



THE CITY OF
GOOSE CREEK

BERKELEY CO. **EST. 1961** SO. CAROLINA

**ZONING BOARD OF APPEALS
WEDNESDAY, JUNE 19, 2019
6:30PM**

**MARGUERITE BROWN MUNICIPAL CENTER
CITY HALL COUNCIL CHAMBERS
519 N. GOOSE CREEK BLVD.
GOOSE CREEK, SOUTH CAROLINA**

MEMORANDUM

TO: MEMBERS OF THE ZONING BOARD OF APPEALS

FROM: BRENDA M. MONEER
PLANNING TECHNICIAN

DATE: JUNE 12, 2019

SUBJECT: MEETING NOTIFICATION

WHERE: CITY HALL COUNCIL CHAMBERS

This is to remind everyone that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, June 19, 2019 at 6:30 p.m. at City Hall.

You will be hearing one request for a Conditional Use Permit. Please see the enclosed staff reports for the details and ordinance criteria for granting a conditional use as outlined below.

Should you have any questions or comments prior to Monday's meeting, please don't hesitate to contact myself (x.1116) or Mark Brodeur, Planning Director(x.1118) at 843-797-6220.

CONDITIONAL USE PERMIT CRITERIA

(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 ([Appendix 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 ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.

(D) In exercising the above powers, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify the fact to the circuit court having jurisdiction.

(1985 Code, Art. IX, § 902) (Ord. 99-006, passed 4-13-1999; Ord. 99-013, passed 8-10-1999)



**CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS**

AGENDA

**WEDNESDAY, JUNE 19, 2019 AT 6:30PM
MARGUERITE BROWN MUNICIPAL CENTER
CITY HALL COUNCIL CHAMBERS
519 N. GOOSE CREEK BLVD.**

- I. CALL TO ORDER** – Chairman Butch Clift

- II. REVIEW OF MINUTES:** Oct. 4, 2017, May 16, 2018,
July 11, 2018, April 8, 2019

- III. PUBLIC HEARING** – TO SOLICIT PUBLIC INPUT
CONCERNING A CONDITIONAL USE PERMIT FOR
DEVELOPMENT OF AN ADDITIONAL PHASE WITHIN AN
APARTMENT COMPLEX LOCATED OFF ST. JAMES AVENUE
(TMS#234-00-00-139).

- IV. COMMENTS FROM THE COMMISSION**

- V. COMMENTS FROM STAFF**

- VI. ADJOURNMENT**

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
October 4, 2017 6:30 P.M.
GOOSE CREEK COUNCIL CHAMBERS
519 N. GOOSE CREEK BOULEVARD**

I. CALL TO ORDER:

Chairman Clift called the meeting to order at 6:32 p.m. He initiated the Pledge of Allegiance and a moment of silence.

II. ROLL CALL:

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance. Mrs. Moneer initiated roll call.

Present:	Butch Clift, Jason Dillard, James Fisk, Ralph Hayes, Larry Monheit, Gerald Stinson, Thomas Volkmar
Absent:	None
Staff Present:	Kara Browder, Brenda Moneer

III. PUBLIC HEARING: REQUEST FOR VARIANCE FROM FRONT SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 103 WATERSTONE WAY, DESIGNATED AS TMS 234-10-01-039.

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Ms. Browder stated the applicant request a variance from the front setback of the property located at 103 Waterstone Way. She stated the City's Zoning Ordinance requires a thirty (30) foot front set-back and the applicant is requesting a setback of twenty-five (25) feet. Ms. Browder presented a copy of the permit to each board member which was originally submitted with stairs encroaching into the front setback by five (5) feet. She stated it was explained to the applicant that there was a setback requirement. The applicant then provided a revised site plan that met the setback requirement.

Mr. Richard Dresel Jr., the applicant, stated his full intention was to meet the setback requirements as he presented to the Board the revised site plan. He stated due to an error in measurement, he is requesting a variance of an additional five (5) feet. He stated the packet presented to the ZBA includes photos of multiple homes that have encroached into the thirty (30) foot setback in his neighborhood. Ms. Browder stated the photos that Mr. Dresel presented are homes located on Loganberry Circle. She stated City staff researched homes on Waterstone Way to which all met the thirty (30) foot setback.

Mr. Dresel stated the extraordinary condition for the variance is that he needs stairs to get into the front porch. He stated he does not feel it affects other properties on his street. Board Member Volkmar stated that Mr. Dresel was aware of the encroachment because he modified the original set of plans.

