential structure is 50'.
- **E.** Prior to the issuance of a Building Permit, a statement of financial responsibility in accordance with Section 6.4.5.F.14 shall be provided.

#### **XVI. DEVELOPMENT SCHEDULE**

- **A.** Construction will commence as soon as practicable upon receipt of all necessary permits.
- B. Development will occur in two phases as provided on Sheet A-1 in Exhibit "2".

**C.** Phase one of the development will consist of the concealed monopole and carrier units 1,2, and 3 construction. Phase two of the development will consist of carrier units 4 and 5 and will be carrier driven and will commence upon the arrival of carriers.

#### XVII. STORMWATER AND DRAINAGE

- A. The planned development shall comply with all Charleston County Stormwater Ordinances and SC DHEC regulatory requirements. For site locations within sensitive drainage basins prone to flooding additional stormwater design and construction requirements may be required by the Director of Public Works prior to Stormwater Permit approval and issuance. Where possible and allowed by permit, the proposed site may connect its stormwater system with existing conveyances. Best Management Practices (BMP's) shall be utilized, installed, and maintained in compliance with applicable approved permits throughout all phases including, but not limited to, site development, construction, and post construction.
- **B.** Applicant shall comply with Charleston County Stormwater Ordinances and SCDHEC Regulatory requirements for pre and post construction water quality and quantity. Stormwater design, construction, and maintenance shall be in compliance with applicable approved Charleston County Stormwater permits. Utilization of approved and permitted Low Impact Design elements is encouraged with a comprehensive site Master Drainage Plan.

