

**Kershaw County Planning and Zoning Commission
Regular Work Session Minutes
October 14, 2013, 5:30 p.m.
County Council Chambers, 515 Walnut Street
Camden, SC 29020**

Members in Attendance: Lewis Shaw, George Gibson, David Brown, Richard Simmons, Henry Walker and Claude Eichelberger

Member Absent: Jetter Pittman

Staff in Attendance: Carolyn Hammond and Rhonda Darity

Call to Order

The Chairman, Lewis Shaw, called the meeting to order at 5:30 p.m. The Chairman took this time to introduce and welcome Claude Eichelberger to the Commission.

Public Comment Period

Kate Brock spoke to the Commission concerning the VFW Post 195's proposed amendment to allow bingo parlors in RD-2 zoning districts. Ten other individuals spoke briefly to the Commission concerning the proposed communication tower and antenna regulations amendment. All ten are in favor of the amendment that the Planning Commission had previously recommended to County Council.

Approval of Minutes

George Gibson motioned that the minutes of the September 9, 2013 regular meeting be approved. Henry Walker seconded and approval was unanimous.

Request by Bill Heil for VFW 195 to Amend Table 3-3, Sector 71 to Include Bingo Parlors, NAICS #813290, and Allow Them in RD-2 (Rural) Zoning Districts

In giving a history of previous bingo parlor amendment requests, Carolyn Hammond informed the Commission that in June of 2010, Robert Williams applied to the Planning Commission for a request to permit bingo in the GD (General Development) districts of Kershaw County. The Planning Commission voted to recommend approval to County Council under specific conditions. County Council, however, at first reading denied the request.

Staff Comments and Recommendation on the Proposed Amendment

In order for the VFW Post 195 to hold bingo games at their location, bingo would have to be permitted at all locations in the RD-2 (Rural) zoning districts of the County. It cannot be permitted only at the VFW post on Wildwood Lane. If bingo were to be permitted, Staff recommends that bingo parlors only be permitted in the GD (General Development) and I-1 (Industrial) zoning districts; they be restricted to locations more than 150 feet from a church, school, or public playground; they be licensed to a non-profit organization under the Bingo Tax Act of 1996; a promoter under contract with a licensed non-profit organization manage, operate, and conduct the bingo games as licensed under the Bingo Tax Act of 1996; and that all rules and procedures as stipulated in the Bingo tax Act of 1996 be observed by the licensed non-profit organization, the licensed promoter, and employees of the Bingo Parlor.

After seeking legal consultation regarding the proposed amendment, it was pointed out that the permitting of Bingo Parlors brings about an array of unintended undesired consequences. Staff, therefore, does not recommend that the Planning and Zoning Commission approve the proposed amendment.

After a brief discussion, Lewis Shaw called for a motion. David Brown motioned to deny the request. George Gibson seconded, and all voted to deny the request.

Consideration of Additional Amendment to Cell Tower Regulations

This agenda item was sent to the Planning and Zoning Commission by County Council to review as the result of an additional amendment that Councilman Jones proposed at third reading of the cell tower amendment that the Commission had previously recommended to County Council for approval.

Councilmen Jones proposed an amendment that would require that property owners located within 2000 feet within the distance from a proposed cell tower be notified of the pending tower application and that they be given an avenue to protest and possibly prevent the construction of the tower.

After a lengthy discussion the Commission instructed the Planning Director, Carolyn Hammond, to incorporate the following language into the cell tower amendment and send it to County Council for their consideration:

Once the communication tower or antenna application is approved by the Planning Commission, the applicant shall notify by registered mail, all owners of property adjacent to the proposed communication tower or antenna site that a tower application is pending. Upon request of any adjacent property owner, a public information session shall be held and attended by the applicant and Planning Official. Adjacent property owners shall be given fifteen (15) days after notification to request such information session which shall take place within fifteen (15) days after an information session is requested. Upon a finding that the application is complete and in compliance with the Ordinance, the communication tower or antenna permit shall be issued.

After the above language was crafted, Lewis Shaw called for a motion. Claude Eichelberger motioned to approve, Henry Walker seconded, and approval was unanimous.

Staff Report on County Council Actions Concerning the Planning Commission

September 10, 2013 County Council Meeting

1. Council unanimously passed second reading of the Communication Towers and Antennas amendment with the request that the County Attorney add more specific language pertaining to the fall zone easements.
2. Council unanimously passed first reading of the Bed and Breakfast amendment.

September 24, 2013 County Council Meeting

1. Council did not hold third reading of the Communication Towers and Antenna amendment, but requested that it be sent back to the Planning Commission to review an amendment proposed by Councilman Jones regarding the notification of property owners within 2000 feet of a proposed tower.
2. Council unanimously passed second reading of the Bed and Breakfast amendment.
3. Councilmen Jones, Gardner, Mickle, Tucker, and Wise voted in favor of a resolution supporting the Kershaw County Bicycle, Pedestrian, and Greenway Plan. Councilmen Miles opposed. Councilmen Smoak was absent.

Other Items

None

Adjournment

At 7:20 p.m., the Chairman called for a motion to adjourn. The motion was made by David Brown, seconded by Henry Walker, and all voted in favor.

Respectfully submitted,

Rhonda Darity

Rhonda Darity
Secretary