For the record of the minutes nobody from the public spoke for or against the request.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion occurred amongst board members.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion occurred between the Board and Mr. Dresel regarding a discrepancy of the number of stairs on the different site plans. Mr. Dresel stated the numbers on paper are guidelines.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion occurred amongst board members.

BOARD MEMBER MONHEIT MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER HAYES SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

MOTION: A motion was made to deny the application variance for the front and rear setback requirements of the residential structure for the property located at 103 Waterstone Way, TMS 234-10-01-039; having found that the application did not satisfy the four (4) criteria requirements as set forth for the variance outline in section § 151.171(C) of the Zoning Ordinance. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (7-0), none opposed. Motion carried.

IV. 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, FOR THE PROPERTY DESIGNATED AS TMS 244-01-01-059, AUTO SUPPLY DRIVE.

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Ms. Browder stated this request is for a variance to section § 151.082 DESIGN STANDARDS (F)(1) No building shall be placed on a lot not located on an existing publicly maintained paved street. She stated this property is located on Auto Supply Drive. She stated the same request came before the board in August of 2016 by a different applicant. Ms. Browder stated this request comes before the board a second time in reference to section § 151.174 DECISIONS OF THE ZBA (B)(3) Upon approval of an application for the appeal, the applicant shall apply for occupancy or construction permits within sixty (60) days after the ZBA's decision. She stated the original applicant did not apply for a construction permit within that sixty (60) days which is why the new applicant, Phoenix Landscaping of Charleston Building, is making this request.

Mr. Trey Linton with Forsberg Engineering spoke on behalf of the owner Phoenix Landscape Management. Mr. Linton stated it is their view that this property meets the full requirements that would result in an unnecessary hardship. Mr. Linton stated it is their understanding that this property previously received a variance for the same section in the Ordinance. He stated the paved road currently ends prior to their property. He stated it is part of the owner's future plans to extend Auto Supply Drive with asphalt pavement to the site. Mr. Linton stated without a variance; this piece of property would be unusable hence the applicant considers to be an extra ordinary circumstance.

Mr. Linton stated this project will be completed in a timely manner as plans have already been submitted to the Planning Commission and Berkeley County Stormwater. Board Member Hayes inquired if the applicant would be responsible for all future upkeep of that piece of property. Ms. Browder stated yes that is correct.

For the record of the minutes nobody from the public spoke for or against the request.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER HAYES SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion occurred amongst board members.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER HAYES SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

MOTION: A motion was made to approve the variance request for the access road for the property located at TMS 244-01-01-059, Auto Supply

Drive; having found that the application satisfies the criteria requirements set forth in the variance as outline in sectioned § 151.171 (C) of the Zoning Ordinance with the following condition; the developer will extend the access road to provide access to the site and maintain that road. **MOVED BY** Board Member Volkmar **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (7-0), none opposed. Motion carried.

V. PUBLIC HEARING: REQUEST FOR VARIANCE FROM BUFFER REQUIREMENTS AND SIGN HEIGHT REQUIREMENTS FOR THE COMMERCIAL DEVELOPMENT FOR THE PROPERTY DESIGNATED AS TMS #234-00-00-047, PLANTATION NORTH BOULEVARD.

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

The applicant requests a sign variance for the Goose Creek Village project. Ms. Browder stated the proposed development is considered a Shopping/Commercial Center in accordance with section §151.028 DEFINITIONS OF WORDS AND TERMS. Shopping/ Commercial Center is a Business Use of land which locates two or more separately licensed businesses on a common parcel or parcels sharing access. She stated there are different sign requirements for shopping centers. She stated the applicant will go through the process to secure a sign permit and will have to appear before the Architectural Review Board (ARB). Ms. Browder stated if the ZBA agrees that this property is defined as a shopping center, this request is not needed at this time.

The applicant had nothing to present.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion occurred amongst board members. It was stated no vote was needed since this request was not applicable.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Mr. Gary Berenyi (Owner) and Mr. Dean Cooper (Senior Engineer) with Hoyt and Berenyi introduced themselves. Chairman Clift stated the applicant is requesting a variance of section §155.085 (correct section in Ordinance is §151.085) which requires a Buffer 3 between General Commercial (GC) and Residential High Density (R3) zones for developments that are larger than

five (5) acres. He stated the applicant is requesting a variance to reduce the width requirements of Buffer 3 from fifty (50) feet to thirty-four (34) feet between this GC zoned property and the adjoining R3 zoned property to the west.