### Exhibit 1 Subject Property Photos





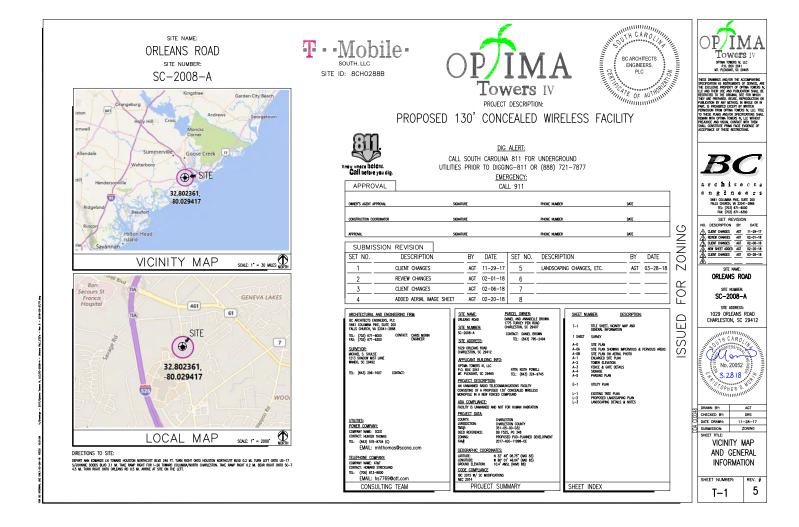


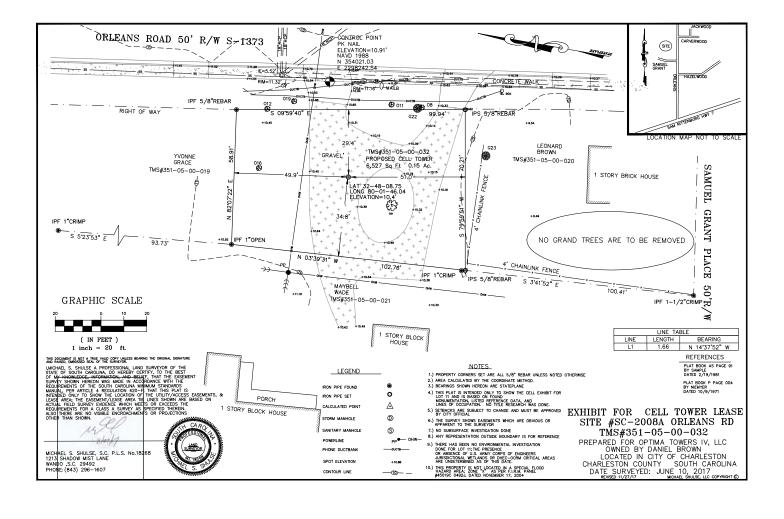


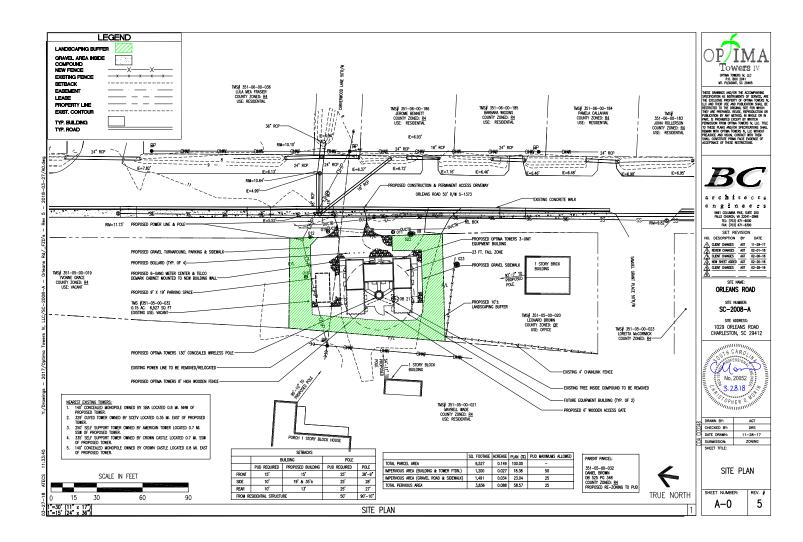


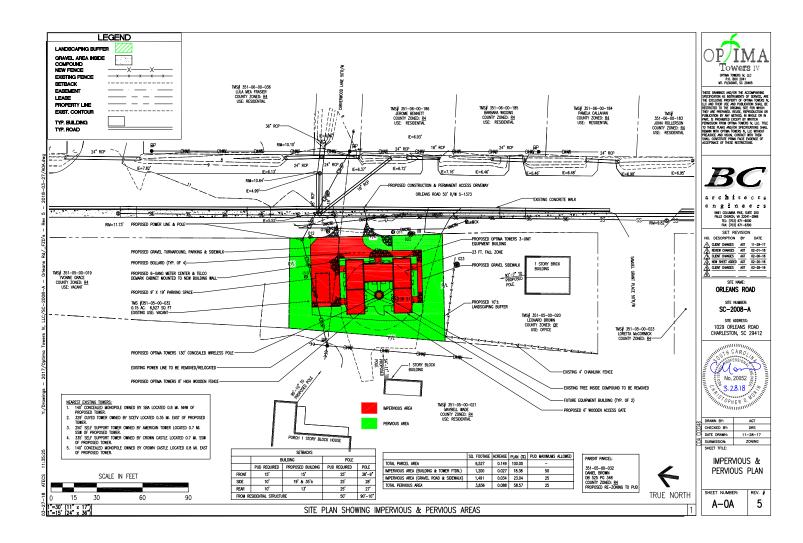


### Exhibit 2 Site Plans and Drawings

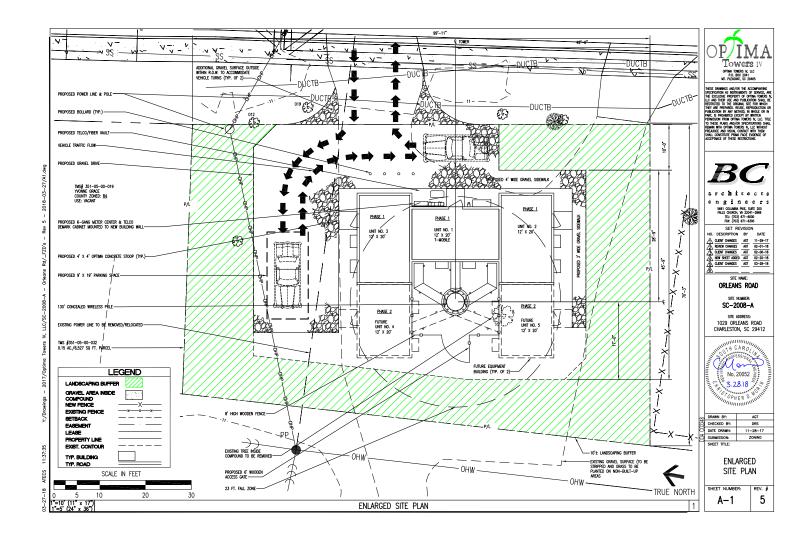


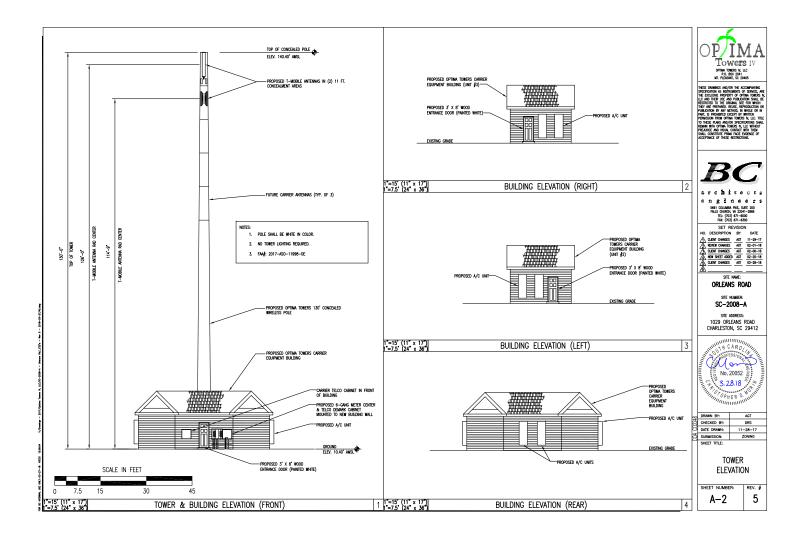


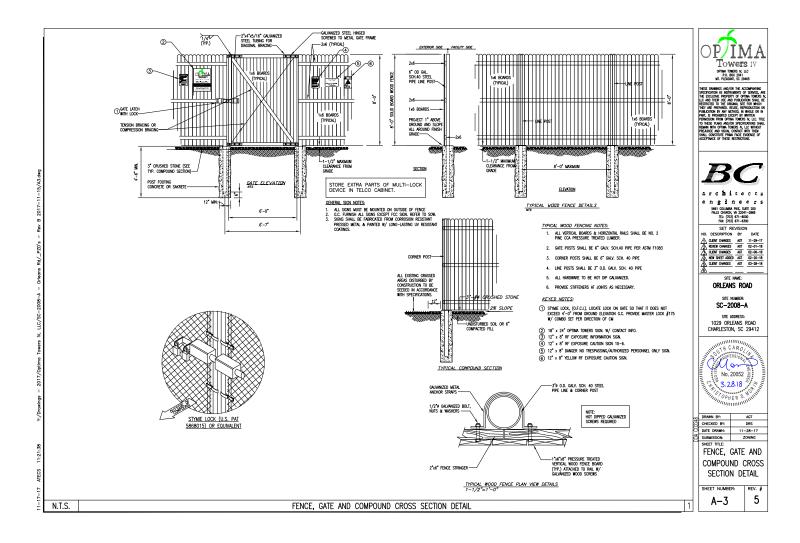


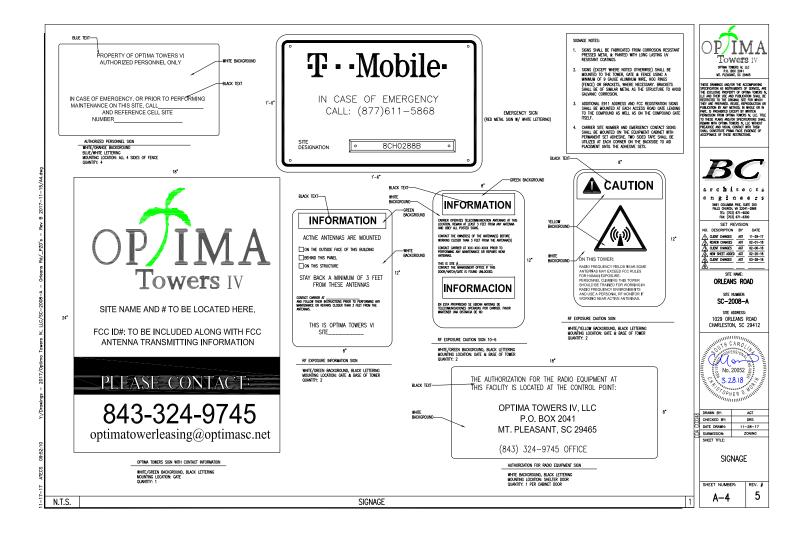


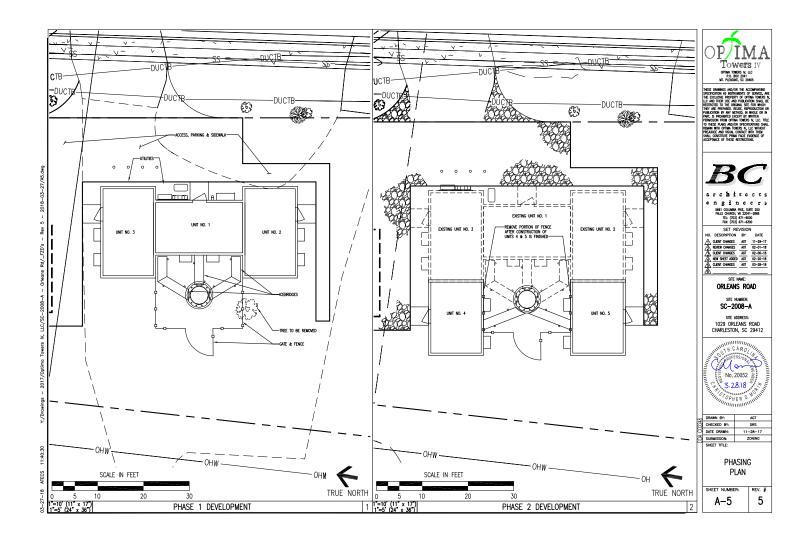


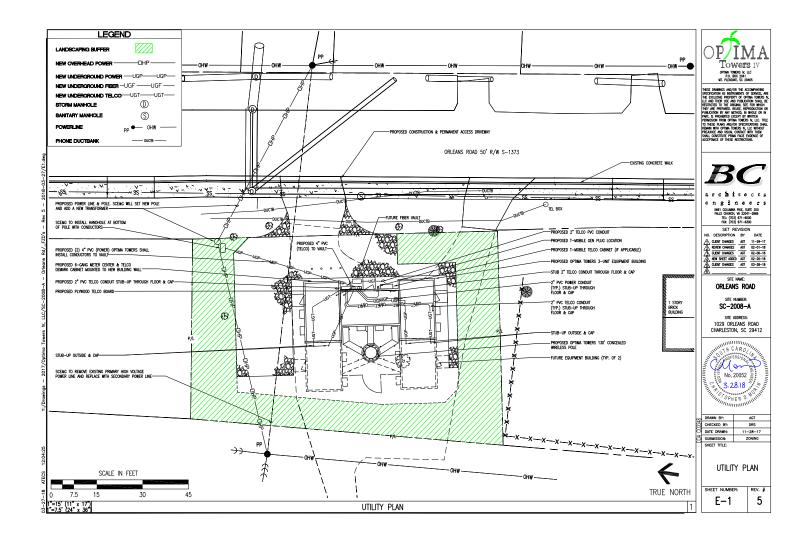


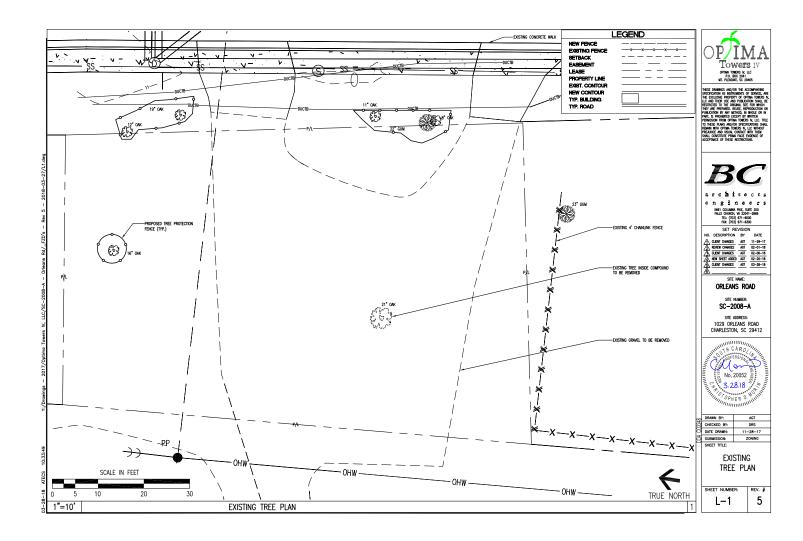


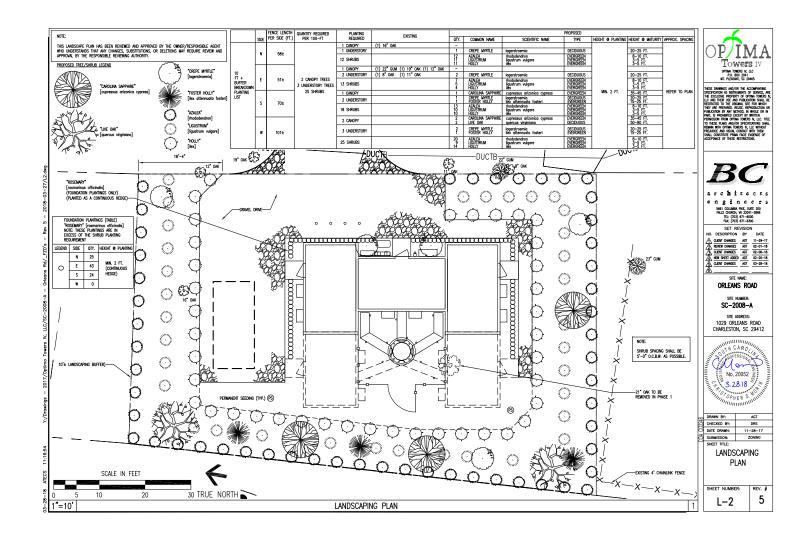


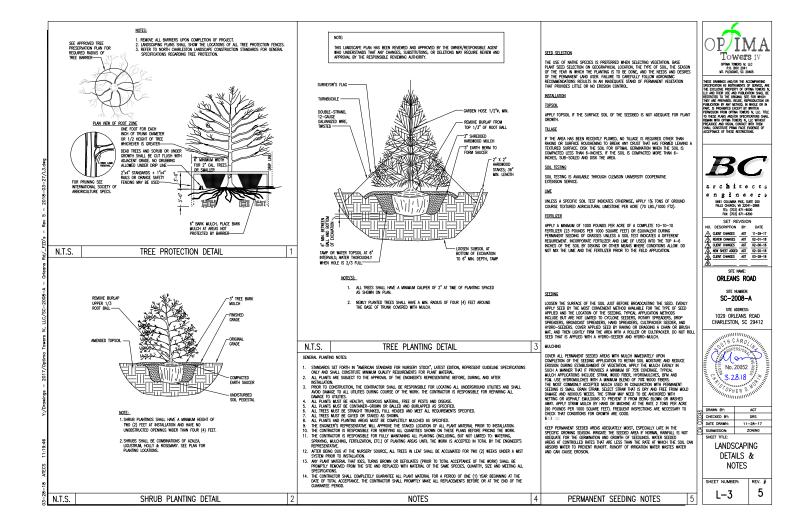












## Exhibit 3 Coordination Letters



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT 69A HAGOOD AVENUE CHARLESTON, SOUTH CAROLINA 29403-5107

**Regulatory Division** 

APR 1 6 2018

Mr. Keith Powell Optima Towers IV, LLC PO Box 2041 Mount Pleasant, South Carolina 29465

Dear Mr. Powell:

This letter is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2018-00505) received in our office on April 3, 2018, for a 0.15-acre site located adjacent to Orleans Road, Charleston County, South Carolina (Latitude: 32.8025 °N, Longitude: - 80.0294 °W). An AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344).

Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form, this office has determined that the referenced site, does not contain any aquatic resources, including aquatic resources that would be subject to regulatory jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

Enclosed is a form describing the basis of jurisdiction for the area(s) in question. It should also be noted that some or all of these areas may be regulated by other state or local government entities. Specifically, you are encouraged to contact the South Carolina Department of Health and Environmental Control, Bureau of Water or the Department of Ocean and Coastal Management, to determine the limits of their jurisdiction.

Please be advised that this AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD has been conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In all future correspondence concerning this matter, please refer to file number SAC-2018-00505. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Jeremy M. Kinney, Project Manager, at (843) 329-8033.

