

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
JUNE 19, 2019 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. Mrs. Moneer initiated roll call.

Present: Butch Clift, Jason Dillard, Larry Monheit, Thomas Volkmar
Absent: Bakari Jackson, James Fisk, Gerald Stinson
Staff Present: Mark Brodeur, Daniel Moore, Brenda Moneer, Lili Ortiz-Ludlum
City Council Present: Councilmember McSwain, Councilmember Harmon

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).

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

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.

Mr. Moore presented staff report. He stated the applicant is seeking to request a Conditional Use Permit (CUP) for this property, zoned Residential High Density (R3), to complete the second phase of Devon Point Apartments. Mr. Moore stated Devon Point II will consist of fifty-six (56) apartments; nine (9) buildings and one (1) fitness center. He stated City Council approved the first reading of the annexation on March 12, 2019 and the final reading of the rezoning on May 14, 2019. Mr. Moore stated the applicant originally met with Berkeley County to proceed with Phase II of Devon Forest; however, after negotiation it was determined they needed to come into the City to access City water. He stated the applicant has met all requirements.

Mr. Thomas Hill presented exhibits, photos, and a traffic study of the proposed community to the ZBA. He stated the units are averaged to be 1,100 square feet per unit with fifty percent being one (1) bedrooms and the other fifty percent two (2) bedrooms. He stated the lighting will be done by Berkeley Electric Cooperative. Mr. Hill stated the lot size of the property is 224,000

square feet. He stated the buildings will cover 71,000 square feet. He stated the required buffer is already in place, but additional buffers will be added per the City's request. Mr. Hill stated the dumpster, which is a compactor, for this property is already available in phase I. He stated there is a stoplight at Devon Blvd. but not at Grey Goose Drive. He stated another point of ingress/egress for this property is located through phase I to Dragon Way. He stated Kingdom Hall of Jehovah's Witnesses request a six (6) foot fence to be placed between the properties.

The applicant provided his explanation for meeting the Conditional Use Permit criteria's.

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:** Mr. Hill stated he will install a fence in the Western boundary adjoining the Kingdom Hall of Jehovah's Witnesses to buffer the church property. He stated the property to the South is owned by a related entity and these apartments will become apart of that project. He stated to the east is Devon Blvd and located on the opposite side of Devon Blvd is a new fast food restaurant.
2. **Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered:** Mr. Hill stated per the traffic impact analysis completed this year, pedestrian movement will 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:** Mr. Hill stated his submitted sight plan displays the required and proposed parking spaces and ingress/egress points. He stated the parking is not assigned, and each unit has two (2) parking spots.
4. **Property values, general character and welfare of nearby areas will not be deteriorated:** Mr. Hill stated this would be an additional phase to an already existing apartment complex and will be of similar construction. He stated the apartments will be two-story buildings. The first floor will be nine (9) feet high, and the second floor will be eight (8) feet high. He stated there will be between six (6) to eight (8) units per building with brick and vinyl siding to match Phase I.
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:** Mr. Moore stated this property was zoned in the Comprehensive Plan for Berkeley County as single family residential; however directly across the street is neighborhood mixed use. Mr. Moore stated the City is renewing its Comprehensive Plan in 2020, and he feels this project is the best use for the corridor of Highway 176.
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:** Mr. Hill stated this project will be compatible with the existing neighborhood as it is phase II of an existing apartment community.
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:** Mr.

Hill stated this project is a Phase II of an existing apartment community, these apartments are compatible with the existing neighborhood.

8. **The proposed use complies with all applicable development standards of the city:** Mr. Hill stated he has complied with all applicable development standards of the City with the aid of Mr. Moore.
9. **The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens:** Mr. Hill stated the proposed use of this property 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:** Mr. Hill stated this property will not constitute a nuisance or hazard to vehicular movement as addressed in the traffic impact analysis.
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:** Mr. Hill stated this property will not create or aggravate any hazards as addressed in the traffic impact analysis.
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:** Mr. Hill stated glare will not be a problem as Phase I is located to one side of the proposed development, and a fence will be installed on the side adjacent to the church.
13. **The proposed use shall not destroy, create a loss or cause damage to natural scenic, history features of significant important.** Mr. Hill stated he has followed all rules and regulations including the delineation of the wetlands as not to cause any scenic heartbreak.
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:** Mr. Hill stated this is understood.

Mr. Hill answered questions regarding jurisdiction, ingress/egress, full-time representation on the property and zoning.

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

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

Discussion occurred amongst board members.

MOTION: A motion was made to approve the Conditional Use Permit for the property located at TMS 234-00-00-139; having found that the application satisfy the seventeen (17) criteria requirements as set forth for the Conditional Use Permits as outline in section §

151.171 of the Zoning Ordinance; with the condition that a six (6) foot privacy fence of substantial nature be installed on the western boundary neighboring the existing church and to include the existing vegetative buffer mandated by the Zoning Ordinance. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (4-0), none opposed. Motion carried.

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

IV. APPROVAL OF MINUTES:

MOTION: A motion was made to accept the Zoning Board of Appeals (ZBA) Minutes from October 4, 2017; May 16, 2018; July 11, 2018 and April 8, 2019 meetings. **MOVED BY** Board Member Volkmar **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (4-0), none opposed. Motion carried.

V. Comments from the Board:

There was none.

VI. Comments from Staff:

Mr. Moore introduced Mr. Mark Brodeur the new Director of Planning. Mr. Moore stated now that all Boards and Commissions are fully staffed, training will be scheduled soon. Mr. Moore introduced Councilmember Christopher Harmon the new City Council liaison to the ZBA. Mr. Moore introduced Lili Ortiz-Ludlum his Administrative Assistant.

VII. Adjournment:

Board Member Monheit made a motion to adjourn. Board Member Dillard seconded. All voted in favor. The meeting ended at 7:09 p.m.

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