Ms. Browder stated the applicant is requesting a variance for the side buffer. Mr. Cooper stated there are several reasons for this request. He stated on the south half of the property there are wetlands and a flood plain that consumes over half of the property . He stated this does not allow us to utilize the property to it's fullest potential. He stated that forces the development to spread further in an east west fashion. Mr. Cooper stated without this variance approximately twenty (20) parking spaces and close to a thousand (1000) square feet of building number one (1) would be lost. He stated there is an existing vegetated row that is along the west side that would not be touch as it provides a very good screen. Mr. Cooper stated there is also a very large drainage ditch between us and the neighboring property. He stated there are physical barriers that currently exist, and they can certainly meet all the landscaping requirements to provide the necessary screening and landscaping within buffer.

Board Member Monheit inquired if the applicant was aware that wetlands existed on the property when it was purchased. Mr. Cooper stated yes. Board Member Hayes suggested that building number one (1) be shifted. Mr. Berenyi stated it is more complex than moving buildings. He stated the property is an old fill site. He stated they have done test bits down to twelve (12) feet and discovered trees and vegetation in that depth. He stated this site will have to be mucked out six (6) feet and then new material must be brought back onto this site. He stated this is why the density currently laid out in the plan makes it work. Mr. Berenyi stated there are five (5) new restaurants coming into this development to which leases have already been signed. He stated additionally we are working with the City to develop the round about to be a historical element which requires the parking that is shown around the traffic circle.

Mr. Berenyi stated the existing buffer will not be impacted. He stated the landscape plan is to add to the buffer located on the edge. He stated the wetland will not be impacted. Board Member Volkmar inquired if Mr. Berenyi would be okay if a condition was added to increase a physical barrier that would make up the fifteen (15) feet. Mr. Berenyi stated absolutely. Board Member Monheit expressed his concerns with this development being close to residential homes regarding lighting and noise. Mr. Berenyi stated they met the parameters of the Architectural Review Board (ARB) with low density lighting. He stated the standard buffer requirement for a commercial development is typically ten (10) to fifteen (15) feet to which they will provide thirty-six (36) feet.

Ms. Janet Driggers of Westminster Heights stated she is concerned with the additional flooding, noise, and traffic this development will bring. She stated she is not comfortable with this development. Board Member Volkmar stated that having this development may help with the drainage as the developer would need to stabilize this issue. Board Member Monheit inquired if the ditch behind the Walmart is on the developer's property. Mr. Cooper stated half is on the property and the other half is on the residential side. Mr. Cooper stated it is a drainage easement maintained by the county.

Mr. Berenyi stated the back of the development is on the flood plain. He stated everything behind it towards the wetland cannot be above existing grade because it would affect the flood way. He stated everything being done is down stream from the upstream drainage ditch, and with a little maintenance the drainage will improve. Board Member Volkmar inquired about a physical barrier. Mr. Berenyi stated he would propose an opaque fence along the backside of the parking area in order to keep the existing vegetative buffer that is there. He stated if the fence is moved closer to the drainage easement it would be difficult to maintain the drainage easement.

Mr. James Fields of Westminster Heights shared his concern with drainage and stated he wants as much buffer as possible between anything commercial and residential. He stated he wants restaurants in the City but does not want the restaurants on top of him.

BOARD MEMBER MONHEIT MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER VOLKMAR SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion occurred amongst board members.

BOARD MEMBER MONHEIT MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER VOLKMAR SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

MOTION: A motion was made to approve the application for the variance from the western setback requirement for the development as discussed for the property located at TMS 234-00-00-047 Plantation North Blvd; having found that the application satisfies four (4) criteria requirements set forth for the variances outline in section §151.171(C) of the Zoning Ordinance with the following conditions; a ten (10) foot opaque sound dampening barrier with additional plantings be installed on the western property boundary to enhance the buffer that is being reduced from fifty (50) feet to thirty-four (34) feet. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: Board Member Hayes, Board Member Dillard, Board Member Fisk, Board Member Monheit, Board Member Stinson and Board Member Volkmar voted in favor. Chairman Clift opposed. Motion carried. (6-1)

BOARD MEMBER MONHEIT MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER DILLARD SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Chairman Clift stated the Public Hearing will be closed for five (5) minutes.

BOARD MEMBER MONHEIT MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER DILLARD SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

VI. PUBLIC HEARING - APPLICATION FOR CONDITIONAL USE PERMIT FOR A PROPOSED MULTI-FAMILY HOUSING/MIXED USE DEVELOPMENT FOR THE PROPERTY DESIGNATED AS TMS#235-01-01-053, LOCATED AT THE CORNER OF HWY. 52 AND MONTAGUE PLANTATION ROAD.