Sincerely Mers ⊁racy D Biologist

Enclosures: Dry Land Approved Jurisdictional Determination Form Notification of Appeal Options

Copies Furnished:

44

Mr. Ted Melchers Terracon Consultants 1450 Fifth Street West North Charleston, South Carolina 29405

#### DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup> U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

#### SECTION I: BACKGROUND INFORMATION

REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): APR 1 6 2018 Α.

В. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC-2018-00505 SC-2008 Orleans Road

#### C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Charleston County City: Charleston Center coordinates of site (lat/long in degree decimal format): Lat. 32.8025 °, Long. -80.0294 ° Universal Transverse Mercator:

Name of nearest waterbody: Bulls Creek

Name of watershed or Hydrologic Unit Code (HUC): 03050202

 $\mathbf{\nabla}$ Check if map/diagram of review area is available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

#### D. **REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

N Office (Desk) Determination. Date: April 11, 2018

Г Field Determination. Date(s):

#### SECTION II: SUMMARY OF FINDINGS

#### A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area

#### **B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

#### SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Exhibit A, Upland Depiction

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- 🔽 U.S. Geological Survey map(s). Cite scale & quad name: 1979 Johns Island, SC-USGS Topographic Map
- USDA Natural Resources Conservation Service Soil Survey. Citation: 2006 Infrared Aerial / USDA NRCS Soils Data
- National wetlands inventory map(s). Cite name: 2006 Infrared Aerial / USFWS NWI
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: 🔽 Aerial (Name & Date): 2016 Aerial / Photo Log Legend

or 🔽 Other (Name & Date): Project No. EN187107, Date Photos Taken: March 28, 2018, Photos 1-5 of 5.

- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify): 

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: There are no aquatic resources or potential aquatic resources in the 0.15-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g., OHWM).

