



THE CITY OF
GOOSE CREEK

BERKELEY CO. EST. 1961 SO. CAROLINA

**ZONING BOARD OF APPEALS
MONDAY, DECEMBER 6, 2021
6:00 PM**

**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: LILI ORTIZ-LUDLUM, ADMINISTRATIVE ASSISTANT

DATE: DECEMBER 3, 2021

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 Monday, December 6, 2021, at 6:00 p.m. at City Hall.

Please review the enclosed packet. Should you have any questions or comments prior to Monday's meeting, please do not hesitate to contact the Planning Department at planning-zoning@cityofgoosecreek.com.



MINUTES

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
SEPTEMBER 30, 2021, 6:00 P.M.
MARGUERITE H. BROWN MUNICIPAL CENTER**

I. CALL TO ORDER AND ROLL CALL

Chairman Clift called the meeting to order at 6:00 p.m. and initiated the Pledge of Allegiance. Mrs. Moneer initiated roll call.

Present: Butch Clift, Tom Volkmar, Larry Monheit, James Fisk, Bakari Jackson

Absent: Jason Dillard, Sarina Freinckle

Staff Present: Planning and Zoning Director Mark Brodeur
Planning Technician Brenda Moneer

II. APPROVAL OF MINUTES: JUNE 15, 2021

MOTION: A motion was made to approve the minutes as presented. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (5-0). Motion carried.

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance and sworn in those presenting testimony.

MOTION: A motion was made to change the order of business to provide for the Zoning Administrator to present first followed by the applicant. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (5-0). Motion carried.

III. PUBLIC HEARING: NEW BUSINESS

A. 2021-061 AP: ALL-STAR STORAGE APPEAL: THE APPEAL OF THE ZONING ADMINISTRATOR'S DECISION FOR ALL-STAR STORAGE. PARCEL IS IDENTIFIED AS TMS#243-00-00-013, LOCATED AT 221 ST. JAMES AVE.

Mr. Brodeur presented staff report. He stated the item before the board today is an appeal of a decision made by the City's Zoning Administrator. Per Zoning Code Chapter 151.171(A) - DUTIES AND POWERS, the Zoning Board of Appeals (ZBA) has the exclusive power to hear and decide appeals where it is alleged the zoning administrator, in the strict enforcement of the zoning ordinance, erred in a decision or determination. The ZBA may reverse or affirm, wholly or in part, the determination by the Zoning Administrator. The board has all the powers of the zoning administrator in this case and may issue or direct the issuance of the permit.

Mr. Brodeur presented background information. He stated the 8.092-acre property has an existing storage facility built upon it and is referred to as All Star Storage. The property is zoned General Commercial (GC). Research confirms the site has been zoned commercial since approximately 1983. Until circa 2014, the site remained a grocery store. The current owner legally converted the property into a storage facility in the 2014-15 timeframe. The storage facility currently includes covered and uncovered recreational vehicle (RV) parking. At the time, the storage facility, plus the recreational vehicle parking was a legal use. Research of records reveal that in the latter part of 2017, City Council adopted a new ordinance that changed the requirements for storage facilities located in the General Commercial zoning district; this change effectively made parking/storage of recreational vehicles a prohibited use in the GC zoning class. Today, the existing RV parking at All Star Storage is considered a legal non-conforming use. The applicant's proposal to the City's Zoning Administrator was to expand the RV parking on the site. The Zoning Administrator denied the applicant's request because the parking of recreational vehicles is not a permitted activity in the General Commercial zoning district. City Council made a direct change to the uses allowed in the GC district regarding RV Parking.

Mr. Brodeur presented APPENDIX D which is the chart he uses to make land use decisions. He stated per the chart, storage of recreational vehicles under the GC column is marked with an X, this means it is not a permitted activity in this district.

Mr. Ross Appeal with the law firm of McCullough Khan, LLC spoke on behalf of All Star Storage. He stated his client has been operating a self-storage facility on the property for many years and part of what this business involves is the parking and storage of vehicles. He stated the reason he is here is because his client has a respectful disagreement about the code. Mr. Brodeur believes they are proposing an expansion of a legal non-conforming use. Mr. Appeal's client believes he is proposing an additional expanded area for an accessory use. This appeal comes down to principle and accessory use in the zoning ordinance. He stated section 151.028 of the zoning ordinance defines the principle use to be "the main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended, or for which they may not be used, occupied or maintained under this chapter. The use of any other building, other structure and/or land on the

same lot and incidental or supplementary thereto and permitted under this chapter shall be considered an accessory use.”

