

BOARD OF ZONING APPEALS CASE SUMMARY FOR SPECIAL EXCEPTION

631, 635, 639 Elmwood Avenue, et al

June 2, 2022 at 4:00 P.M. City Council Chambers, 1737 Main Street, 3rd Floor Columbia, South Carolina

Case Number: 2022-0022-SE

Subject Property: 631, 635, 639 Elmwood Avenue, et al (TMS# 09011-01-13, 09011-01-17, 09012-01-

13, 09008-01-04 & 09008-01-02)

Zoning District: MU-2 (Mixed Use District), RM-2 (Residential Mixed District), OV-CC (City Center

Design Overlay District)

Applicant: Annette Iraola, Columbia School Development, LLC

Property Owner: Elmwood Lands, LLC

Requested Action: Applicable Sections of Zoning Ordinance: Special exception to establish an elementary, middle or high school

\$17-4.2_{(b)(4)} Elementary, middle or high schools are permitted within the MU-2 &

RM-2 zoning districts by special exception

 $\S17-2.5_{(e)(4)}$ Standard criteria for special exceptions

Case History: N/A

Staff Comments: The applicant is requesting a special exception to allow a charter school in the MU-2 &

RM-2 districts.

The subject property consists of five lots totaling +/- 18 acres. Applicant is proposing a charter school that serves approximately 1,050 students from 3rd through 12th grade.

The campus would include athletic facilities, a school agricultural program and outdoor learning space. It would serve as an extension of Clear Dot's current campus at 2015 Marion Street. Plans include the Vista Greenway extension and pedestrian entrances in the Elmwood Park neighborhood. Applicant states the school will preserve native canopy trees where possible to maintain the existing character of the landscape and provide a natural buffer around the property.

A conceptual site plan was provided to the Board. A technical site plan review will be required prior to issuance of permits.

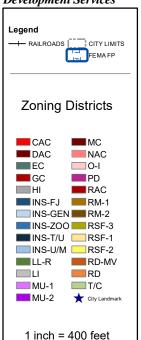
Should the Board approve this request, staff asks that the following items be conditions of approval:

 Construction and operation to be in substantial conformance with the application and supporting materials submitted by the applicant and shall conform to all relevant city development regulations.

Persons expressing support or concern about this application submitted the documents outlined below to staff. All documents are attached hereto and made a part of the record of the public hearing.



Department of Planning & Development Services

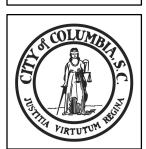


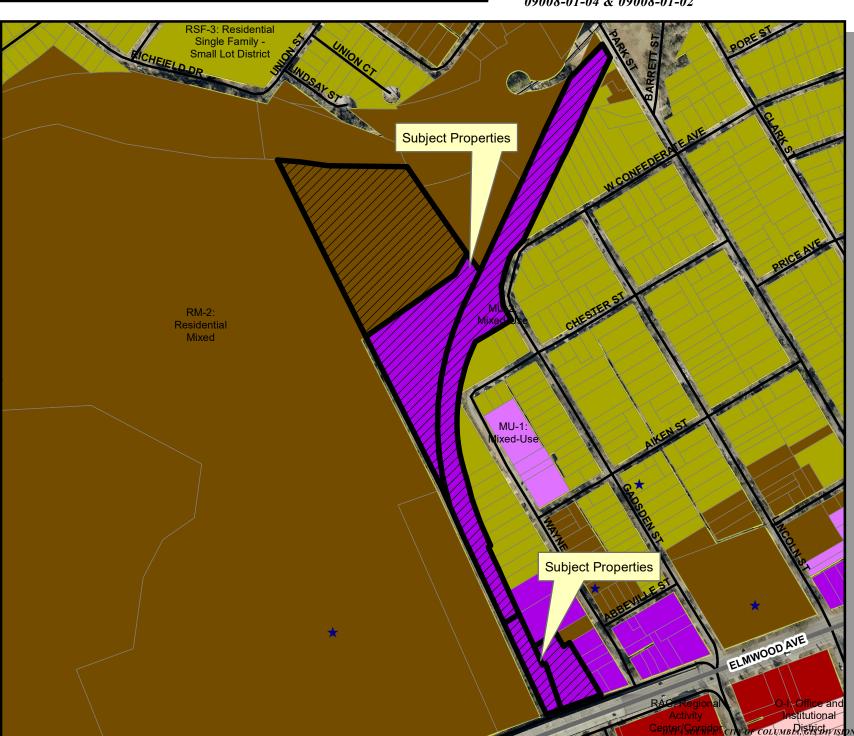
ORIGINAL PREPARATION/DATE: This map was prepared by:

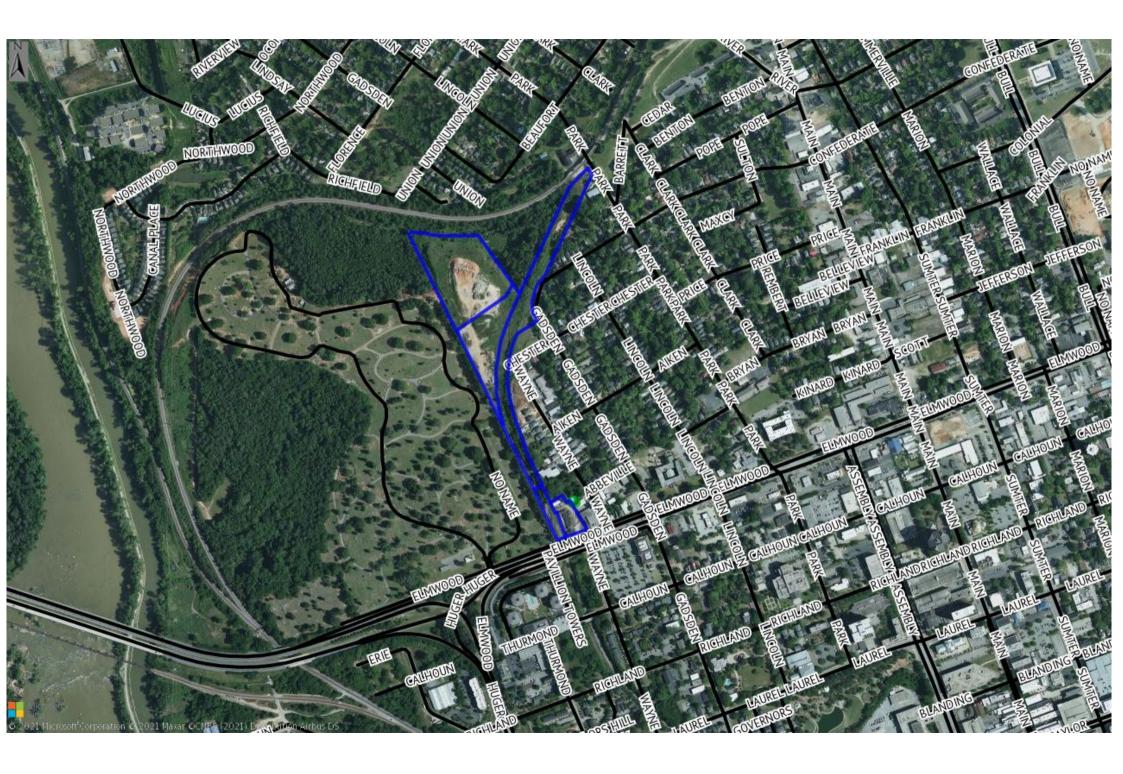
Erica Jaen for June 2, 2022 BoZA Meeting

DISCLAIMER:

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1. Applicant Information					
Name					
Annette Iraola					
Company (if applicable)					
Columbia School Develop	ment LLC				
Address (street, city, state, zip)					
6457 Sunset Drive, Miami, Fl	33143				
Phone	Email				
		raola@yaho	no com		
303-323-3923		raoia@yaric			
2. Property Information					
Address					
639 Elmwood Aver	nue				
Tax Map Reference Number(s) R09011-01-13, R09011-0	1-17, R09	012-01-13,	R09008-01-04,	R09008-01	-02
Current use		Proposed use			
Unimproved Land		School			
Current zoning	Number of	lots or units	Total square feet		
MU			80,000		
3. Property Ownership					
Does the applicant own the property	? □Yes	■No			
If the applicant <u>does</u> <u>not</u> own the pro authorizes the applicant to submit th				ty owner that	
administration the approach to submit the	P P				
4. Property Status					
Pursuant to S.C. Code § 6-29-1145, is covenant that is contrary to, conflicts permit?	this tract or p with, or proh	arcel restricted libits the activity	by any recorded described in this	□Yes ■N	0



5. Proposed Use

Please identify the principal use proposed to be established (see Table 17-4.2(B)(4): Principal Use Table for Base Zoning Districts). Uses that are allowed only with a special exception permit in a specific district are indicated by an "S" in the table. Additional uses may require a special exception permit as identified elsewhere in the UDO.