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

### NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		n) A
PROFFERED PERMIT (Standard Permit or Letter of permission)		B
PERMIT DENIAL		C
APPROVED JURIS	SDICTIONAL DETERMINATION	D
PRELIMINARY JURISDICTIONAL DETERMINATION		E
decision. Additional inforr Corps regulations at 33 CF A: INITIAL PROFFERED	PERMIT: You may accept or object to the permit.	nions/cw/cecwo/reg or
authorization. If you receive signature on the Standard Pe	Standard Permit, you may sign the permit document and return is ed a Letter of Permission (LOP), you may accept the LOP and you ermit or acceptance of the LOP means that you accept the permit ing its terms and conditions, and approved jurisdictional determin	our work is authorized. Your in its entirety, and waive all rights
the permit be modified accor Your objections must be rec to appeal the permit in the fu modify the permit to address the permit having determine	the permit (Standard or LOP) because of certain terms and condition rdingly. You must complete Section II of this form and return the eived by the district engineer within 60 days of the date of this not iture. Upon receipt of your letter, the district engineer will evalue all of your concerns, (b) modify the permit to address some of y d that the permit should be issued as previously written. After evolution of a proffered permit for your reconsideration, as indicated in Sec	e form to the district engineer. otice, or you will forfeit your right ate your objections and may: (a) our objections, or (c) not modify valuating your objections, the
B: PROFFERED PERMIT	: You may accept or appeal the permit	
authorization. If you receive signature on the Standard Pe	Standard Permit, you may sign the permit document and return i ed a Letter of Permission (LOP), you may accept the LOP and yo ermit or acceptance of the LOP means that you accept the permit ng its terms and conditions, and approved jurisdictional determin	ur work is authorized. Your in its entirety, and waive all rights
may appeal the declined per	decline the proffered permit (Standard or LOP) because of certain mit under the Corps of Engineers Administrative Appeal Process of the division engineer. This form must be received by the division	by completing Section II of this
C: PERMIT DENIAL: Yo by completing Section II of this f engineer within 60 days of the da	ou may appeal the denial of a permit under the Corps of Engineer form and sending the form to the division engineer. This form matter the of this notice.	s Administrative Appeal Process ust be received by the division
D: APPROVED JURISDIC provide new information.	CTIONAL DETERMINATION: You may accept or a	ppeal the approved JD or
	to notify the Corps to accept an approved JD. Failure to notify the approved JD in its entirety, and waive all rights	
Appeal Process by completin	ith the approved JD, you may appeal the approved JD under the ag Section II of this form and sending the form to the Division Er GA 30308-8801. This form must be received by the Division En	ngineer, South Atlantic Division,
of this notice. E: PRELIMINARY JURIS	DICTIONAL DETERMINATION: You do not need D. The Preliminary JD is not appealable. If you wisl	to respond to the Corps

approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

### SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a revier record of the appeal conference or meeting, and any supplemental clarify the administrative record. Neither the appellant nor the Cor you may provide additional information to clarify the location of	l information that the review office orps may add new information or a	er has determined is needed to analyses to the record. However,
POINT OF CONTACT FOR QUESTIONS OR INFOI	RMATION:	
If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.	also contact: Jason W. Steele Administrative A	
RIGHT OF ENTRY: Your signature below grants the right of ent consultants, to conduct investigations of the project site during the notice of any site investigation, and will have the opportunity to p	e course of the appeal process. Yo	ou will be provided a 15 day
	Date:	Telephone number:
Signature of appellant or agent.		<u> </u>



25 June 2018

Optima Towers Attn: Keith Powell PO Box 2041 Mt. Pleasant, SC 29465

Site: 1029 Orleans Rd Charleston, SC 29412

RE: MATURE HEIGHT AND SPREAD ASSESSMENT FOR BUFFER ZONES (BUFFER C) ON PROPOSED SITE

Dear Mr. Powell :

On 21 June, 2018 Schneider Tree Care inspected the proposed plantings for the buffer zones at 1029 Orleans Rd Charleston, SC 29412. The purpose of the inspection was to gain a more informed understanding of the mature width and spread of the proposed plantings in relation to the size of the proposed buffer zone for non compatible use. Our inspection consisted of two procedures; a visual cursory site inspection and plan review.

The visual inspection was performed for the purpose of detecting the overall size of buffer zone, neighboring obstacles, and current plant material. The plan review was performed to understand quantity of plant material, proposed planting location, and species mature heights and spreads:

Site Notes:

- Moderate to heavily shaded site with robust canopy over buffer zones
- Neighboring structures and accessory structures near proposed buffer zone to south and east

Plan Notes:

- 42 Azalea spaced 5' on center
  - Mature height of 3-5' and spread up to 36"
- 38 Ligustrum spaced 5' on center
  - Mature height of 4-15' and spread 4-8'
- 39 Holly spaced 5' on center
  - Mature Height of 3-5' and spread of 3-4'
- 6 Crape Myrtle spaced along perimeter on North, South, East, & West sides
  Mature height of 10-30' and spread of 15-25'
- 2 Foster Holly spaced along perimeter on West and South sides
  - Mature height of 15-25' and spread of 8-12'
- 2 Live Oak on spaced along perimeter on West Side
  - Mature height of 50' and spread of 80'
- 4 Carolina Sapphire spaced along perimeter on West and South Sides
  - Mature height of 35-45' and spread of 10-14'
- Total Linear feet of planting area:280 linear feet approx.
- Total Square feet of planting area: 2,800 sq.ft. approx.
- Total Square feet of shrubs:
  - Low End: 1,049.54 sq.ft. approx.
  - High End: 2,677.45 sq.ft. approx.
- Total Square feet of Trees canopy coverage:
  - Low End: 11,521.00 sq.ft. approx.
  - High End: 13,565.55 sq.ft. approx.
- Outlined Buffer C Requirements vs Actual Planting
  - Requirements based on Zoning Ordinance (Buffer C)
    - 2 Canopy Trees, 3 Understory Trees, and 25 Shrubs per 100 Ft.
    - 280 Linear Feet Total
    - Requirements 5 Canopy Trees, 8 Understory Trees, 70 Shrubs
  - Actual plant material proposed installed:
    - Canopy Trees (Including Existing Trees to Stay): 9 Trees
    - Understory Trees (Including Existing Trees to Stay): 10 Canopy Trees
    - Shrubs: 119 Shrubs

Conclusions:

- Combination of 4 tiers of plant sizes will create a canopy that is very dense up to 15' with large tree canopy cover for higher site lines
- Required planting counts exceed requirements based on Zoning Ordinance for a Buffer C
- Square footage of planting area and median of high end and low end shrub coverage maintain a healthy distance between plants to encourage vigor, decrease competition, and ensure nutrient availability.
- 5' Spacing on shrubs will allow for full canopy growth and density while maintaining light availability for all shrubs.
- Canopy Tree spread could interfere with neighboring structures and accessory structures at mature height
- Increased plantings will drive nutrient competition for root systems thereby increasing risk of insect and disease infestation and limiting plant materials ability to screen

Please call your arborist, Nathan Ball, with any questions or concerns regarding these findings.

Sincerely, Nathan B. Ball Technical Arborist ISA Certificate #SO-6796A



June 15, 2018

Andrea Pietras Deputy Director Charleston County Zoning and Planning 4045 Bridgeview Drive North Charleston, SC 29405

RE: Site Address: 1029 Wappoo Drive (Optima Towers PUD Application) SC-2008

Ms Pietres,

As the engineering firm of record for this proposed tower site, we feel that we have the maximum amount of landscaping proposed that will survive. Adding more landscaping will be detrimental and could jeopardize survivability of landscaping.

Please contact us if you have any questions or concerns.

Sincerely,

0

Christopher D. Morin, P.E. Principal





April 25, 2018

Mr. Keith Powell Optima Towers IV, LLC PO Box 2041 Mount Pleasant, SC 29465

RE: SC-2008-A Orleans Road 1029 Orleans Rd. Charleston, SC 29412 Concealed Monopole Design Tower Specification (130' Overall Structure Height)

Mr. Powell,

The 130' concealed wireless structure for the above listed site shall comply with the following design specifications and criteria:

- 1. EIA/TIA-222 G, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures for Charleston County, SC. In addition, tower and foundation shall meet the requirements outlined in the 2012 IBC with South Carolina modifications.
- 2. Wind loading shall be designed based on a minimum wind speed of 130 mph, 3-sec gust and a minimum 0.25" of radial ice to design the steel structure. Designer shall contact all local governing officials to determine if minimum standards apply.
- 3. Foundations shall be designed in accordance with the latest version of ACI and actual geotechnical values based on specific site data. Normal soils assumption shall not be used.
- 4. Tower and foundation design calculations shall be submitted to engineer for final approval.
- 5. The tower and foundation shall be designed, manufactured, and constructed to have the capacity to accommodate T-Mobile in the top two concealment sections and three additional concealment sections.
- 6. The tower will be designed to collapse in the event of failure to within a 23' radius circle centered on the tower.

We appreciate the opportunity to provide our tower specification guidelines for your concealed monopole. Please contact us if you have any questions or concerns.

Sincerely,

Christopher D. Morin, P.E. Principal



Office of the Sheriff



**County of Charleston** 

Sheriff J. Al Cannon, Jr.