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Ms. Browder stated this request came before the Board in May of 2017 and was disapproved by a vote of three (3) to three (3). She stated the applicant worked to address the concerns the Board and the public expressed including adding a secondary entrance to Medway Road. She stated City staff determined the addition to this second point of ingress/egress would allow them to be furthered considered by the ZBA in accordance with section § 151.174 DECISIONS OF THE ZBA (C)(1) The new plans materially change the nature of the request. She stated the proposal is for mixed use with 15.78 acres of multi-family development along with 11.67 acres of commercial use. Ms. Browder stated the multi-family portion will consist of twelve (12) multi-family buildings for a total of two hundred and eighty-eight (288) units, a clubhouse with pool, and associated residential garages and maintenance structures. She stated the commercial development layout includes a grocery store with retail space, office space, bank and other commercial outparcels. She stated the City of Goose Creek's Comprehensive Plan recommended this area to be a neighborhood mixed use.

Ms. Sarah Stewart with Dogwood Engineering stated these changes were in direct response to the desire expressed here for more commercial options in the area. She stated in accordance with the Zoning Ordinance conditions, and the concerns of the citizens, they have provided the following property buffers:

- Northern property line Buffers: 30' Class I Buffer will have existing undisturbed vegetation. Where existing vegetation in buffers is disturbed or deemed to have insufficient screening, buffer will have supplemental plantings to obtain a planted screen of a minimum of four (4) canopy trees, six (6) understory trees and fifteen (15) shrubs per a hundred (100) feet. Buffer will have privacy screening fence for adjacent single-family parcels.
- Eastern property line Buffers: 30' Class II buffer will have existing undisturbed vegetation. Where existing vegetation in buffers is disturbed or deemed to have insufficient screening, buffer will have supplemental plantings to obtain a planted screen of a minimum of five (5) canopy trees, seven (7) understory trees and twenty (20) shrubs per a hundred (100) feet.
- Western property line Buffers: 30' Class II buffer will have existing undisturbed vegetation. Where existing vegetation in buffers is disturbed or deemed to have insufficient screening, buffer will have supplemental plantings to obtain a planted screen of a minimum of five (5) canopy trees, seven (7) understory trees and twenty (20) shrubs.
- Southern property line shared with Monarch Townhomes will have a landscaped berm.

She stated they are providing buffers to address issues of noise, lighting, dust, nuisance, and fences. She stated regarding ingress/egress points of the site they proposed the following:

- Proposed multi-family development will be accessed from the existing Orangetip Drive roundabout.
- Any new driveways to Montague Plantation Road may be proposed as part of future commercial development and would have to be approved at such time. They will not be apart of the multi-family project.
- Provide a future access to Medway Road which will give an alternative to the Montague Plantation Road and Highway 52 intersection for residents going to the North.
- Provide a connection between the multifamily and commercial development so that anybody going to the multifamily directly to the future commercial has direct access and will not go onto Montague Plantation Road.

Ms. Stewart stated the site plan is in accordance to the City of Goose Creek's Comprehensive Plan, Zoning Ordinance, and other local rules and regulations. She provided the following summary:

- Parking quantity has been provided per requirements listed in the City's Zoning Ordinance (2 spaces per unit).
- 3.18 acres of open space provided per number and size of proposed units. Open space to be improved per requirements listed in Ordinance including walking trails, clubhouse, grilling stations, dog parks, landscaping, and swimming and recreational area. All open space areas are defined on provided site plan. Site to be landscaped with native species and plants of interest.
- Proposed units and unit size meet the City's required site area density calculations.
- Proposed to save two hundred and fifty (250) trees on site which is higher than the required twelve (12) trees per acre listed per Ordinance.
- Site is planned to accommodate fire and trash collection vehicle.
- Provided Storm pond locations to provide stormwater quality and quantity treatment.
- The current site will provide a nice transition from future commercial on the corner to multi-family, to townhomes then to single family.
- The project has received a "Weliness to Serve" to Letter from Goose Creek Public Works and will connect to existing water and sewer services currently located in roundabout at Orangetip Drive.
- Site lighting will be designed to not shine directly in adjoining properties or create a traffic hazard by means of glare.

Ms. Stewart stated, to help them adequately address the ZBA's concerns they brought in Mr. Jim Rozier. She stated Mr. Rozier was the Berkeley County Supervisor for sixteen (16) years and served four (4) years as a South Carolina Department of Transportation (SCDOT) Commission Chairman. She stated he also served on the State Infrastructure Bank Board. She stated Mr. Rozier specifically helped them explore and address the major issues brought up in the last meeting including traffic, school, growth and safety.

