



## **Zoning Board of Appeals Meeting**

Tuesday, November 29, 2016

6:30 p.m.

City of Goose Creek  
Marguerite H. Brown Municipal Center  
Council Chambers  
519 North Goose Creek Blvd.  
Goose Creek SC



## MEMORANDUM

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**TO:** Members of the Zoning Board of Appeals  
**FROM:** Sarah Hanson  
Planning Director  
**DATE:** November 22, 2016  
**SUBJECT:** Notification of Meeting

This is to inform everyone that the next meeting of the Zoning Board of Appeals has been scheduled for **Tuesday, November 29th at 6:30.**

You will be asked to review the following application pursuant to your duties and powers as defined in Zoning Ordinance Section 151.171 below for property located at Liberty Hall Road and Henry E. Brown Blvd., zoning classification General Commercial (GC), TMS# 244-00-00-065: Application for Conditional Use Permit.

### § 151.171 DUTIES AND POWERS.

(C) To permit conditional uses subject to the terms and conditions for the uses as set forth below. (See **CONDITIONAL USE**.) Conditional uses may be allowed after determination by the ZBA of additional controls required, and after the holding of a public hearing. A listed conditional use ( [TSO III](#), Annexation B) is eligible for location within the subject zoning district, if all of the following conditions can be clearly demonstrated to exist:

- (1) Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
- (2) Vehicular traffic flow would not increase and pedestrian movement would not be diminished or endangered;
- (3) Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design;
- (4) Property values, general character and welfare of nearby areas will not be deteriorated;
- (5) The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations;

- (6) The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district;
- (7) The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures;
- (8) The proposed use complies with all applicable development standards of the city;
- (9) The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens;
- (10) The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity;
- (11) The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site;
- (12) The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts;
- (13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;
- (14) In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;
- (15) The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit;
- (16) The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city; and
- (17) In approving a conditional use, the Commission may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.



**AGENDA  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
TUESDAY, NOVEMBER 29, 2016 6:30 P.M.  
MARGUERITE H. BROWN MUNICIPAL CENTER  
519 N. GOOSE CREEK BOULEVARD**

- I. Call to Order** –Chairman Butch Clift
- II. Roll Call** – Chairman Butch Clift
- III. Review of Minutes from August 30, 2016,  
and October 18, 2016**
- IV. Public Hearing** – Request for a Conditional Use Permit for a proposed multi-family development for property located at Liberty Hall Road and Henry E. Brown Blvd., designated as TMS#244-00-00-065
- V. Reorganization of Board** – Election of Chairperson and Vice Chairperson for calendar year 2016
- VI. Comments from Board**
- VII. Comments from Staff**
- VIII. Adjournment**

*Please note this Agenda was posted at City Hall and on the City Website prior to meeting.*

**MINUTES  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
AUGUST 30, 2016 6:30 P.M.  
GOOSE CREEK MUNICIPAL COURTROOM  
519 N. GOOSE CREEK BOULEVARD**

**I. Call To Order** – Vice Chairman Volkmar called the meeting to order at 6:30 p.m.

Present: Jason Dillard, James Fisk, Ralph Hayes, Larry Monheit, Gerald Stinson, Thomas Volkmar  
Absent: Butch Clift  
Staff Present: Sarah Hanson

**II. Review of Minutes from February 18, 2016 Meeting**

*Motion:* Mr. Monheit made a motion to approve the minutes as written. Mr. Fisk seconded.  
*Discussion:* There was none.  
*Vote:* All voted in favor. (6-0)

**III. Public Hearing – Request for Variance to Section 151.082(F) of the City’s zoning ordinance, requiring that all buildings be placed on a lot located on an existing publicly maintained paved street, in regard to TMS#244-01-01-059, Auto Supply Drive**

Vice Chairman Volkmar opened the public hearing, and administered the testimony oath to all who were present to speak on behalf of or against the application for the public hearing.

*Motion:* Mr. Monheit made a motion to open the public hearing. Mr. Fisk seconded.  
*Vote:* All voted in favor. (6-0)

Vice Chairman Volkmar opened the discussion to Staff. Ms. Hanson explained the applicant, Mr. Bob Glover, is requesting the Board review the requirements for section 151.082(F). She stated the language and requirements of this section, and also for Appendix B and D. She added that curbing and curb cuts shall comply with the standards of the South Carolina Department of highway and public transportation. She described the location of the property to be on Auto Supply Drive, and presented a satellite view, highlighting the vacant parcels and a significant area of wetlands. Ms. Hanson noted the property Mr. Glover wishes to use is the vacant wooded lot next to the wetlands, with a dirt drive extending from the paved drive is currently the only access to this property. There was some discussion about the property being located at the end of the road. Ms. Hanson stated it is Staff’s opinion that the potential for additional development of property beyond the two existing buildings is very slim, with the only potential being for the eventual

redevelopment of the existing properties. She added that Staff believes at the time of redevelopment it will be essential to improve the means of access to these properties; however, until that time, the need for the drive to be improved beyond providing paving for safe and reasonable access is negligible. Ms. Hanson suggested in the event of an approval of the variance request a condition be considered which would require that Auto Supply Drive be improved to meet the City zoning ordinance, and if redevelopment of the existing properties is initiated with Auto Supply Drive as an access. She added that if the other parcels were redeveloped as a whole, then it would be Staff's recommendation that Auto Supply Drive be required to be improved if it would be used as the access for the new development. Ms. Hanson noted that if the redevelopment access was located off of Hollywood Drive it would be a mute point. She also mentioned that if this variance is granted it would run with the land. She added that if the properties are developed as a whole, instead of piece meal, Staff suggested a requirement be added for the entire road to be paved and improved. Ms. Hanson mentioned if the variance presently requested is approved it would not supersede that requirement. Staff had no objection to the variance request.