August 31, 2017

Keith Powell – Optima Towers 886 Johnnie Dodds Blvd. Suite 104 Mt. Pleasant, S.C., 29464

re: Letter of Coordination

Mr. Powell,

The Charleston County Sheriff's Office acknowledges your intention to develop property located in the area of 1029 Orleans Road, Charleston, South Carolina. This location is currently under the jurisdiction of this agency.

Please understand that *all* law enforcement matters will need to be reported to this agency. This can be accomplished by calling the **Charleston County Consolidated Dispatch Center** at **843-743-7200** or dialing **911 for emergencies**. Additional information can be accessed on our agency website at <u>www.ccso.charlestoncounty.org</u>.

If you have any questions, feel free to contact this office via telephone or by email.

Regards,

Sgt. H. M. Phillips

Sergeant Harold M. Phillips Community Affairs Charleston County Sheriff's Office (843) 529-6221 hphillips@charlestoncounty.org

#### Administrative Office

3691 Leeds Avenue N. Charleston, SC 29405 ~ Sheriff ~ Voice (843) 554-2230 Fax (843) 554-2243 Law Enforcement Division

3691 Leeds Avenue N. Charleston, SC 29405 ~ Patrol ~ Voice (843) 202-1700 Fax (843) 554-2234 Al Cannon Detention Center

3841 Leeds Avenue N. Charleston, SC 29405

Voice (843) 529-7300 Fax (843) 529-7406 Judicial Center

100 Broad Street, Suite 381 Charleston, SC 29401

Voice (843) 958-2100 Fax (843) 958-2128



June 21, 2017

Mr. Bud Smith Optima Towers 886 Johnnie Dodds Blvd., Suite 104 Mount Pleasant, SC 29465

Re: Letter of Availability - TMS# 351-05-00-032 - Orleans Road, Chas. SC 29407

Dear Mr. Smith,

I am pleased to inform you that South Carolina Electric & Gas Company (SCE&G) will be able to provide electric service to the above referenced project. Service will be provided in accordance with SCE&G's General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures.

Any cost associated with providing service will be determined when a finalized/approved plan is submitted to our office. In order to begin engineering work for the project, the following information will need to be provided:

- Detailed utility site plan (AutoCAD format preferred) showing water, sewer, and storm drainage as well as requested service point/transformer locations.
- 2.) Additional drawings that indicate wetlands boundaries, tree survey with barricade plan and buffer zones (if required), as well as any existing or additional easements will also be needed.
- 3.) Electric load breakdown by type with riser diagrams.
- 4.) Signed copy of this letter acknowledging its receipt and responsibility for its contents and authorization to begin engineering work with the understanding that SCE&G intends to serve the referenced project.

SCE&G's construction standards and specifications are available upon request. For more information or questions, contact me by phone at (843) 576-8451 or email at pthompson@scana.com.

Sincerely

Paul D. Thompson Customer Service Engineering

Ack	nowledgement of Receipt
Signature	
Title	Date

### St. Andrews Fire Department

Deputy Fire Chief of Operations Brian E. LeGette | (843) 556-8951 | BLeGette@standrewspsd.org



August 11, 2017

Keith Powell Optima Towers IV, LLC P.O. Box 2041 Mt. Pleasant, SC 29465

RE. 1029 Orleans Road (TMS#351-05-00-032) - public services coordination

Mr. Powell,

Thank you for your correspondence on August 10, 2017 following our previous conversation. In response to your request I can confirm that the St. Andrews Public Service District Fire Department does provide fire protection services for the area surrounding and including the address of 1029 Orleans Road, Charleston, SC 29407, Charleston County TMS#351-05-00-32. In addition to St. Andrews Fire Department providing fire protection we have an automatic aid agreement with four (4) additional fire department agencies which include the City of Charleston, City of North Charleston, James Island Public Service District, and the St. John's Fire District. This agreement allows for the closest units to automatically respond to an emergency at the time of dispatch without waiting to be requested by another department. This best serves our customers by having continuous, uninterupted coverage even during times when multiple emergencies are occurring simultaneously.

Charleston County codes and zoning should provide the necessary oversight for any specific requirements regarding the development of this property.

Please don't hesitate to contact me if you have any further questions or concerns.

Sincerely,

Brian E. LeGette

Brian E. LeGette Deputy Chief of Operations St. Andrews Fire Department 1775 Ashley River Road Charleston, SC 29407 843-556-8951 work 843-830-9919 cell



February 16, 2017

Daniel Brown 1776 Turkey Pen Rd. Charleston, SC 29412

Re: Existing Driveway Access Use for TMS No. 351-05-00-032 located on Orleans Road (S-1373)

Mr. Brown,

This letter is to inform you that the Department has reviewed the request for driveway access use for coordination at the request of Charleston County. The property TMS number 351-05-00-032, an approximately 0.15 Acre site, contains two existing driveways which provide access to a residential lot. Our knowledge of this property is that it is to be developed as a commercial property and that future use will consist of a cell tower site. All pertinent personnel at SCDOT have reviewed the use of the existing driveways and have determined that they do not meet current SCDOT standards; however, a replacement driveway at this location is feasible in concept.

This proposed change in use by the owner(s) will require that the existing driveways be abandoned and removed and a new driveway be installed for access to the SCDOT right of way. This letter does not allow for construction activity to be performed in the SCDOT right of way. To commence construction of an approved driveway the owner will be required to submit an encroachment permit to the SCDOT for review. All encroachment permits must meet the requirements set forth in the current Access and Roadside Management Standards (ARMS) Manual. A copy of the ARMS Manual can be found at: www.scdot.org/doing/trafficengineering.shtml#accessRoadside

Thank you for your cooperation and if you have any questions concerning this issue, please feel free to contact me.

Sincerely,

**Steven L. Canaday** Assistant Resident Maintenance Engineer SCDOT – District 6 (843) 745-7454

cc: File/Charleston Maintenance

Charleston Maintenance 2401 Maintenance Way North Charleston, South Carolina 29406

Phone: (843) 740-1655 Fax: (843) 740-1548 AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

### CARTA

### CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY

January 24, 2018

Mr. John Clark 105 Broad Street, Third Floor Charleston, SC 29401

Re: Letter of Coordination - 1029 Orleans Road, County of Charleston

Dear Mr. Clark:

Thank you for contacting us regarding your client's project located at 1029 Orleans Road, Charleston, SC 29407, also known as Charleston County TMS #351-05-00-032. Currently, there are no bus stops located on this parcel. Therefore, no further approvals are required by CARTA.

Thank you again,

Jeffrey Burns, AICP

Senior Planner

**1362 McMillan Avenue - Suite 100, North Charleston, SC 29405** Tel: (843) 529-0400 | Fax: (843) 529-0305 www.ridecarta.com



DAVID ABRAMS, J.D., NREMT-P Director 843.202.6700 Fax: 843.202.6712 dabrams@charlestoncounty.org Lonnie Hamilton, III Public Services Building 4045 Bridge View Drive, Suite B309 North Charleston, SC 29405-7464

DATE: January 22, 2018

TO: John L. Clark, Project Assistant Hellman Yates & Tisdale, PA

RE: Letter of Acknowledgement & Coordination

Dear Mr. Clark:

This is a letter to acknowledge EMS is in receipt of your event request for construction of a wireless telecommunications facility at 1029 Orleans Road in Charleston for 30-45 days

We do not foresee the need to have a special EMS unit or medical personnel for your project.

All the best?

David Abrams, Director

## Exhibit 4 Conceptual Drawings













## Exhibit 5 Memorandum of Community Meeting

### HELLMAN YATES & TISDALE

ATTORNEYS AND COUNSELORS AT LAW

#### MEMORANDUM

To: Joel Evans, Charleston County Planning

From: Jonathan L. Yates

Date: December 1, 2017

Re: Meeting with Orleans Road Community

Dear Mr. Evans,

In accordance with Chairman Meyer's March 14, 2011, Memorandum regarding community outreach and Planned Development applications, Optima Towers had a meeting with the Orleans Road Community on October 23, 2017 at 6:30pm. The meeting was held at St. Joseph Catholic Church, located at 1695 Raoul Wallenberg Boulevard, Charleston, SC 29407. In attendance at the meeting: were Jonathan L. Yates of Hellman Yates & Tisdale; Keith Powell of Optima Towers; Robert Hill of T-Mobile; and adjacent property owner Jerome Bennett. The group spent above an hour discussing the need for the proposed facility and is benefits to the surrounding community. We would like to thank St. Joseph's Church for their kindness and hospitality.