Mr. Rozier stated he met with Berkeley County to discuss the plans for Montague Plantation Road. He stated the plan is to widen the road and install right, left and center lanes on both sides. He stated these plans are already drawn and funded. He stated he also discussed with Berkeley County the railroad crossing. He stated currently there is only one (1) way in and one (1) way out from the Highway 52 side. Mr. Rozier suggested making Medway Road an ingress/egress for the community. He stated Berkeley County is in favor with that idea. He stated in cooperation with Berkeley County and the developers, the road will be built to allow access at one train crossing when the other is occupied by an oncoming train.

Mr. Rozier stated the Mevers School of Excellence has housed six hundred and sixty (660) students from kindergarten to sixth grade. He stated this has helped with the overcrowding of public schools. Mr. Rozier stated that seventh and eighth grade will be added in the next couple of years; this will continue to assist with the overcrowding of public schools. He did state the Mevers School of Excellence does not provide bus transportation.

Mr. Rozier stated that Berkeley County has done a good job bringing jobs into this community. He stated that if jobs are continually being brought in, a variety of housing will need to be provided. He stated Dogwood Engineering has listened and addressed all the previous concerns.

Board Member Stinson inquired if the second entrance on Medway Road was already funded. Mr. Rozier stated not at this point. A representative with the townhomes stated they would build the connection to Medway Road when they put in the next phase. Mr. Rozier stated this plan satisfies the City's Comprehensive plan.

Ms. Stewart stated a requirement for the Conditional Use Permit (CUP) was that this development does not increase traffic. She presented a memo from Short Engineering & Consulting, LLC, a traffic and transportation engineering firm, that detailed different traffic scenarios for the current proposal, commercial and apartment potential, and commercial and hotel potential. The traffic study found the least number of trips was generated under the current proposal.

Ms. Stewart stated the future commercial development will bring needed services and retail that the nearby community currently lacks. She stated after studying the Goose Creek Comprehensive Land Use Plan, she feels this project speaks directly to the needs identified for this community for diverse house options and infield redevelopment and development. Board Member Hayes inquired when this project will be complete. Mr. Clark Steward stated the project will not begin for another twelve (12) months and he estimated between eighteen (18) to twenty-four (24) months to complete. Mr. Clark could not provide a timeline for the commercial development. He stated the commercial development might not happen without the apartments.

Ms. Calveda Ricitelli of Coker's Crossing shared her concern about overcrowded schools and traffic.

Mr. Ken Lawrence of Brickhope Plantation shared his concerns about the widening of the roads and traffic.

Mr. John Peters of Coker's Crossing shared his opposition about Medway Road.

Mr. Frank Vallie of Coker's Crossing Subdivision shared his concerns regarding the quantity of units and the strain it will put on the Police Department. He also shared his concerns regarding traffic. Ms. Sara Steward stated she spoke with Fire Chief Steve Chapman and he confirmed that existing emergency services can easily serve the proposed development.

Ms. Mary Reilly of Brickhope Plantation stated that the one (1) cent sales tax went to Volvo. She inquired as to what is the difference between this proposal and the last. Board Member Stinson stated the second exit on Medway and the County's verification of widening the road is the only difference. She stated she does not feel this development is in the best interest of the community.

Ms. Shannon Thompson of Medway Landing shared her concerns regarding the overcrowding of schools and traffic.

Mr. Joe Stern of Coker's Crossing stated he would like to see the roads built first before bringing in the development. Board Member Monheit stated the City does not own the roads. Mr. Stern shared his concerns regarding traffic.

Board Member Hayes stated he appreciated everyone's personal stories but requested for future meetings the public print the thirteen (13) criteria's the ZBA must follow in order to vote. He stated the public can make comments regarding how the agenda items do not meet those criteria. He stated the Board's role is not to tell the developers what they can and cannot build. He stated the requests either meets the thirteen (13) criteria's or it does not.

Mr. Fred Roles of Sophia Landing inquired if this plan has taken into consideration the widening of Montague Plantation Road. Board Member Hayes stated yes.

Mr. Bradley Moore of Royal Oaks stated he feels the property value will decrease as these apartments are located next to a train track.

Ms. Stewart summarized that they addressed each of the thirteen (13) criteria's specifically and brought on new team members to make sure all concerns were addressed.

BOARD MEMBER MONHEIT MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER HAYES SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

Discussion amongst board members occurred.