There was some discussion in regards to the property and the history of the property being subdivided and recorded. Ms. Hanson pointed out that the variance requested is only for the wooded parcel to the south end of Auto Supply Drive. There was a brief discussion about the owners maintaining the Auto Supply Drive access road, and the CSX recorded easement agreement granting the owners access as Auto Supply Drive.

Mr. Glover, the property owner, introduced himself to the Commission and described the property identified as TMS#244-01-01-059, along with the portion of wetlands located to the south of the property. There was discussion about the property, and if it contains wetlands on the property. Mr. Glover detailed the property, including the area to the ditch. Mr. Monheit inquired about the length of the timeline of the CSX agreement. There was some discussion about the agreement, with no specifics of the timeline given.

Vice Chairman Volkmar inquired if Mr. Glover wished to state the reasons he felt the variance met the four criteria. Mr. Glover stated the following as his response to the four criteria: 1) The extraordinary and exceptional conditions of the property are that it narrows this piece of property at the dead end because of the wetlands making it extraordinary, with the exceptional condition being the fact that nothing will be built beyond that parcel unless the wetlands law is changed. 2) These conditions do not apply to the other properties because they are already developed, and have been grandfathered in with curb cuts and driveways. 3) If no one can build on the property, it is almost rendered as useless. 4) The granting of the variance will not detrimentally affect the neighboring properties, because it will clean up the property with a modern day office facility.

Vice Chairman Volkmar stated for the record there was no other public in attendance. He opened the floor to the Board for questions to the applicant and Staff. Mr. Monheit inquired with Staff if the road is currently paved. Ms. Hanson stated it is paved until it reaches this parcel. There was discussion about the type of traffic that the proposed business would create. Mr. Glover stated it would be an office located for a landscape company, and would not have heavy customer traffic. Mr. Stinson inquired to Staff if the City would be liable if there is damage to a vehicle. Staff stated not if the City does not own the road. Ms. Hanson added that the City would require the owner to do some improvements in order to access that property. There was inquiry if Staff had seen any

conceptual plans of the elevations. Staff stated not at this time, and the owner would be required to submit a preliminary set of plans to Staff, and go before the ARB (Architectural Review Board) for approval.

Vice Chairman Volkmar inquired if Staff had additional information to summarize. Ms. Hanson stated Staff feels the request does meet the four criteria. Vice Chairman Volkmar inquired if Mr. Glover had any comments to add. Mr. Glover stated that he hoped the other property owners would help fix the pot holes and improve the access road.

*Motion:* Mr. Monheit made a motion to close the public hearing. Mr. Hayes seconded the motion.

*Vote:* All voted in favor. (6-0)

*Discussion:* Vice Chairman Volkmar opened the floor for discussion amongst the Board members. There was discussion in regards to the specifics as to the four requirements being met, and concerns in regards to the existing road being in disrepair.

*Motion:* Mr. Fisk moved to approve the application for the variance to Section 151.082(F) of the City's zoning ordinance, designated as TMS#244-01-01-059, located on Auto Supply Drive, having found that the application meets the conditions set forth for variance guidelines as per the zoning ordinance: the conditions surrounding the property are extraordinary; the conditions surrounding the property are unique and do not adversely affect properties within the area, the use of the property may be uncommonly restricted, and the development of the property will not adversely affect the adjacent properties and or the public good. Mr. Stinson seconded the motion.

*Discussion:* Acting Chair Volkmar suggested adding specifics to the four criteria.

*Motion:* Mr. Fisk amended his motion to include the conditions around the property in question are extraordinary, noting that other properties surrounding this property do not have the same situation as far as the availability of access or lack thereof, these conditions do not apply to other properties surrounding it, and with approval of this variance request the property and surrounding properties will benefit with the improvement. Mr. Stinson seconded.

*Vote:* All voted in favor. (6-0)

#### **IV. Comments from the Board**

There was none.

#### **V. Comments from Staff**

Ms. Hanson mentioned training for the year was in the planning stages, and would be in touch with members to see what dates would work best. She updated the Board with the new development within the City.

## **VI. Adjournment**

Mr. Hayes made a motion to adjourn. Mr. Monheit seconded. All voted in favor. The meeting ended at or about 7:23 p.m.