Elementary, Middle, High School	

6. Project Description

Provide a brief description of the project.

Clear Dot Charter School Columbia located on Elmwood Ave will be an extension of its current campus, located at 2015 Marion Street. Elmwood Ave will house students in grades 3-12, while 2015 Marion Street will be utilized as a 4k-2 primary learning center. The school will feature 1050 student stations, athletic facilities, designated areas for the school agricultural program, and ample outdoor learning space. Plans include the Vista Greenway extension and pedestrian entrances in the Elmwood Park neighborhood. The school will preserve native canopy trees where possible to maintain the existing character of the landscape and provide a natural buffer around the property. Attached exhibits further designate, describe, and illustrate the conceptual site plan(s) to be finalized in detail compliance with all city (and other applicable) legal requirements.

Criteria for Special Exception

- 1. Yes
- 2. Yes
- 3. The Special Exception is compatible with scheduling of development of this site in harmony with City and SC/DOT major improvements to the Elmwood interface renovations at I-126 connector. The development has been pursued in tandem with existing and evolving reconfiguration of impacts of vehicular traffic and pedestrian (including bicycle emphasis) utilization and interface of safety movements within the area already in active consideration for the highway/city streets/neighborhood access (including Greenway development).
- 4. Site size is uniquely large enough to effectively plan and exceed all ingress/egress traffic interface, together with ample parking and peak-period stacking on-site to maximize safety and effectively for initial site utilization and for cohesive expansion and future use accommodation.
- 5. The large site (17 +/-acres) is professionally engineered to accommodate present and expanded volume uses for flow efficiency and parking demands within the property boundaries with virtually no off-site/neighborhood impacts, even during peak arrival/departure periods of activity. Staggered time utilization is already a part of the school's operating plans. Engineering, architectural and site planning for on-site containment of noise, lights, glare, vibrations, fumes, odors, and air movement have, to the degree necessary, already been anticipated for specific elimination of off-site impacts. Due to the educational use of the site, environmental requirements are more stringent than even a residential use, which will ensure the safety of the land use in the future.
- 6. Aesthetic character of area/orientation and spacing of buildings are all considered and accounted for by professional disciplines in the development of the site plans. The project will meet all City requirements.
- 7. School's development is deemed compatible with neighborhood development in all zoning districts as to public safety, nuisance activity; this school's "track record" for neighborhood compatibility; there are NO law enforcement adverse impact components to this development location.
- 8. No proliferation of use; private school development is not a prevalent presence in the area and this site is uniquely situated for compatible use and growth.
- 9. The school use is consistent with zoning and neighborhood development plans/character; compatible with surrounding mixed uses of neighborhood residential, business and community activities and will allow for the City expansion the Greenway project to Park Street.
- 10. Neighborhood compatibility with permitted uses (residential and commercial). Will allow for students and families to walk or bike to school, which is in line with the overall planning goals of the city.
- 11. The buildings on this site will be designed to fit into the style and character of the surrounding neighborhood.
- 12. No adverse effect on surrounding land values; the school is an asset enterprise for its neighborhood. In all areas where the development team has constructed a school, property values have increased.
- 13. No adverse effects on public interest; this school already operates compatibly within the City and has a track record as a "good institutional citizen and neighbor."



7. Criteria for Special Exception

A special exception may only be approved if the Board of Zoning Appeals determines that all of the standards in Sec. 17-2.5(e)(4) are met. On a separate piece (or pieces) of paper attached to this application, describe how the proposed use complies with each of these standards.

