MINUTES

**CITY OF GOOSE CREEK**

**ZONING BOARD OF APPEALS MEETING**

**NOVEMBER 29, 2016 6:30 P.M**.

**GOOSE CREEK MUNICIPAL COURTROOM**

**519 N. GOOSE CREEK BOULEVARD**

1. **Call to Order –** Chairman Clift called the meeting to order at 6:35 p.m.

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

Absent: None

Staff Present: Sarah Hanson

1. **Review of Minutes from August 30, 2016 Meeting, and October 18, 2016 Meeting**

*Motion:* Mr. Volkmar made a motion to approve the minutes as written. Mr. Monheit seconded.

*Discussion:* There was none.

*Vote:* All voted in favor. (7-0)

1. **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.**

Motion: Mr. Monheit made a motion to open the public hearing. Mr. Dillard seconded.

Vote: All voted in favor.

Chairman Clift opened the floor to Staff. Ms. Hanson pointed out the property location. Staff stated the property consists of approximately 41 acres located along Liberty Hall Road as well as along Henry Brown Blvd. She noted the property is located adjacent to the Birch Hollow mobile home community. Ms. Hanson also mentioned that of the 40 acres, approximately 20 acres are considered developable due to the presence of wetlands. She added that the property was recently rezoned from Planned Development Mobile Home (PDMH) to General Commercial (GC). Staff stated that when someone wants to use a property that is zoned GC for a multi-family use, a Conditional Use Permit approval by the ZBA is required. Ms. Hanson mentioned the plans, to date, are preliminary with revisions to meet the City’s buffer and open space requirements. Staff specified the project will be required to go through a typical Staff review, should it be approved, and must meet or exceed all applicable zoning requirements. She noted requirements would consist of landscaping, land use buffering, storm water, density, and consistency with the areas aesthetics. Ms. Hanson also mentioned any approvals or conditions granted by the ZBA would be subject to the project conforming to ordinance requirements. Ms. Hanson mentioned that the site is especially restricted as a whole because of wetland, flood hazard zones, and a tributary that runs through the property. She further detailed the project to include a 180-unit proposal that 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, noting the site plan as submitted is by no means a final site plan but rather illustrating the possible density within the given space.

Ms. Hanson mentioned a tree survey had been submitted, as required per the zoning ordinance, and that there are several significant (defined in the zoning ordinance as 24” or greater in diameter) oaks located on the property. She pointed out that the property also has several flowering dogwoods, mentioning that these are also protected as per the tree ordinance. Staff 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 to remain, adding mitigation for the removal would be significant, but Staff always prefers the mature canopy vs. a large amount of new, smaller trees being planted per mitigation. Ms. Hanson stated that 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. Staff wanted to ensure the Boards awareness that per the development agreement currently in place for the Brickhope Plantation community, on the opposite side of Liberty Hall Road and Henry Brown Boulevard, a total of 525 multi-family units have been approved for possible development 1.5 miles from this site.

Ms. Hanson stated that 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. She added that 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 stated additional concerns regarding the number of multi-family communities being developed within the City at this time. She also added that this location is very much removed from those currently being built and an apartment community would provide less density and much less of an impact on the traffic and services than a significant mobile home community. Ms. Hanson suggested the multi-family component within Brickhope could be a mix of apartments and townhomes, but no information is currently available presently for future plans. She noted any approval for the multi-family use would have to come before the ZBA for review as well at Brickhope.

Staff finalized her comments by asking 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. Ms. Hanson stated that in giving those conditions, indicating the area designated for commercial development on the Henry Brown Boulevard side and the multi-family use reserved for the other portion of the total property, Staff has no objection to the use for multi-family.

Chairman Clift invited a representative to speak on behalf of the multi-family. He administered the testimony oath to all who were present to speak on behalf of or against the application.

Mr. Gordon Darby, property owner, along with Mike Ferrara introduced themselves to the Board. Mr. Darby stated he had no additional comments to Staff, and would be happy to answer any questions. Chairman Clift inquired with Mr. Darby on the status of preliminary plans. Mr. Darby stated they currently have a preliminary site plan to date with approximately 180 units. He added that the property is heavily wooded. Mr. Mike Ferrara stated that much of the buffer aligns naturally with the highway, and will provide a nice screening. He detailed the trends for multi-family within the area. Mr. Ferrara stated 50% of the property cannot be developed, and mentioned the density and the impact will be lower than the existing use. Mr. Volkmar outlined the specifics the Board is required to consider, and addressed the type of buffering to be used. Mr. Darby explained the plans will meet, within reason, what the City of Goose Creek requires. Mr. Volkmar addressed the criteria to be met. There was discussion in regards to the land use and impact on traffic, and specifics to be required. Mr. Darby mentioned apartments have management, unlike single family homes.