\_\_\_\_\_ **Date:** \_\_\_\_\_, **2016**  
**Thomas Volkmar, Vice Chairman**

**MINUTES  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
OCTOBER 18, 2016 6:30 P.M.  
GOOSE CREEK MUNICIPAL COURTROOM  
519 N. GOOSE CREEK BOULEVARD**

**I. Call To Order** – Chairman Clift called the meeting to order at 6:30 p.m.

Present: Butch Clift, James Fisk, Ralph Hayes, Larry Monheit, Thomas Volkmar  
Absent: Jason Dillard, Gerald Stinson  
Staff Present: Sarah Hanson

**II. Review of Minutes from August 30, 2016 Meeting**

Review was tabled until minutes could be prepared for at a future meeting, all voted in favor.

**III. Public Hearing – Request for Variance to Appendix A – Table of Parking and Loading Requirements of the City’s zoning ordinance for a portion of TMS#235-00-00-065**

Chairman Clift opened the floor to Staff. Ms. Hanson introduced Max Bosso, representative for Charter Schools USA. She added the proposed project is located within the Brickhope Plantation community, off Montague Plantation Road with an additional access off Liberty Hall Road. Staff detailed the location and the current builder developing in this neighborhood, noting their completion of this connection of the road to go all the way through from Highway 52 to Liberty Hall Road. Ms. Hanson noted that the section was not yet open, with some minor repairs still needing to be completed before Berkeley County can make the determination of when it will be open for through traffic. Ms. Hanson pointed out the proposed Charter School location on the overhead. She added the location is within the land use map for commercial and institutional use within Brickhope. Staff stated the reason they are requesting a variance from the City’s parking ordinance requiring about 332 spaces. Ms. Hanson stated that other municipalities require much less than what Goose Creek requires. She added they are proposing 153 spaces as opposed to the 332 spaces, noting the pick-up loop area as shown on the site plan offers 177 spaces. Staff stated that the current City parking requirements are not in conformance with some other municipalities, and hopes it can be granted to give less concrete to the project within the site. Staff stated no reservation in the variance being approved if the Board feels it meets the four criteria.

Chairman Clift opened the public hearing, and administered the testimony oath to all who were present to speak on behalf of or against the applications for the public hearings.

Mr. Max Bosso, representative for Charter Schools USA of Ryan Companies, introduced himself to the Board. Mr. Bosso stated that Charter Schools USA currently have 81 schools throughout

the US, similar to the one as proposed with the “racetrack” design loop around the school. He stated they currently work very well with no traffic issues, and serve as a model for other Charter and Government schools. Mr. Bosso noted that Ryan Companies have built and developed 25 schools in the past 7 years, and that this proposal would be number 26 along with 3 others throughout the U.S. Mr. Bosso presented the four criteria to assist the board in making their determination as follows:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property
  - a. The site has a unique shape and is not your standard “rectangle”
  - b. There are wetlands along the south side of the property as identified by the ACOE thus limiting the developable area of the property, and creating a hardship to provide all the required parking.
  - c. The requested variance is the minimum variance necessary to alleviate the hardship and make possible the reasonable use of the property under the strict application of the ordinance.
2. These conditions do not generally apply to other property in the vicinity
  - a. Other properties in the vicinity do not have to work around existing wetlands
  - b. The variance might not be required if the property were a customary shape.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
  - a. By granting the requested variance the design can maximize the efficiency of the total site area of the property.
  - b. Furthermore, the effect of the variance would be contained entirely on-site insofar as congestion would be contained to the site and limited to unusual events.
  - c. The unique nature of an elementary school creates an unusually and consistently low demand on parking.
4. The authorization of a variance shall not be of substantial detriment to adjacent property or to the public good, and the character of the district shall not be harmed by the granting of the variance.
  - a. The result of granting the variance will be a more functional site design which will not affect the use and value of the area adjacent to the property in a substantial manner.
  - b. The character of the district will not be harmed by the granting the variance.

- c. In the spirit of the ordinance and the zoning in which the property is located, the project will provide residents access to an alternative schooling system.

Mr. Bosso presented slides of similar projects to the Board, and explained the purpose of the pick-up lanes and the amount of students it would accommodate. He mentioned other requirements for parking spaces, noting that some municipalities break down the required amount of spaces by grade level of education. Mr. Monheit inquired about buses. Mr. Bosso stated there would be no buses on a daily bases, only for special occasions such as a field trip. Chairman Clift inquired if Mr. Bosso had any additional comments. Mr. Bosso stated that the 3 pick-up lanes plus the parking lot out front totaled 300 spaces, and with all four pick-up lanes and the front parking lot, it would total 345 spaces. There was an inquiry about how many employees would need parking. Mr. Bosso stated there would be around 79 employees. He detailed the student pickup and drop off process. There was a detailed discussion about this procedure, and the width of the lanes. There was an inquiry if there was a traffic study. Mr. Bosso stated they had hired a firm to conduct the traffic study, and it was somewhat difficult because the road has not been opened all the way through at this time. There was discussion in regards to the traffic impact analysis submitted to SCDOT and Berkeley County. There were concerns in regards to the volume of traffic, and the impact the school would have. Mr. Bosso assured the Board that it would not back up onto Henry Brown Boulevard, and mentioned the lanes fill up approximately three quarters of the way at the most. There was discussion about the different pick-up intervals for different grade levels K-8. Mr. Hayes inquired if the schools were typically enrolled at capacity. Mr. Bosso stated that out of all the current Charter USA schools, less than ten are not at capacity. Chairman Clift inquired about the anticipated completion date. Mr. Bosso stated opening start of school year 2017. There was a discussion about the sidewalks as part of the development.