- 1. The proposed special exception complies with all applicable zoning district-specific standards in Article 3: Zoning Districts;
- 2. The proposed special exception complies with all applicable use-specific standard in Article 4: Use Regulations;
- 3. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
- 4. Adequate provisions are made for parking and for loading and unloading;
- 5. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;
- 6. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;
- 7. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
- 8. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;
- 9. The proposed special exception is consistent with the character and intent of the underlying zoning district as indicated in the zoning district purpose statement, and with any applicable overlay zoning district or adopted plan goals and requirements;
- 10. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;
- 11. The proposed special exception is compatible with the general character of the district in which it is proposed;
- 12. The proposed special exception will not have an adverse impact on the land values of surrounding properties; and
- 13. The proposed special exception will not adversely affect the public interest.

8.	Si	gn	a	tu	re
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Signature of Applicant			
Ampl			
Print Name	Date	1	1
Annette Iraola	05	06	2022



TO: Planning and Development Services, City of Columbia

I, the undersigned property owner, do hereby attest that I am the person that holds, or I am authorized on behalf of the party that holds, fee simple interest in the following parcel(s):

Common Street Address

639 Elmwood Ave

Tax Map Reference Numbers

R09011-01-13, R09011-01-17, R09012-01-13, R09008-01-04, R09008-01-02

Further, I hereby authorize the persons and/or entities listed as AUTHORIZED AGENT(S) below to act on my behalf for the purpose of submitting documents, amending documents, meeting with staff, attending public meetings and hearings, and as otherwise may be necessary and proper to fulfill the required steps to request the following:

- 1. Variance, Special Exception, and/or Administrative Appeal (Board of Zoning Appeals)
- 2. Zoning Map Amendment (Planning Commission and City Council, if applicable)
- 3. Site Plan Review (Planning Commission or D/DRC)
- 4. Design Review (D/DRC)
- 5. Minor Subdivision (Staff)
- 6. Major Subdivision (Planning Commission)
- 7. Encroachment (Staff and City Council, if applicable)
- 8. Street Naming/Renaming (Planning Commission)
- **Please strike-through and initial any of the above-listed steps that do not fall under the scope of this Letter of Agency

[signatures on following page]

Property Owner



Signature	Date
Alton Hutto	5/6/20:
Print Name of Property Owner	(Back-types a regional accessoration and the control of the contro
Alton Hutto	
Address (street, city, name, zip)	The distribution of the country is a second to the country in the country in the country is a second to the country in the country in the country is a second to the country in the country in the country is a second to the country in the country i
213 Martin Neese Rd	
Swansea SC 29160	

Email of Property Owner
Ihutto@ladcorporation.com

Signature of Witness

Date
5/6/2822

Print Name of Witness

Christopher Farley

Authorized Agent

Signature	5/C/2022
Print Name	
Annette M Iraola	
Address (street, city, name, zip)	
6457 Sunset Drive, Miami, FL 33143	
Email of Authorized Agent	Phone
annettemiraola@yahoo.com	305-525-5923
	the second of th





DRAWING TITLE:
Site Plan

PROJECT:

Academica Charter Schhol at Elmwood, South Carolina Campus

Jaen, Erica L

From: Diana Wicker <diana.wicker@gmail.com>

Sent: Tuesday, May 24, 2022 7:44 PM

Subject: [EXTERNAL] Special Exception - Zoning Board - June 2, 2022

Attachments: ClearDot hearing "Speech".docx

You don't often get email from diana.wicker@gmail.com. Learn why this is important

CAUTION: This email originated outside of the organization. Do not click links or open attachments from unknown senders or suspicious emails. Never enter a username or password on a site that you did not knowingly access.

Clear Dot is bursting at the seams in what was intended to be a one year temporary campus, yet we have found ourselves trapped here due to the loss of our first property choice on North Main Street. The School Charter planning board spent two years preparing for a property that we ended up not being allowed to utilize. Now, we find ourselves in the same place, having again spent time and money, because preparing all of the reports and assessments for such a purchase is not free, with the very real chance that we will, again, be turned away without a permanent home in downtown Columbia. As a parent, I am forced to wonder, what is it about Clear Dot that the city does not believe in?