Chairperson Clift opened the floor for anyone to speak in favor of the multi-family unit. There was none. Chairperson Clift opened the floor for anyone to speak against the multi-family unit. Ms. Julie Greer, of Birch Hollow, spoke in opposition of the request. Ms. Greer stated concerns for the development, parking, traffic and safety of the area. She added concerns of transient residents, having only one access to the neighborhood, traffic volume increasing, along with current flooding issues. Mr. Dillard inquired if Ms. Greer had a petition to speak for the other residents. Ms. Greer did not. There was discussion about access and egress into the existing neighborhood, and discussion about a separate entrance for this development. Mr. Dillard stated his understanding for the concerns as presented by Ms. Greer. Mr. Ferrara stated they are trying to establish a good development with a separate access, and feels it will benefit the community.

Chairman Clift swore in Mr. Tim Burke, and Mrs. Robin Burke. Mrs. Burke stated favor for an apartment community, and the process for a Conditional Use Permit. She inquired about the quality of the apartments.

Chairman Clift opened the floor to Staff to summarize the request. Ms. Hanson detailed the substantial buffer located between the mobile home park and the proposed apartment complex, and added that Mr. Darby has received permission from SCDOT to incorporate a separate access to the community off Liberty Hall Rd. She noted the parking regulations, and the approved uses for a commercial zoning classification.

Mr. Tim Burke expressed concerns for traffic and traffic lights in this area. Mr. Monheit directed Mr. Burke to inquire with SCDOT. Mr. Burke also expressed concerns for lighting and the condition of the existing sidewalks.

Mr. Monheit made a motion to close the public hearing. Mr. Volkmar seconded. All voted in favor.

There was a discussion about reserving the existing tree line, buffer areas, and the existing natural resources with 24” hardwoods and flowering species to be saved.

Mr. Monheit made a motion to open the public hearing. Mr. Dillard seconded. All voted in favor.

Mr. Darby noted the existing trees and the process of clearing.

Mr. Volkmar made a motion to close the public hearing. Mr. Hayes seconded. All voted in favor.

There was discussion about tasking Staff to determine the percentage of existing trees to retain, substantial structural buffers, and preliminary site plan approval. Chairman Clift suggested adding the following language to the motion; the project must meet or exceed the open space requirement per the ordinance, meet or exceeds the aesthetics of apartment complexes being built in the City, and the rest of the property be reserved for commercial use only.

*Motion:* Mr. Volkmar made a motioned to approve the application for a Conditional Use Permit for new construction of a multi-family project on the property located at Liberty Hall and Henry Brown Boulevard, conditional upon the project meeting the following conditions in accordance with Section 151.171 of the code of ordinances of the City of Goose Creek: having found that the application satisfied the thirteen criteria that was discussed previous for the conditional use permit as outlined in Section 151.171(c) of the zoning ordinance, the approval is subject to the condition that 50% of the healthy significant trees and natural resources as identified in the City tree ordinance be maintained, conditional upon 180 units being approved, conditional upon substantial structural buffers being constructed with regard to the adjacent residential properties, conditional upon it meets or exceeds the aesthetics of the apartments being built in the City at this time, and conditional upon the rest of the buildable portions of the property be reserved for commercial development, and the access/egress is not on Barksdale. Mr. Hayes seconded.

*Discussion:* There was none.

*Vote:* All voted in favor.

Chairman Clift stated the Board had approved the conditional use permit.

1. **Comments from the Board**

There was discussion about needs for security for meetings. Mr. Dillard made a motion to request security be provided during meetings. Mr. Hayes seconded. All voted in favor.

1. **Comments from Staff**

Ms. Hanson thanked the Board for the conditions as motioned. There was discussion about upcoming and current multi-family development, and the review process. Staff mentioned a map to be developed showing all apartment communities. There was a brief discussion in regards to conditions for future approvals. Staff mentioned the intentions for training. Ms. Hanson also outlined the existing tree ordinance and the vested rights law.

1. **Adjournment**

Mr. Volkmar made a motion to adjourn. Mr. Monheit seconded. All voted in favor.

The meeting ended at or about 8:07 p.m.

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**Butch Clift, Chairman**