# Exhibit 6 Site Aerial



## Exhibit 7 Visual Impact & Photo Simulations













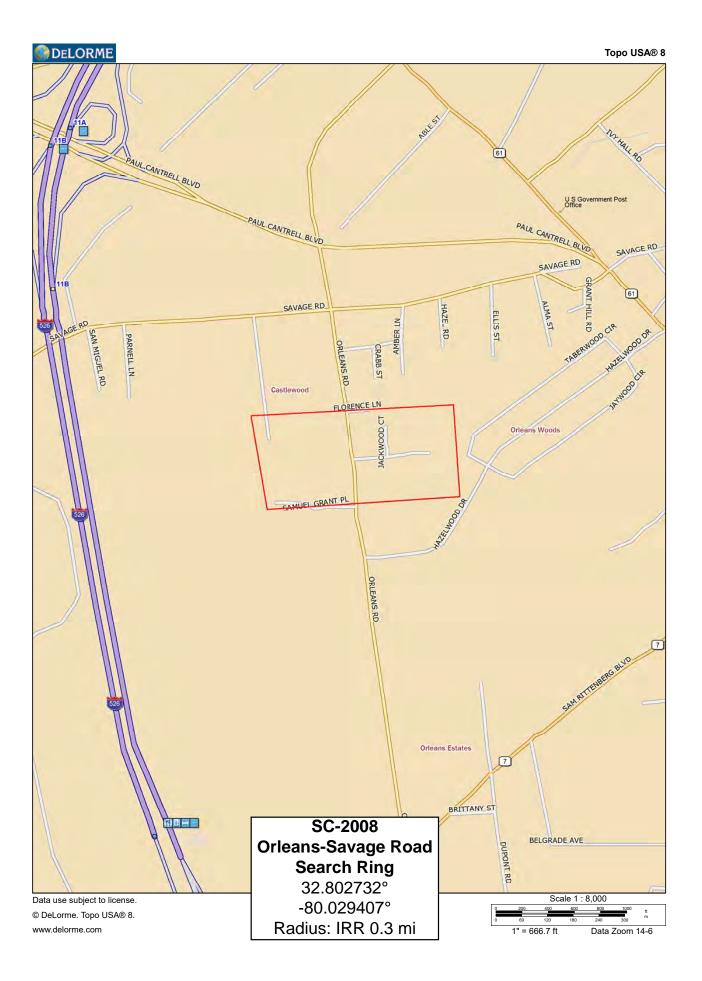




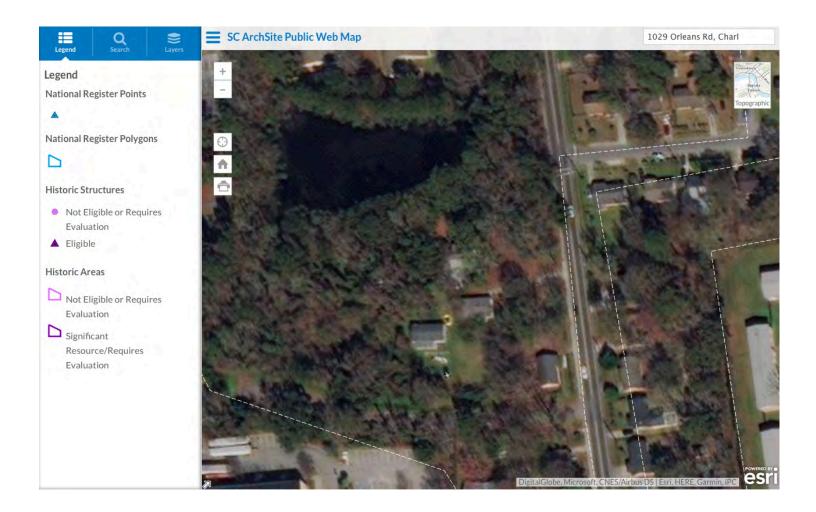


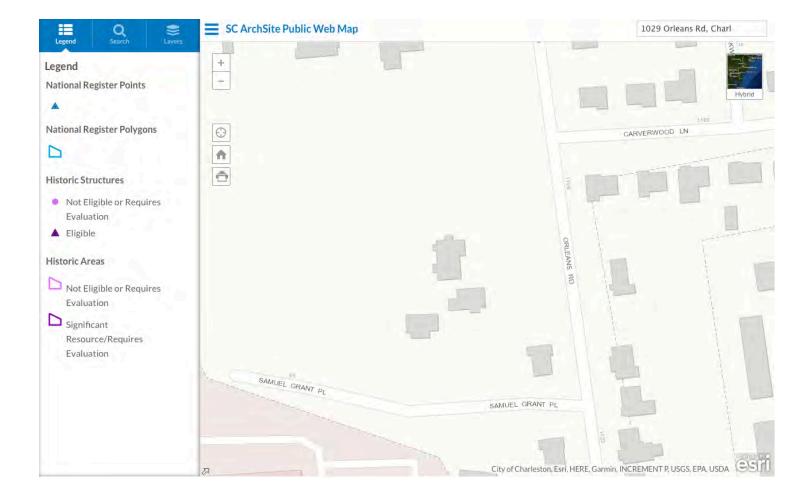


## Exhibit 8 Search Ring



#### Exhibit 9 South Carolina Historical & Architectural Survey





## Exhibit 10 Wetlands & Waters Letter



#### ENVIRONMENTAL CORPORATION OF AMERICA

ENVIRONMENTAL | GEOTECHNICAL | WETLANDS | ECOLOGY | CULTURAL RESOURCES

February 23, 2018

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

Attention: Mr. Keith Powell

Subject: Wetlands and Waters Statement Proposed 155-Foot Monopole Telecommunications Structure Optima Towers – SC-2008-A (Orleans Road) 1029 Orleans Road Charleston, Charleston County, South Carolina ECA Project #T1733

Dear Mr. Powell:

Environmental Corporation of America (ECA) has evaluated the site on which the SC-2008-A (Orleans Rd) telecommunications facility is proposed and has evaluated the project for Federal Communications Commission (FCC) National Environmental Policy Act (NEPA) criteria including the presence of wetlands and waters.

The subject site is located on a residential property within a dirt, gravel, and grass-covered parking/lawn area between Orleans Road and a one-story vacant block residential structure on the parent tract. The project area is largely open with several scattered mature trees and overlies two driveways used to access the parent tract off of Orleans Road.

ECA inspected the project site for surface waters and the presence of the three indicators required for an area to be characterized as a wetland. This assessment included documenting soils, vegetation, and hydrology throughout the project site. Soils observed within the project site generally included dry, dark gray or brown sandy loam near the surface with yellowish brown beneath. No saturation or groundwater was encountered within 12 inches of the ground surface. Vegetation within the project area generally consisted of an herbaceous layer of mostly Bahia grass with several mature water oak trees within the project area and live oaks, sweetgums, mimosa, wax myrtle, Chinese privet, and other scrubby oaks along the perimeters. None of the vegetation observed suggested that wetland conditions were present within the project site or in the immediate adjacent areas.