Chairman Clift inquired if Staff had additional comments. Ms. Hanson suggested it be noted for the record no additional public was present. Chairman Clift stated there was no public present to approve or deny, or comment in regards to the request.

*Motion:* Mr. Monheit made a motion to close the public hearing. Mr. Volkmar seconded.

*Vote:* All voted in favor. (5-0)

*Motion:* Mr. Volkmar moved to approve the application for the variance from the parking requirements stated in Appendix A of the zoning ordinance of the City of Goose Creek having found that the application meets the conditions set forth for a variance as outlined in the zoning ordinance that the conditions are extraordinary relative to the property in question based on its unique shape, the wetlands, the variance making reasonable use of the property under the strict application of the ordinance, and the conditions surrounding the property in question are unique and do not apply to other properties in the area as they do not have those aforementioned wetlands, and the limitations of the unique shape. That the subject property may be uncommonly and unreasonably restricted by the strict enforcement of the

ordinance based on the design maximizing the efficiency of the site area, and the effect of the variance would entirely congest the area and create a sea of asphalt. That the granting of the variance would not adversely impact the adjacent properties or cause detriment to the public good, as the character of the district will not be harmed, in my opinion, and that the result will provide a much needed education facility for the community. Mr. Monheit seconded the motion.

*Discussion:* There was none.

*Vote:* All voted in favor. (5-0)

Chairman Clift opened the public hearing.

*Motion:* Mr. Monheit motioned to open the public hearing. Mr. Fisk seconded.

*Vote:* All voted in favor. (5-0)

Chairman Clift stated the Board had granted the variance.

#### **IV. Public Hearing – Request for Variance to Appendix D – Zoning Districts of the City’s zoning ordinance for property at 435 Old Mt. Holly Rd., TMS#234-07-05-042**

Chairman Clift opened the floor to Staff. Ms. Hanson introduced Mr. David Tracy, representative for the variance request on behalf of JW Aluminum. Staff stated they are requesting a variance from the front setback requirements of Appendix D of the zoning ordinance. Ms. Hanson presented the Board with an overview aerial of the property. She explained they are proposing to expand their facilities, and added that in order to expand they must expand backward from where they are now. Staff added they are in a very unique situation in that half of their property is within Berkeley County and half of the property is in the City. Ms. Hanson pointed out on the aerial view that the original plant is in the County for the most part, with the current storage yards in the City, noting that they are properly zoned for their use. She stated they are getting ready to abandon property lines in order for all the property within the City to become one parcel. Ms. Hanson explained that because the proposed expansion will be connected to their existing facility, as it needs to be for production, they cannot meet the front 50’ setback. There was discussion about the location of all property lines in the County and City. Staff noted typically the frontage would be a 50’ setback requirements, and with this being attached to the existing building it is somewhat considered the back of the building. Ms. Hanson stated that because of this unique situation Staff recommends the variance be approved if the Board feels it meets the four criteria.

Chairman Clift invited the applicant to speak on behalf of the variance as requested. Mr. David Tracy, of JW Aluminum, introduced himself stating he had been at the plant for 36 years. He also introduced Rick Vance, of JW Aluminum, that would also be available to answer any questions the Boards may have. Mr. Tracy noted that 16.6 acres are within the City boundaries at the rear of the plant. Mr. Tracy stated that Davis and Floyd are the engineers for the design of the expansion project. He explained that the request to reduce the front setback from 50’ to 0’ in order to allow the expansion of the existing aluminum manufacturing facility. Mr. Tracy presented the Board with the following comments in meeting the four criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:
  - a. The front interior property line is a municipal boundary line between Berkeley County and the City of Goose Creek.
2. These conditions do not generally apply to other property in the vicinity as shown by: There are no other large facilities in the area that contain a municipal boundary running through the center of the project site.
3. Because of these conditions, the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property as follows: Due to this condition, the property cannot be legally combined.
4. Authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:
  - a. JW Aluminum owns the property and currently operates plant activities within the City of Goose Creek municipal zoning district. Plant activities will continue to run as before but will be enclosed within the new building expansion.