South Carolina is a School Choice state. Clear Dot is a public charter school - a free public school open to all students to apply to attend - not just for the City of Columbia or for Richland County School District One, but to the whole of the state of SC, any child that can reach us daily - and, yes, we have students that commute in to the city daily to attend from other counties. Clear Dot provides Virtual Learning, when needed/appropriate. We were the second school in the country to receive the Samsung School of the Future. From the moment Covid closed the planet in March of 2020, Clear Dot moved mountains, obtaining computers for every student, wifi hot spots for each family without internet, and trained staff in the use of Zoom for teaching. During the Covid school year of 2020-2021, Clear Dot operated a multifaceted program to serve its families, with some children attending 5 days per week; some attending hybrid schedule of two days on campus, three days on remote; and some students attending remotely five days per week. That's two of the four SC School Choice Options at one school.

Clear Dot is is a member of the Charter Institute at Erskine which authorizes twenty-six schools throughout the state of South Carolina. The Institute is partnered with the South Carolina Public Charter School District to put "Kids First". Though Clear Dot opened for its first school year 2019-2020, finding itself in the unprecedented experience of a global pandemic, the school pulled together to provide not only technology and ongoing education for the students, but necessities for their families, quickly becoming an emergency food distribution site ensuring that those in need had food.

Clear Dot's second school year was fully immersed within the pandemic; and yet, this small, non-profit, charter school met their students where they were, virtual or in class or somewhere in between. As we end our third year as a school, housed in a building that was supposed to be temporary, making repairs and improvements without any funding from the county tax millage rate received by the other public schools, I look at our farm to table container and raised bed garden boxes and am proud of our students' opportunities to learn about heirloom varieties of food as well as to taste them. I am proud of our chickens and ducks and the habitats that we keep. I am proud of our coral reef breeding program - Clear Dot has both tropical and cold water reef tanks. The school is filled with various small animals for the children to interact with and learn to take care of.

I have kept this artist drawing as the desktop of my computer, as it gives me hope. I see the City Park greenway running along a tree lined drive. I see that there is no interaction between the school's driveway and the neighborhood beside it at all. I see that DOT will be making improvements to an old section of road leading to the historic cemetery. I see eighteen acres of hole in the ground that would mean everything to the families

seeking school choice for their children, seeking a school which focuses on both academics and helping students experience the world around them. I hope you look at this picture and see what I see, a beginning that leads to a glorious future for students from age four through high school graduation.

Many non-profits and small businesses did not survive Covid, but we did. I believe in Clear Dot. I waited in line for the doors to open so I could enroll my son. I joined the school board when it transitioned from Planning to Operations. I left my job of nineteen and a half years and resigned from the school board to work at the school. I know we can make a difference in the lives of children and build a solid community. We simply need the chance to have a permanent home and recover from the chaos of the pandemic along with the rest of the world.

Attached, please find a letter from my 15 year old son.



Diana L. Wicker

The Realm of Feyron has always been. It is the origin of all things magical and the axis point where all worlds meet.

Series Smashwords Page

My name is Elias Wicker. I was born on January 1st, 2007, and just finished my third school year at Clear Dot Charter School. However, The story of *why* Clear Dot is important to me starts long before I had even heard about the idea of a charter school. I have ADHD and a mild form of autism, commonly known as Asperger's, so I've always been a little different. This was much more apparent when I was younger, I was bad at socializing, and didn't have a good handle on emotions like other kids. I did fine in Pre-K in kindergarten, although a little bumpy, but once I got to elementary school, the "traditional" American public school system failed spectacularly to accommodate my needs. This was in many different ways, from apathetic teachers, to bullying from students, to a system for accommodations that was almost impossible to navigate, my time in elementary was not a pleasant one.

From the first day I walked into first grade to the day in February of my fourth grade year when I decided I couldn't stand being there anymore, I was bullied for my behavior. Whenever my mom and I addressed this with the teachers, this is the conversation that would transpire in front of me: Teacher- "I've heard you've been bullying Elias, is this true?" Student- "no." Teacher- "Ok, but if you're lying to me, stop being mean." This continued on and off for almost four years, while my mom was also trying to get me an IEP through teachers that didn't seem to realize that ADHD doesn't just switch off during school. I went through several medications, none quite fit right. One made me angry, one didn't last long enough, one made me stop eating, the list goes on.