The nearest surface water to the project site is a small pond located approximately 150 feet to the northwest. Based on our site visit, no surface waters were observed within or adjacent to the project site. In addition, none of the conditions observed during our site visit were indicative of wetlands. Based on

Mr. Keith Powell Page 2

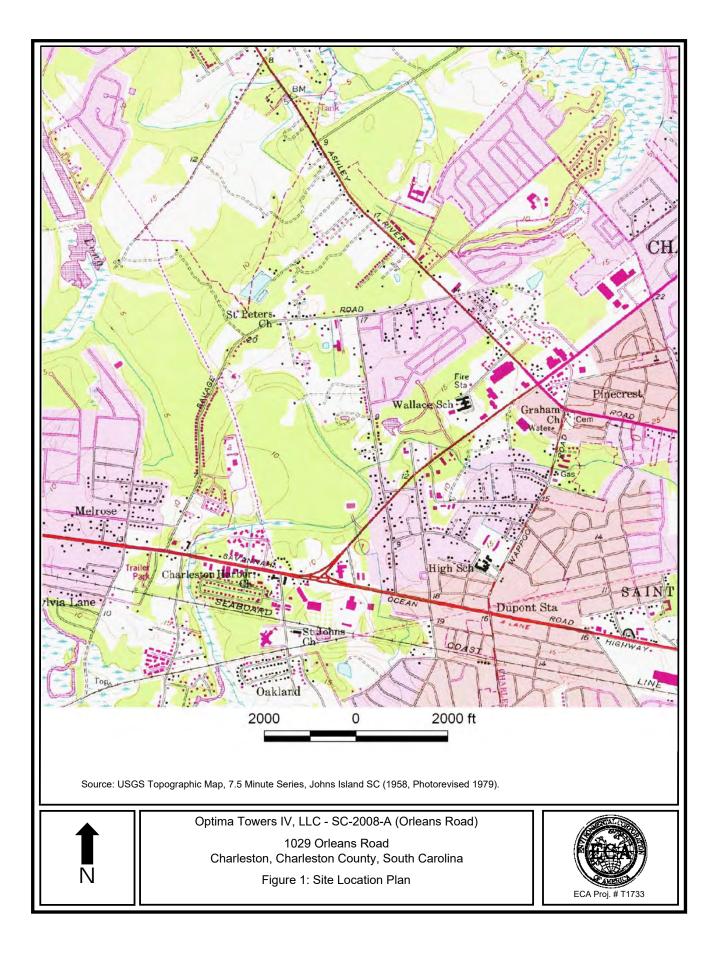
these findings and the obvious upland nature of the project site, we see no reason to pursue jurisdictional determination from the US Army Corps of Engineers.

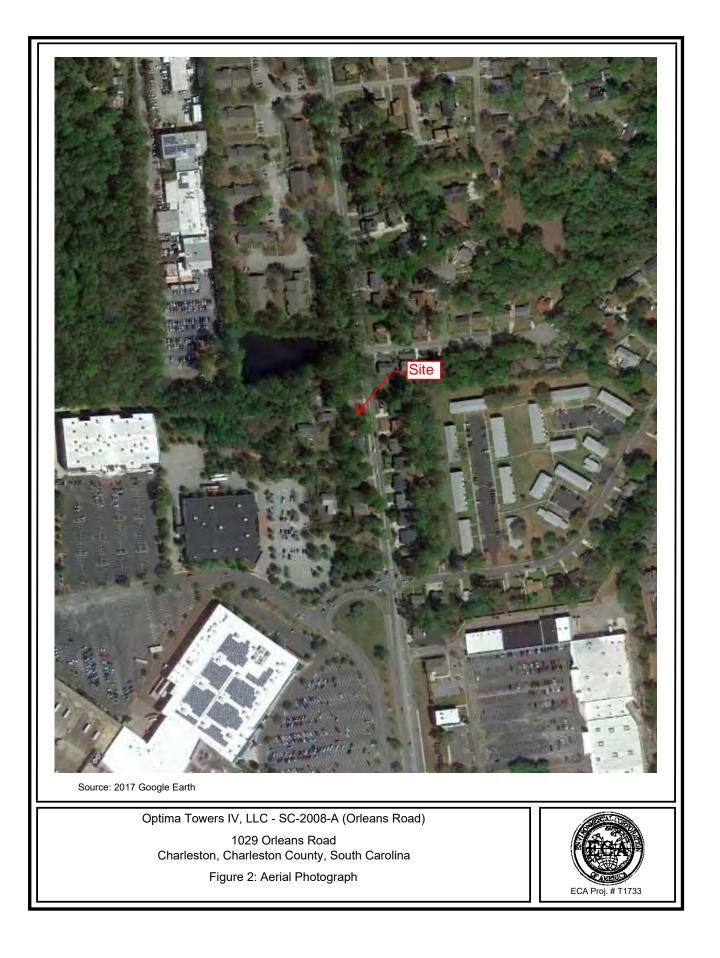
We have included a USGS topographic map, an aerial photograph, National Wetlands Inventory mapping, soils mapping, and photographs of the project site as attachments to this letter.

Thank you for the opportunity to be of service. Please contact us with any questions.

Sincerely,

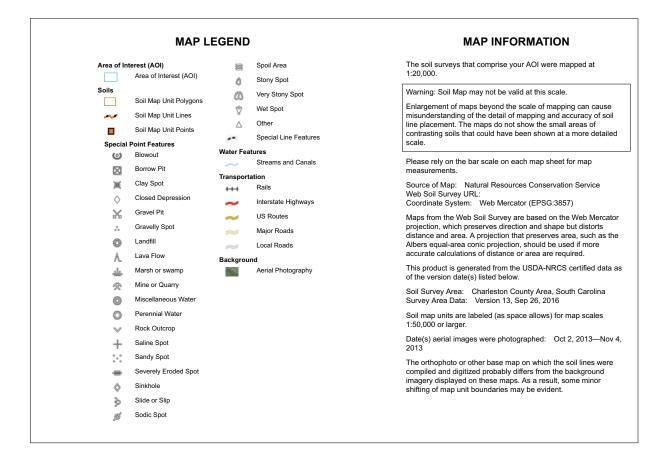
Ben Salter, Professional Wetland Scientist (PWS)







Soil Map-Charleston County Area, South Carolina



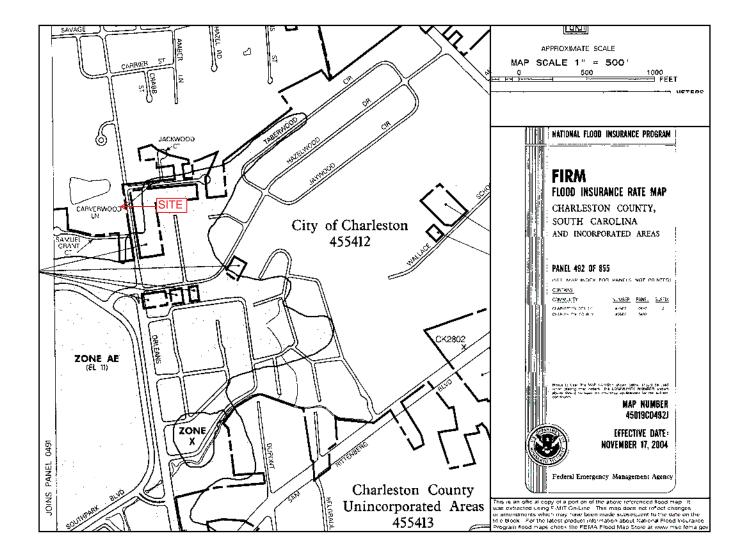
USDA

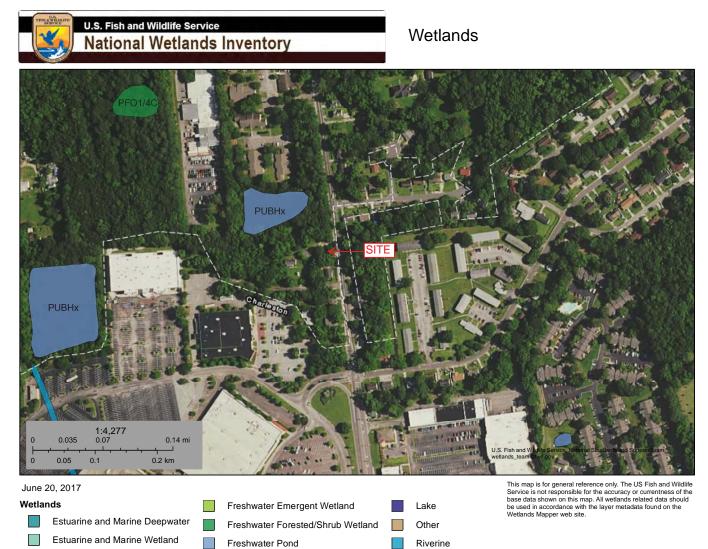
Natural Resources Conservation Service Web Soil Survey National Cooperative Soil Survey 6/20/2017 Page 2 of 3