BOARD MEMBER MONHEIT MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER DILLARD SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

MOTION:

A motion was made to approve the application for the Conditional Use Permit (CUP) for the property located at TMS 235-01-01-053 located at the corner of Highway 52 and Montague Plantation Road. Having found that the application satisfies the thirteen (13) criteria set forth for the conditional permit as outline in sectioned § 151.171 DUTIES AND POWERS (C) of the Zoning Ordinance were the 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; having found that vehicular traffic flow would not increase significantly beyond that of the designated General Commercial (GC) use; having found that the off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design; having found that the property values, general character and welfare of nearby areas will not be deteriorated; having found that the proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, Zoning Ordinance and other rules and regulations; having found that he proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district; having found that 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; having found that the proposed use complies with all applicable development standards of the city; having found that the proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens; having found that 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 as compared to that of GC zoning; having found that 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 as compared to those of GC zoning; having found that 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; having found that the proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance. **MOVED BY** Tom Volkmar **SECONDED BY** James Fisk.

DISSCUSSION:

None

VOTE:

Board Member Volkmar and Board Member Fisk voted in favor. Chairman Clift , Board Member Dillard, Board Member Hayes, Board Member Monheit, Board Member Stinson all opposed (2-5). Motion did not carry.

VII. APPROVAL OF MINUTES:

MOTION: A motion was made to accept the Zoning Board of Appeals (ZBA) Minutes from the August 2, 2017 meeting. **MOVED BY** Board Member Volkmar **SECONDED BY** Board Member Monheit

DISCUSSION: None

VOTE: All in favor (7-0), none opposed. Motion carried.

VIII. Comments from the Board:

No Comments from the board.

IX. Comments from Staff:

Ms. Moneer stated everyone on the board will need to complete a three (3) hour training session which will be forth coming.

X. Adjournment:

Board Member Monheit made a motion to adjourn. Board Member Dillard seconded. All voted in favor. The meeting ended at 9:40 p.m.

_____ **Date:** _____, 2019
Butch Clift, Chairman

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
May 16, 2018 6:30 P.M.
GOOSE CREEK COUNCIL CHAMBERS
519 N. GOOSE CREEK BOULEVARD**

I. CALL TO ORDER:

Chairman Clift called the meeting to order at 6:36 p.m. He initiated the Pledge of Allegiance and a moment of silence.

II. ROLL CALL:

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance. Ms. Browder initiated roll call.

Present:	Butch Clift, Jason Dillard, James Fisk, Larry Monheit, Gerald Stinson, Thomas Volkmar
Absent:	None
Staff Present:	Kara Browder, Brenda Moneer

III. PUBLIC HEARING:

REQUEST FOR TWO CONDITIONAL USE PERMITS; ONE TO MODIFY A PREVIOUS APPLICATION LOCATED AT LIBERTY HALL ROAD DESIGNATED AS TMS 244- 00-00-079, AND THE OTHER FOR ADDITIONAL MULTI-FAMILY UNITS WITH A MIXED USE LOCATED AT HENRY E. BROWN BOULEVARD DESIGNATED AS TMS 244-00-00-065.

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Ms. Browder referred the ZBA to the Staff Report that was provided to each board member. She apologized and stated that due to technical difficulties, the projector was not working. Ms. Browder stated the applicant is requesting the Conditional Use Permit (CUP) that was approved by the ZBA in November 2016, be modified to remove the condition that the remaining buildable portions of the property be reserved for commercial development. She stated this condition was placed on the request as part of the approval. She stated in addition, the property was subdivided into two (2) parcels with one (1) parcel consisting of 24.8 acres (TMS 244-00-00-079) and one (1) parcel consisting of 16.3 acres (TMS 244-00-00-065) following the approval of the CUP. She stated the parcel being considered in this request is the parcel consisting of 24.8 acres.

Ms. Browder stated the applicant is making this request in accordance with Section **§151.171 DUTIES AND POWERS (C) (15)** of the City's Ordinance. She stated the applicant wishes to

modify the approved CUP by removing the condition that the remaining buildable portions of the property be reserved for commercial development. She stated the applicant is making this request to avoid the revocation of the CUP for non-compliance with the condition attached to the approval.

Ms. Browder stated the applicant is requesting to construct a mixed used development consisting of eighty-four (84) apartment units along with a 6,000 square foot of commercial/retail space on the 16.3 acres (TMS 244-00-00-065) along Henry E. Brown Jr. Boulevard.