Eventually, in February of my fourth grade year, me and my mom decided we'd had enough, and transferred me to home-schooling online, where I completed fourth grade. Before I started fifth grade online, however, my mom heard about a STEM focused charter school in the building that would become Clear Dot's current home. I decided I was ready to return to a live setting, so we agreed to attend. Before I could attend though, the school closed down, putting me back in homeschool for fifth and sixth grade. About halfway through my sixth grade year, Clear Dot announced that it was going to open for the next school year. The highest grade available that year was sixth grade, but I happily agreed to do it again to attend. Me and my mom attended every set-up event we possibly could, and we and many other students and parents helped the staff build the school, literally and figuratively.

When sixth grade started, I found, instead of a lifeless school setting, a real community that I could fit into. I made friends, did better socially than in the past, and noticed that teachers actually seem to care here. Near the end of the sixth grade, COVID-19 struck the world, and Clear Dot did everything it could to still teach kids in those last few months. When we came back for the 2020-2021 year, it was with a different schedule, but we made the best of what we could do, considering the stressful year, still managing to learn a decent amount. This year has been much better organized than either year before it, and if we get this new property, Clear Dot will be a great educational opportunity for many who just can't learn in their current environment.

Samonsky

Charter Schools were created to provide opportunities for teachers, parents, students and community members to establish and maintain schools that operate independently from the existing school district. Clear Dot Charter School is a free public school that any student may attend regardless of district authorized through the Charter Institute of Erskine.

Clear Dot is currently looking to purchase the property at 633 Elmwood Avenue for our Permanent School. The property is bordered on the left side by Elmwood Cemetery, above by CSX Railroad and on the right by a neighborhood. On the right, we have agreed to a Greenway expansion from Elmwood to Park Street, planted with trees to decrease noise from the school and prevent school traffic from entering the neighborhood.

Clear Dot is now at 2015 Marion Street in an old commercial building that houses 2- Kindergarten classes, 2- 1st grades, 2- 2nd grades and 1 class each for 3rd, 4th, 5th, 6th, 7th and 8th grades. We have a kitchen, but no dining area – the children eat breakfast and lunch in their classrooms. We are a FREE Lunch/breakfast School (even provided meals to the children during COVID shutdowns). Our building is now full and there is NO place for an athletics department, but we have both boys' and girls' sports football, basketball, baseball, softball, and volleyball. Our first year middle school girls basketball team won the city invitational tournament, and our student won the A'ja Wilson award.

We also have a Special Needs classroom as well as wheelchair access to school and an elevator to the 2nd floor. We also have a Counselor with her own classroom as well as an aftercare program that is more affordable than many local daycares with snacks provided.

I have 2 grandchildren that attend Clear Dot. I was impressed with the school at an Open House prior to opening. The smaller class sizes, their curriculum, the special Gardening and Animal care program at this school. The younger children are learning about fruits and vegetables where their food comes from. Learning to love and care for animals – chickens, ducks. Bunnies, lizards. Clear Dot is Rehab facility for small animal – opossums.

I am also impressed with the security system at the school. ALL the doors are locked with a camera system that allows the office staff to see the perimeter of the school. Anyone, including the children are buzzed into school. Everyone entering the school must go through a metal detector and temperature check. When picking up your children from school, the children are picked up by a number assigned to them the 1st day of school.

Our GOAL IS TO ADD 2 4YEAR Pre-K classes and a 9th grade in August. We are adding a grade each year til we get to 12th grade. We will have to add 3 Portable Classrooms in August. With this addition we will not be able to have any outdoor playing for the younger children. The classrooms will take up the play space as well as parking areas.

I urge you to vote to grant Clear Dot Charter School this property for our Permanent Location.

Pat Samonsky

Hi all,

Following up on Councilwoman Herbert's and my meeting with Clear Dot this morning, we would like to pursue the following traffic calming measures to minimize cut-thru traffic ahead of their June 2nd BOZA hearing. We understand we likely can't have all these approved before then, but we at least want to work toward some commitment that these can be implemented and buy-in from Clear Dot. We are expecting a positive response for a contribution from Clear Dot on these.

Speed hump on 1000 block W. Confederate

This was previously requested, but denied without a reason being shared. Attached is a signed petition from all the neighbors on that block of W. Confederate requesting the speed hump.

4-way stop at Park & W. Confederate

This is currently a stop only on W. Confederate with a flashing red light to W. Confederate and a flashing yellow light on Park. The northern part of Park St is a state road, but I met Lori Campbell and she would be in favor of converting this to a 4-way stop.