There was discussion in regards to the improvement of the facility to keep it viable. Mr. Monheit inquired as to why the entire facility was not in the City limits. Mr. Tracy stated that would be determined by upper management. There was inquiry about the time frame for start of construction. Mr. Tracy stated that they were not fully funded, and are currently in the permitting process. He added that the storm water and drainage are currently with Berkeley County. Mr. Tracy added that they had gone before Berkeley County for a variance on the rear setback from 40' to 0', and they had granted it. Chairman Clift inquired if the parking across the street would need to be increased. Mr. Vance stated that the project would be completed in two phases, with this being the first phase. He added that if it was successful and viable, then phase two would assess the need for additional employees and parking. There was some discussion in regards to current productivity and the future processing to be the best aluminum processing facility in the world, not just within the United States. Mr. Vance stated they are currently in the preliminary part of the process. Mr. Tracy added that time and traffic studies have been done on the project as a whole. He added that they are looking at feasibility studies on the road. Chairman Clift inquired if there were additional comments from the applicants, and also inquired if the Board or Staff had additional comments. Ms. Hanson mentioned that JW Aluminum will meet all other requirements as far as setbacks, land use buffers, etc. She added this would be the only requirement that they cannot meet, and that the City created a zoning classification for this use in order to provide sufficient setbacks, and buffers.

*Motion:* Mr. Volkmar made a motion to close the public hearing. Mr. Fisk seconded.

*Vote:* All voted in favor. (5-0)  
*Discussion:* Mr. Volkmar stated he felt this was a very unique circumstance.  
*Motion:* Mr. Volkmar moved to approve the application for the variance from the setback requirements stated in Appendix D of the zoning ordinance of the City of Goose Creek having found that the application meets the conditions set forth for a variance as outlined in the zoning ordinance that the conditions surrounding the property in question are extraordinary based on the rear interior property line being a municipal boundary line between Berkeley County and the City of Goose Creek in the center of their manufacturing facility. Having found that the conditions surrounding the property in question are unique and do not generally apply to other properties in the area as there are no other large facilities in the area that contain a municipal boundary running through the center of the projects site. The use of the subject property may be uncommonly and unreasonably restricted by the strict enforcement of the ordinance, due to this condition the property cannot be legally combined, and that granting of the variance would not adversely impact the adjacent properties or cause detriment to the public good as JW Aluminum owns the properties on each side, and the plant will continue to run as before within the new enclosed building expansion. He added that JW Aluminum is an important portion of the community. Mr. Fisk seconded the motion.

*Discussion:* There was none.

*Vote:* All voted in favor. (5-0)

Chairman Clift opened the public hearing.

*Motion:* Mr. Monheit motioned to open the public hearing. Mr. Fisk seconded.

*Vote:* All voted in favor. (5-0)

Chairman Clift stated the Board had granted the variance. There was a brief discussion about the timeline.

## **V. Comments from the Board**

There was none.

## **VI. Comments from Staff**

Ms. Hanson mentioned the Planning and Zoning office was the point of contact if any City residents had experienced damage from Hurricane Matthew. She explained the procedures for those that had experienced damage, and at what point they contact FEMA. There was some discussion in regards to debris and pickup.

Ms. Hanson mentioned that she had been approved as a facilitator for Boards and Commission continuing education training. She stated she would be contacting members to notify them of times that would be made available to attend the training sessions.

Staff mentioned there would need to be an organizational meeting to elect officers before the end of the year. There was discussion on who would need to be renewed to their position. It was determined that Jason Dillard, Larry Monheit and Gerald Stinson would be up for renewal.

## **VII. Adjournment**

Mr. Volkmar made a motion to adjourn. Mr. Hayes seconded. All voted in favor. The meeting ended at or about 7:23 p.m.

\_\_\_\_\_ **Date:** \_\_\_\_\_, 2016  
**Butch Clift, Chairman**

**STAFF REPORT  
CONDITIONAL USE PERMIT  
APPLICATION FOR  
PROPERTY LOCATED AT LIBERTY HALL ROAD AND HENRY BROWN BLVD.  
TMS# 244-00-00-065**

Date of Meeting:	November 29, 2016
Subject:	Request for Conditional Use Permit for Multi-Family Use – Liberty Hall Road

**Proposal:**

The developer proposes to develop an apartment community totaling up to 180 apartment units.

**Background:**

The property consists of approximately 41 acres located along Liberty Hall Road as well as along Henry Brown Blvd. The property is located adjacent to the Birch Hollow mobile home community. Of the 40 acres, only approximately 20 acres are considered developable due to the presence of wetlands. The property was recently rezoned from Planned Development Mobile Homes (PDMH) to General Commercial (GC). Once planned to be developed for a large mobile home community, the owner of the property wishes to have approximately 14 acres of the location approved for multi-family use with the balance of the highland reserved for general commercial use. Per the City's zoning ordinance, multi-family use must be approved through a Conditional Use Permit (CUP).

Until the developer has CUP approval, engineered plans are not required. Upon approval, engineered civil plans, architectural plans, and construction plans must be submitted to Staff for review and permitting.

**Discussion:**

The proposed site plan submitted to Staff to date is preliminary but has been revised to meet the City's buffer and open space requirements. The project will be required to go through typical staff review and must meet or exceed all applicable zoning requirements, particularly regarding landscaping, land use buffering, storm water, density, and consistency with the area's aesthetics. Any approvals or conditions granted by the ZBA will be subject to the project conforming to ordinance requirements.

The site is especially restricted as a whole because of wetland, flood hazard zones, and a tributary that runs through the property. The site plan is created along these natural challenges. The 180-unit count would allow for the natural development along the northern boundary of the current mobile home community and stay within the density, buffering, and parking requirements needed to meet the zoning ordinance while also working within the natural components of the property. The site plan submitted is by no means a final site plan but rather illustrates the possible density within the given space.