#### Map Unit Legend

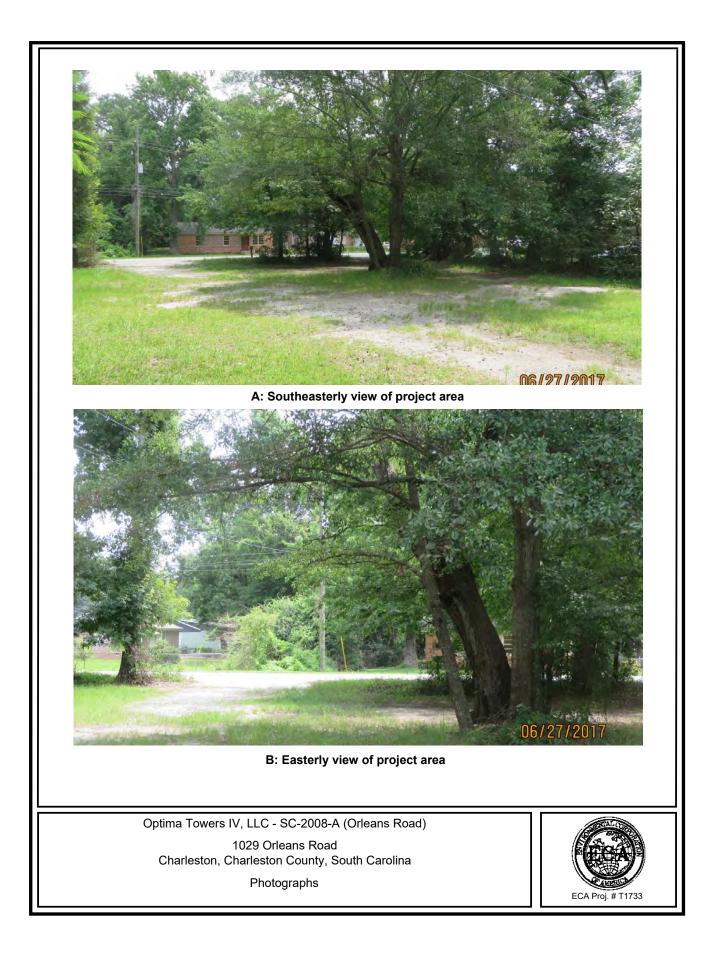
Charleston County Area, South Carolina (SC690)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Qu	Quitman loamy sand	0.0	1.0%
St	Stono fine sandy loam	0.3	99.0%
Totals for Area of Interest		0.3	100.0%

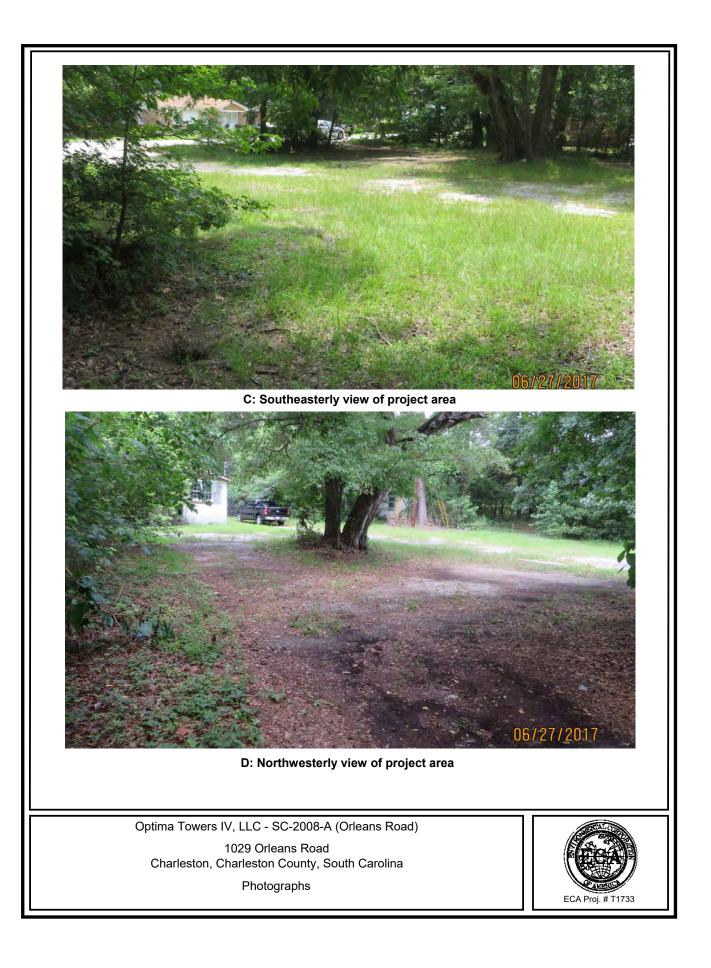


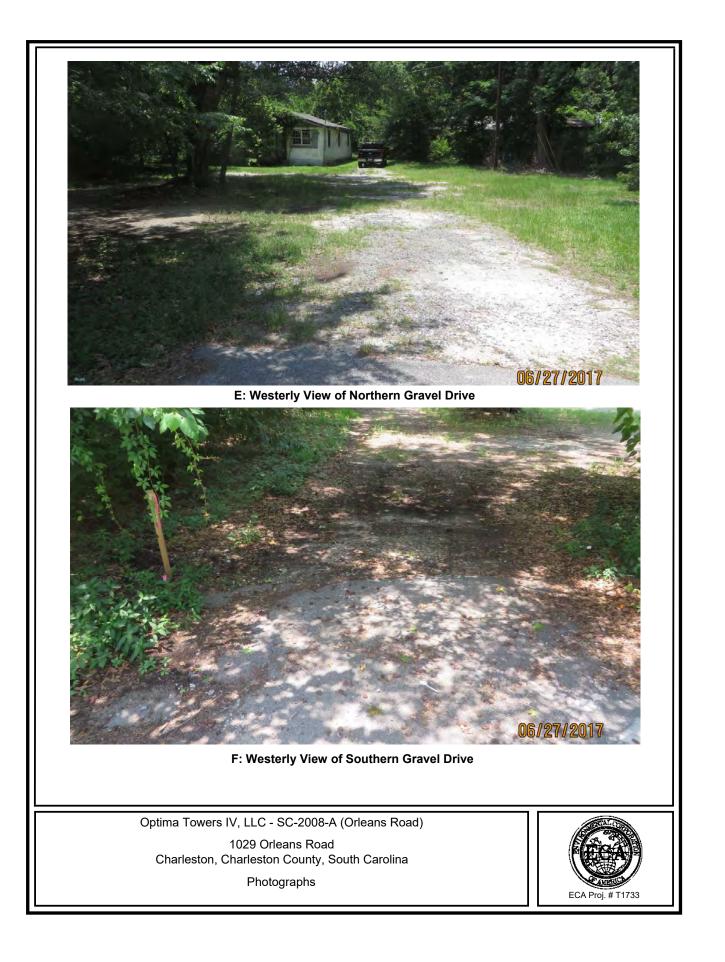




National Wetlands Inventory (NWI) This page was produced by the NWI mapper







## Exhibit 11 Community Meeting Memorandum from Planning Commission Chair



843.202.7200 1.800.524.7832 Fax: 843.202.7222 Lonnic Hamilton, III Public Services Building 4045 Bridge View Drive North Charleston, SC 29405-7464

#### MEMORANDUM

TO: Planned Development Applicants

FROM: Eric Meyer, Chairman, Charleston County Planning Commission

DATE: March 14, 2011

Eric Meyer

Chairman

SUBJECT: Community Outreach and Planned Development Applications

We highly recommend that applicants for zoning change requests to the Planned Development (PD) Zoning District work with the community to inform them of the request, in order to potentially gain their support for such projects.

Your signature below indicates that you have read and understood this recommendation.

Owner Signature

Applicant Signature (If other than the owner)

Reference Zoning Change Request

Date

3/26/2018

Date

PD

# Documents Requested by County Council - Examples of Similar Communications Towers

# **RiverTowne Country Club**





## **Evanston Boulevard**