Ms. Browder stated the applicant appeared before the ZBA in November of 2016. She stated at that time the request was to develop an apartment community, totaling up to one hundred and eighty (180) apartment units on approximately forty-one (41) acres. She stated the forty-one (41) acres are the combination of TMS 244-00-00-079 and TMS 244-00-00-065. She stated she provided a copy of the minutes from that meeting for reference. Ms. Browder stated shortly after the approval was given for the CUP, the property was subdivided into two (2) parcels. She stated the first parcel, which is the parcel associated with this request, now equals to 24.8 acres (TMS 244-00-00-079). She stated the second parcel is now 16.3 acres (TMS 244-00-00-065). Ms. Browder stated regardless of the ZBA's decision on this request or for the request associated with TMS 244-00-00-065, the property line should be abandoned between the two (2) parcels thus reestablishing the CUP as approved in November of 2016. She stated if the property line is abandoned, the applicant can still proceed with the plans as originally approved by the ZBA despite the outcome of this present request. Discussion began regarding if the conditional use goes away since the size of the property has now changed.

One of the developers, Mr. Jason Esposito, stated when the original CUP was applied, there were one-hundred and eighty (180) units shown on the parcel on Liberty Hall Boulevard. He stated there was nothing on the other parcel and the request is not to change anything on the Liberty Hall Boulevard side. Mr. Esposito stated they want to use the Henry E. Brown Jr. Boulevard side for commercial purposes as this location is visible. Mr. Danny Forsberg, the engineer and surveyor, provided the history of these and the neighboring properties.

Board Member Volkmar stated that clarification is needed as to whether the CUP is still valid since the hundred and eighty (180) apartment units were only approved for TMS 244-00-00-065 and not for TMS 244-00-00-079. Mr. Forsberg requested that Ms. Browder inquire from the City attorney as to whether or not the developer is in jeopardy of losing the one hundred and eighty (180) apartment units. Board Member Hayes stated that once the property was divided it voided the CUP because the dimensions of the property that was attached to that permit no longer exist. Chairman Clift stated the Geographic Information Systems Coordinator at Berkeley County messed up when they assigned the new tax map number. Board Member Volkmar suggested the following: table the issue pending the removal of the line; revise the request to include the eighty-four additional apartment units; have another Public Hearing to give the residents a chance to voice their opinions.

MOTION:

A motion was made to table the issue pending a resolution on the two parcels by rejoining them and that the applicant modify the application to include the total amount of

apartments and the total amount of commercial space. **MOVED BY** Board Member Volkmar **SECONDED BY** Board Member Monheit

DISCUSSION: Mr. Forsberg stated he does not want to lose the one hundred and eighty (180) apartments. A board member stated that the one hundred and eighty (180) apartments was already approved for TMS 244-00-00-065. Board Member Hayes stated if the request is modified to what it was previously approved, they will still have the one hundred and eighty (180) apartments.

VOTE: All voted in favor (6-0), none opposed. Motion carried.

IV. APPROVAL OF MINUTES:

MOTION: A motion was made to accept the Zoning Board of Appeals (ZBA) Minutes from the March 28, 2018 meeting. **MOVED BY** Board Member Dillard **SECONDED BY** Board Member Volkmar.

DISCUSSION: None

VOTE: All voted in favor (6-0), none opposed. Motion carried.

V. Comments from the Board:

Chairman Clift inquired if the required webinars could be recorded so that the Board can view it at a later date. Ms. Browder stated she would find out. Discussion occurred around the CUP. It was stated that these permits are site specific and when the property is subdivided the permit is voided. It was suggested that moving forward the specific site should include details such as acreage.

VI. Comments from Staff:

Ms. Browder stated there is an opening on the ZBA. She stated the Ribbon Cutting Ceremony for the Michael J. Heitzler Recreation Complex will be held on Friday, May 18, 2018 at 10 a.m.

VII. Adjournment:

Board Member Volkmar made a motion to adjourn. Board Member Fisk seconded. All voted in favor. The meeting ended at 7:31 p.m.

_____ **Date:** _____, 2019
Butch Clift, Chairman

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
JULY 11, 2018 6:30 P.M.
GOOSE CREEK COUNCIL CHAMBERS
519 N. GOOSE CREEK BOULEVARD**

I. CALL TO ORDER:

Chairman Clift called the meeting to order at 6:30 p.m. He initiated the Pledge of Allegiance and a moment of silence.

II. ROLL CALL:

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance and requested roll call.

Present:	Butch Clift, Jason Dillard, James Fisk, Larry Monheit, Gerald Stinson, Thomas Volkmar
Absent:	None
Staff Present:	Kara Browder, Brenda Moneer

III. APPROVAL OF MINUTES:

Chairman Clift stated the approval of minutes will be postponed until the next ZBA meeting.