A tree survey has also been submitted, as required per the zoning ordinance, and there are a number of significant (defined in the zoning ordinance as 24" or greater in diameter) oaks located on the property.

Also on the property are several flowering dogwoods. As indicated on the site plan, many of these are noted to be removed. Staff has voiced concern about the removal of these, particularly the larger oaks, and has requested that the final site plan be designed as creatively as possible to allow for as many of these trees as possible to remain. Mitigation for the removal would be significant, but Staff always prefer the mature canopy vs. a large amount of new, smaller trees being planted per mitigation.

Because this property was initially zoned and intended for the development of a very large mobile home community, the recent rezoning offers the possibility of a less dense development than the original plan.

Please be aware that per the development agreement currently in place for the Brickhope Plantation community on the opposite side of Liberty Hall Road and Henry Brown Blvd. a total of 525 multifamily units have been approved for possible development 1.5 miles from this site.

**Recommendation:**

As previously mentioned, the site plan provided is conceptual at best. The property owner is requesting that the Board approve the multi-family use to ensure that future owners of the property have the multi-family option available and so the property can be marketed as such. Per the zoning ordinance the Board may attach any conditions on its decision such as maximum density, site restrictions, etc. that it considers important or imperative.

Staff has concerns regarding the number of multi-family communities being developed within the City at this time. However, this location is very much removed from those currently being built and an apartment community would provide less density and must less of an impact on the traffic and services than a significant mobile home community. The multi-family component within Brickhope could be a mix of apartments and townhomes, but no information is available now as to future plans. Any approval for the multi-family would have to come before the ZBA for review as well.

Staff would ask that any approvals be conditional upon Staff approval of the architectural design of the complex, sufficient buffering between communities, and any other specifics the Board may require. In addition, Staff would ask that a maximum number of units be specified or that the density be governed by the ability to save as many trees defined within the zoning ordinance as “significant” as absolutely possible even if requiring the repositioning of buildings, the use of low impact development standards for parking areas, the relocation of driveways, etc.



# REZONING PROFILE

DEPARTMENT OF PLANNING AND ZONING

STATUS REPORT

DATE: JULY 27, 2016

TMS#:

244-00-00-065

The applicant requests to rezone the parcel located at the corner of Liberty Hall Road and Henry Brown Jr. Blvd. The property is currently zoned (PD-MP) Planned Development-Mobile Home. The applicant is requesting to rezone the parcel to General Commercial (GC) zoning. Approximately 50% of the parcel is wetlands.

OWNER/DEVELOPER:

Darby Tract

ACRES:

40.16 Acres

LOCATION:

Liberty Hall Rd./ Henry Brown Jr. Blvd.

CURRENT ZONING:

Planned Dev./Mbl. Hm. (PD-MH)

PROPOSED ZONING:

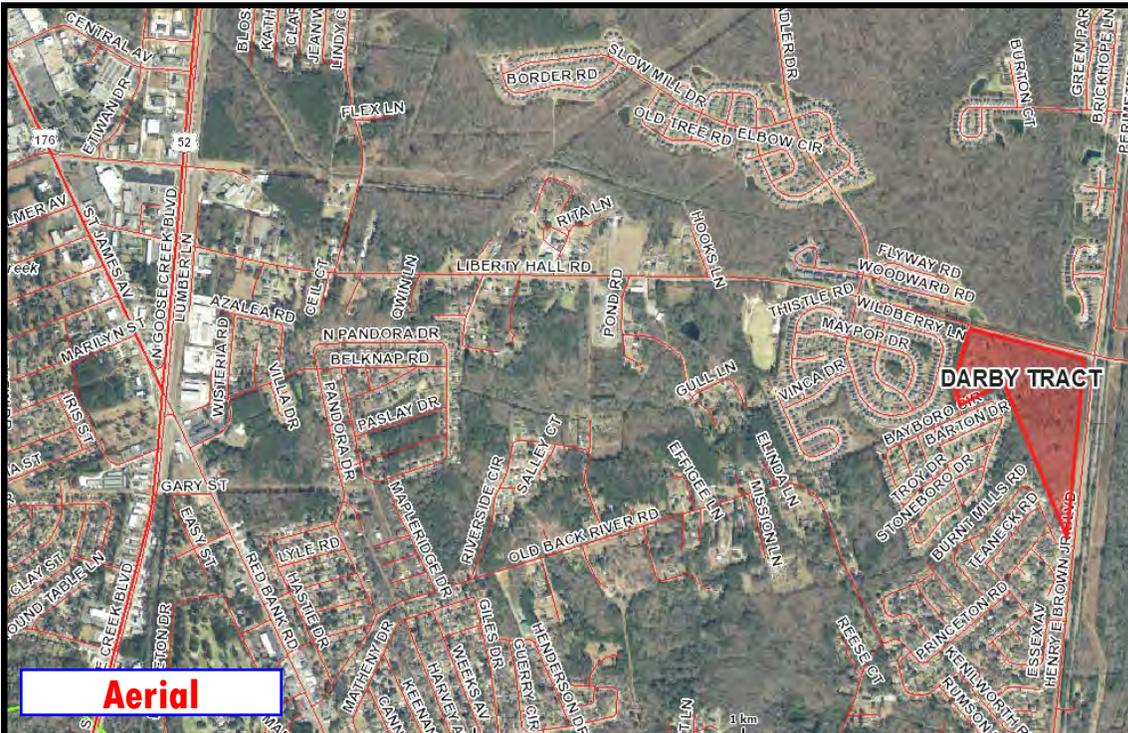
General Commercial (GC)