4-way stop at Chester & Gadsden

Cars currently speed along this route unimpeded. It also the only non-4-way stop in this part of the neighborhood, which is often confusing. The idea is to slow this route, which Clear Dot's traffic study notes will be used by traffic coming from the north, and make it less appealing.

Bump outs along Park St

Survey was completed a couple weeks ago and I believe this is currently in engineering. (Thank you!)

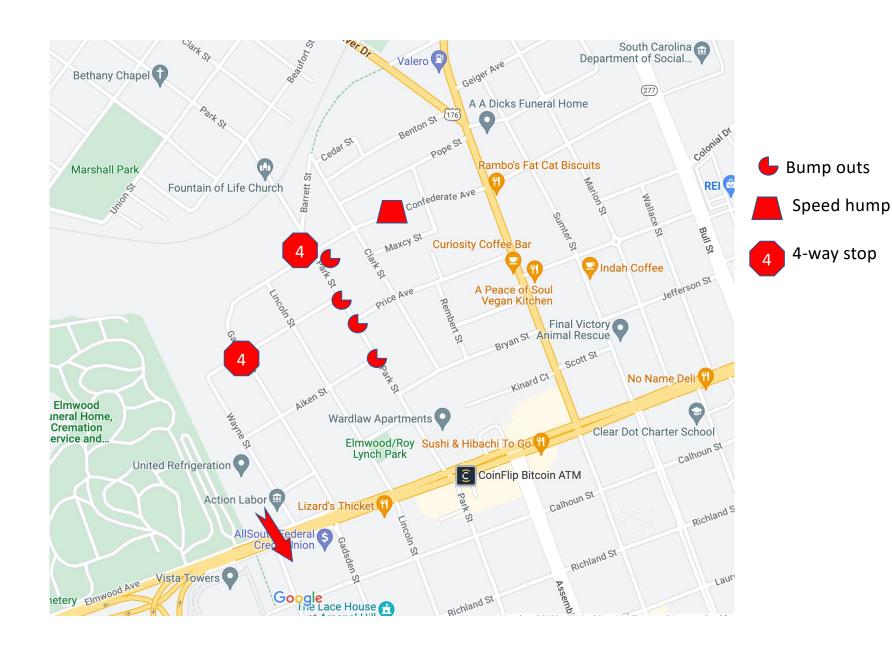
No left turn when leaving school campus

Must go straight out and under bridge. This could be as simple as having a time-of-day no-left-turn sign and/or a school staff member directing traffic during drop-off/pick-up to ensure traffic leaves via the designed route and doesn't cut back through the neighborhood.

These measures should serve as deterrent to cut-thru traffic and help slow traffic to make it safer for residents & pedestrians.

Thanks,

John Wilkinson President, Elmwood Park Neighborhood Association c) 757-218-0052



Street Address	Name	Signature	Phone Number	Email)
000	Jama Newton		803/256-4345	Mother LM Newton. Con	-
001	Karley Ruxton	Kanley Rush	- 510-403-1864	Kruxton 15@ gmed. com	
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800	Erin Curtis	Egg	803 269 3241	excertis@gwail.com	
1011	Anthony Charles		843 469 1617.	ai, charles 21@ 7gloo.com	5
1011	Natalie Charus			nataliemenairus (6) yahoo. com	
1014	Vaccant				
1015	Phonda Whitley	Phondaurfit	u 715-214-6964	raebeamshining@icloud.	com
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Street Address	Name	Signature /	Phone Number	Email
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1017	When	RgA	630-781.6160	jeigoseravextechnology.com
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1018	malconfield	malupfins	7803-477-6721	malcom F1956 YAhooson
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1023	Tour orde in Barlow are	GERALDINE	803-814-1315	gmbarbeau @gmail.com
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Street Address	Name	Signature	Phone Number	Email
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1027	CONNOR	pmf of	825-300-0316	CUNNOR JPARKER (C) for for
1026	Amuja parikh	anj Pank	954-531-9552	a.parikh12@gmail.com
1030	Not Home			
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		20		
100	Joll Wahrest	Jed Dener	803-315-6186	55Wainscott@hotmail.com
	-			
101	Not home			
1107	Hunter Boehne	- Seele Bull	336.655.3996	hunterboehue@gmail.com
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Street Address	Name	Signature	Phone Number	Email
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