IV. PUBLIC HEARING:

REQUEST FOR TWO CONDITIONAL USE PERMITS; ONE TO MODIFY A PREVIOUS APPLICATION LOCATED AT LIBERTY HALL ROAD DESIGNATED AS TMS 244- 00-00-079, AND THE OTHER FOR ADDITIONAL MULTI-FAMILY UNITS WITH A MIXED USE LOCATED AT HENRY E. BROWN BOULEVARD DESIGNATED AS TMS 244-00-00-065.

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Ms. Browder presented the Staff Report stating the applicant appeared before the ZBA in May of 2018. She stated at that time the applicant requested to add an additional eighty-four (84) apartment units to a Conditional Use Permit (CUP) which had been approved in November of 2016. She stated the property associated with the CUP had been subdivided and assigned two (2) separate tax map numbers. She stated the ZBA requested the property line be abandoned between the two (2) parcels and combined into one (1) parcel with one (1) tax map number as originally approved. She stated the ZBA indicated that once the property line was abandoned the applicant could appear before the Board again to request the CUP be modified to add the

additional eighty-four (84) units. She stated the applicant did as requested and has provided a recorded plat abandoning the property line. Ms. Browder stated the assigned tax map number of 244-00-00-065 is the same number utilized for the previously approved CUP in November of 2016. Ms. Browder presented a map to the Board showing the property lines. She stated the applicant is making a request to modify a CUP in accordance with section § 151.171 DUTIES AND POWERS of the City's Ordinance. Ms. Browder stated City staff request that the Board maintains the same conditions recommended for the previously approved CUP regarding architectural design, buffering requirements, and saving a significant number of trees as defined by the Zoning Ordinance.

Chairman Clift verified with the applicant, Mr. Gordon Darby, that Barksdale Road will not be used for access into the complex as access will be located off Henry E. Brown Jr. Boulevard. Mr. Darby stated yes.

Chairman Clift invited the applicant to speak on behalf of the request. Mr. Daniel Forsberg stated there are very few houses where they are proposing to locate the units. He stated he understands they will have to meet with the South Carolina Department of Health and Environmental Control (SCDHEC) criteria for stormwater. He clarified that they do not intend to have access into the Willowbrook subdivision. He stated Mr. Darby did purchase a single-family residence in order to have access to the sewer located in the Willowbrook subdivision. Mr. Forsberg stated the City's water system will provide water.

Mr. Jason Esposito stated apartments are the best use for this land. He stated according to his research, retail and commercial sites are more attractive when there is a certain density of housing around the site. He stated since there are no homes located to the East of this property, this proposal is the best use for the site.

For the record of the minutes no public was present to speak for or against the request.

Discussion occurred regarding flooding. Mr. Forsberg described in detail how flooding will be addressed.

BOARD MEMBER VOLKMAR MADE A MOTION TO CLOSE THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

MOTION:

A motion was made to approve the application for a Conditional Use Permit (CUP) for the property located at TMS 244-00-00-065 relative to the additional eighty-four (84) apartments bringing the total units to two hundred and sixty-four (264), while still maintaining the Mixed Use component consisting of commercial development with the previously approved conditions of significant buffering relative to the adjacent residential use; the requirements of architectural design as accepted by the Architectural Review Board (ARB) and staff; the saving of significant trees as

defined by the Zoning Ordinance and the assurance that there will be no access via Barksdale Drive and access will be obtain from Henry E. Brown Jr. Blvd and Liberty Hall Road only. **MOVED BY** Board Member Volkmar **SECONDED BY** None.

DISCUSSION: Ms. Browder stated Multi-Family Residential does not have to go before the ARB.

AMENDED MOTION: The motion was amended stating as long as the architecture design meets the City's architectural requirements. **MOVED BY** Board Member Volkmar **SECONDED BY** Board Member Fisk

VOTE: All voted in favor (6-0), none opposed. Motion carried.

BOARD MEMBER VOLKMAR MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER DILLARD SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

V. Comments from the Board:

There were no comments from the Board.

VI. Comments from Staff:

Ms. Browder stated Board Member Stinson attended a training session and received a certificate. She stated Council of Governments offer training. Ms. Browder introduced Mr. Daniel Moore the Assistant City Administrator.

VII. Adjournment:

Board Member Volkmar made a motion to adjourn. Board Member Fisk seconded. All voted in favor. The meeting ended at 6:55 p.m.

Butch Clift, Chairman

Date: _____, 2019