PROPOSED USE:

Multi-Family / General Commercial



Street View from Brickhope Entrance



Aerial





CITY OF GOOSE CREEK LAND USE APPLICATION

TODAY'S DATE: October 18, 2016

PART I. PURPOSE OF SUBMITTAL

- Site Plan, Subdivision Plan, Plat Review, Variance, Rezoning, Conditional Use Permit

PART II. GENERAL INFORMATION

- Development Name: Liberty Hall Tract
Street Address: 7397 Henry E. Brown Blvd.
TMS #: 244 - 00 - 00 - 065
Zoning Classification: PD-MH
Requested Classification: GC (For rezonings only)
Total Site Acres: 41.161

Table with 2 columns: Zoning District Name and Description. Includes CO, LI, R-1, R-2, R-3, GC, NC, PD, PD-MH.

PART III. CONTACT INFORMATION

Owner/Developer Name: RAGS LLC OF CHARLESTON
Street Address: 4142 DORCHESTER ROAD City: CHARLESTON St: SC Zip: 29405
Telephone: 843-554-1030 Cell Phone: 843-514-2807 Fax: 843-566-9952
E-mail Address: darby1361@comcast.net

PART IV. SUBMITTAL INFORMATION (IF APPLICABLE)

Proposed Building Use: Multi-family Housing
Proposed Total Building Area (gross sq. ft.): To Be Determined to meet multi-family standards and open space requirements for
Max. Building Height: 45' Total Number of Buildings/Units/Lots: apartments
Is The Property Restricted by Any Recorded Covenant Which Conflicts With or Prohibits The Proposed Use: no

AGENT WAIVER

In filing this plan as the property owner, I do hereby agree and firmly bind myself, my heirs, executors, administrators, successors and assignees jointly and severally to construct all improvements and make all dedications as shown on this proposed site plan as approved by the City of Goose Creek, South Carolina. I hereby designate Mike Ferrer or Danny Forsberg to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meetings regarding this application.

Print Name: R. Gordon Darby Date: October 18, 2016
Signature: [Handwritten Signature]

# Darby Development Company, Inc.

4142 DORCHESTER ROAD  
CHARLESTON, SOUTH CAROLINA 29405

TELEPHONE 843/554-1030

FAX 843/566-9952

November 21, 2016

Ms. Sarah Hanson, Director  
Planning & Zoning  
City of Goose Creek  
P.O. Box 1768  
Goose Creek, SC 29445

Re: Liberty Hall Tract

Dear Ms. Hanson:

The following responses are in the same order as that of the zoning ordinance.

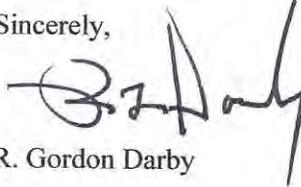
1. All setbacks, buffers, fences or planning strips to protect adjacent properties will be done subject to zoning regulations and review by the city's planning staff.
2. Vehicular traffic flow will be less than that of general commercial use. Also, traffic flow created by apartments on a per unit basis is less than that created by single-family and mobile homes per unit. The property was previously zoned mobile home use.
3. See attached site plan.
4. The proposed use is to build quality apartments which will enhance the integrity of the site. Nearby areas will by no means be deteriorated.
5. The previous zoning for the property was for mobile home use and the currently proposed use will be in accordance with the purpose and intent of the city's comprehensive plan.
6. Plans for the proposed use will be compatible with existing neighborhood character and final plans are subject to staff review.
7. The proposed use will not adversely affect surrounding land use and will comply with all standards subject to staff review. The plans are subject to review and approval by city staff.
8. Under no circumstances will the proposed use be detrimental to the public health and welfare of the city and its citizens.

9. The site is strategically located at the intersection of Henry Brown Blvd. and Liberty Hall Road, and vehicular traffic will not be a problem. It should also be noted the site's location is on 20.762 acres of high land conveniently buffered on the north and east by a 20.4 acre wetland which is beautifully inhabited by live oak trees and other species of grand trees which greatly add to the natural beauty and seclusion of the site.
10. Large oaks and grand trees will be saved. There are no historic features on the site.

I have asked Danny Forsberg to electronically send the preliminary site plan.

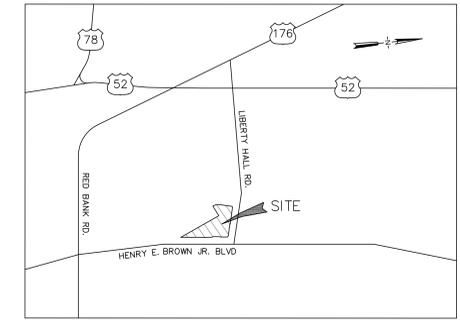
I look forward to the zoning hearing on November 29.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Gordon Darby". The signature is stylized with a large initial "R" and a long, sweeping underline.

R. Gordon Darby

RGD/dlw



LOCATION MAP  
NOT TO SCALE

- TREE LEGEND:**  
 B - BEECH  
 CW - COTTONWOOD  
 DM - GRAPE MYRTLE  
 DW - DOGWOOD  
 G - GUM  
 H - HICKORY  
 O - OAK  
 P - PINE  
 DBL - DOUBLE  
 TRP - TRIPLE

- LEGEND:**  
 CMF - CONCRETE MONUMENT FOUND  
 RPF - IRON PIPE FOUND  
 PVC - POLYVINYL CHLORIDE PIPE  
 RBF - REBAR FOUND  
 RCP - REINFORCED CONCRETE PIPE  
 R/W - RIGHT-OF-WAY  
 CP - COMPUTED POINT (NO PROPERTY CORNERS SET)  
 EBOX - ELECTRICAL BOX  
 TEL - TELEPHONE PEDESTAL

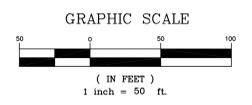
- LINE LEGEND:**  
 --- RIGHT OF WAY  
 --- ADJACENT PROPERTY  
 --- EXISTING SEWER LINE  
 --- NS --- NEW SEWER LINE  
 --- EASEMENT  
 --- CENTER LINE

**NOTES AND REFERENCES:**

- 1) THE TMS # IS 244-00-00-065.
- 2) THE PROPERTY IS OWNED BY RAGS LLC OF CHARLESTON.
- 3) THE TOTAL AREA OF THE PARCEL IS 41.161 ACRES.
- 4) THIS SURVEY DOES NOT REFLECT A BOUNDARY SURVEY. BOUNDARY INFORMATION FOR THIS SURVEY TAKEN FROM REFERENCE No. 6 AND RIGHTS-OF-WAY FOR LIBERTY HALL RD AND HENRY E. BROWN JR. BLVD TAKEN FROM REFERENCE No. 10.
- 5) IN REFERENCE TO FEMA FLOOD MAP 45019C06850 DATED OCTOBER 16, 2003 THE PROPERTY APPEARS TO LIE IN FLOOD ZONE AE 9 AND FLOOD ZONE X.
- 6) REFERENCE PLAT BY SAMUEL C. BETHA TITLED "SUBDIVISION PLAT OF ONE PARCEL AND RESIDUAL TRACT KNOWN AS BRIAR RIDGE" DATED JUNE 19, 2001 AND RECORDED IN CHARLESTON COUNTY RMC OFFICE IN PLAT CABINET P PAGE 44A.
- 7) REFERENCE PLAT BY WILLIAM H. MITCHELL DATED OCTOBER 2, 1980 AND RECORDED IN BERKELEY COUNTY RMC OFFICE IN PLAT CABINET D PAGE 192.
- 8) REFERENCE PLAT BY WILLIAM H. MITCHELL DATED JULY 15, 1980 AND RECORDED IN BERKELEY COUNTY RMC OFFICE IN PLAT CABINET D PAGE 156.
- 9) REFERENCE PLAT BY D. E. FRANKLIN DATED JULY 31, 1984 AND RECORDED IN BERKELEY COUNTY RMC OFFICE IN PLAT CABINET F PAGE 172.
- 10) REFERENCE SCDOT PLANS FOR PROJECT ID No. 0039389 DATED JUNE 6, 2010 SHEETS 11-13, 25, 26.

**SITE DATA:**

- 1) PROPOSED BUILDINGS ARE 12-PLY WITH 3 STORIES AND 3 BEDROOM UNITS. 15 PROPOSED BUILDINGS W/ 12 UNITS EACH = 180 TOTAL UNITS.
- 2) PARKING COUNT: 180 UNITS x 2 PARKING SPACES/UNIT = 360 SPACES REQUIRED  
342 SPACES AVAILABLE
- 3) GREEN SPACE: 180 UNITS x 1000 SF/UNIT x 0.375 = 1.55 ACRES REQUIRED
- 4) LAND AREA: 180 UNITS x 2950 SF REQUIRED/3 BR UNIT = 12.19 ACRES REQUIRED



**PRELIMINARY SITE PLAN  
 FOR A TRACT OF LAND OWNED BY  
 RAGS LLC OF CHARLESTON, TMS # 244-00-00-065  
 LOCATED IN BERKELEY COUNTY, SOUTH CAROLINA  
 DATE: AUGUST 10, 2015**

**FORSBERG ENGINEERING  
 AND SURVEYING, INC.**  
 1587 SAVANNAH HIGHWAY SUITE B  
 P.O. BOX 30575  
 CHARLESTON, SOUTH CAROLINA 29417  
 (843) 571-2622 FAX (843) 571-8780  
 CIVIL ENGINEERING, SURVEYING  
 AND LAND PLANNING