Mr. Appeal stated a property can only have one principle use at a time and by definition in the ordinance, any other use, customarily incidental to, maintained and operated as part of the principal use is allowed. He stated the zoning ordinance defines accessory uses as ”A use, building or structure customarily incidental and subordinate to, and detached from, the principal use, structure or building, and located on the same lot with the principal use, structure or building.

Mr. Appeal stated it is their position that the primary use of the property is a storage facility, it is not the storage of recreational vehicles. He stated to Mr. Brodeur’s point, storage of recreational vehicles was taken out of APPENDIX B by City Council, but they took it out as a principal use. He stated the storage of recreational vehicles, is an accessory use.

Mr. Appeal stated he needs to prove to the board that the storage of recreational vehicles in the storage industry is customary. The applicant handed the board letters from Universal Storage Group CEO and Devon’s Self Storage CEO. He stated the sum of the letters state in the self-storage industry, both in South Carolina and nationally, the parking of storage and recreational vehicles is a customary incidental and subordinate use to the primary use of the property which is a storage facility.

Mr. Appeal ran through the elements in section 151.108 which state the rules that govern accessory uses.

1. Is customarily incidental to, maintained and operated as part of the principal use.
2. Does not impair the use or enjoyment of nearby property (nor create hazard) in greater degree than the associated principal use.

Mr. Appel stated all surrounding properties are commercial in nature. Recreational vehicles have been parked on the property for years without any complaints from neighbors. He stated in fact this use will take recreational vehicles out of neighborhoods into a commercially zoned facility.

3. Does not create levels of noise, odor, lighting, vibration, dust, pollution, or traffic hindrance in greater degree than the associated principal use.

Mr. Appeal stated in response to this item, it is hard to imagine a less impactful use than a parked vehicle. It is not a disruptive use.

4. Complies with the size, location, and appearance standard of the ordinance.

Mr. Appeal stated he meets these criteria. He stated he wants to make sure everyone understands that they are already parking recreational vehicles on the property and have been doing so for years. The appeal is to find out if we can devote the remaining footprint of the lot to this use.

5. Is not used in residential districts for commercial purposes, specifically as rental or lease property.

Mr. Appel stated this is a commercial district. His client is not asking to put a commercial business inside a residential community.

In closing, Mr. Appel stated in the table of use in the zoning ordinance, the sales and repair of recreational vehicles is allowed in the GC district. He stated that the parking of these vehicles is far less intense and disruptive for the City's stated goals than sales and repair.

Chairman Clift asked if anyone in the audience would like to speak in favor. Mr. Albert Hayward is the developer and presented the history of the property. He stated this is not just for parking recreational vehicles but also for parking tractor trailers as this has been a major issue in the area. He stated his plan is to install ten (10) spots dedicated for tractor trailers.

Chairman Clift asked if anyone opposed this request. No one from the audience opposed.

Mr. Brodeur summarized. He stated his job as the Zoning Administrator is to use the strictest interpretation of the ordinance. The board inquire as to why the ordinance was changed in 2017. Mr. Brodeur stated he was not at the city in 2017 but it is his understanding that there was a rash of storage facilities at that time. He stated City Council change the ordinance due to the fact that the City's commercial corridors were being taken over by them. The board inquired as to the process to have an ordinance changed by City Council. Mr. Brodeur stated he would take the proposal to the Planning Commission and request a modification.

The public hearing was closed, and discussion occurred between board members.

MOTION: A motion was made to extend the existing nonconforming use to the undeveloped portion of TMS 243-00-00-013 located on the southeastern portion of the parcel with the condition that there is a fifteen (15) foot vegetive barrier and security fence. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Fisk.

DISCUSSION: None

VOTE: All voted in favor (5-0)

The board open the meeting to the public.

IV. CLOSING REMARKS AND ADJOURNMENT

Mr. Brodeur stated state law specifically states you cannot refer these types of items to the Planning Commission. Mr. Brodeur stated he sent an e-mail to all board members to notify if they need training. He thanked the board for all they do.

MOTION: A motion was made to adjourn. **MOVED BY** Board Member Monheit.
SECONDED BY Board Member Fisk.

DISCUSSION: None

VOTE: All in favor (7-0). Motion carried.

The meeting ended at 7:10 p.m.

_____ **Date:** _____, 2021
Butch Clift, Chairman



NEW BUSINESS: CAROLINA AVENUE CUP REQUEST

STAFF REPORT FOR THE CITY OF GOOSE CREEK ZONING BOARD OF APPEALS



For reference, the City of Goose Creek Code of Ordinances are available online at <https://www.cityofgoosecreek.com/government/code-ordinances>

Agenda Item 2021-083 CUP			
Request #:	Conditional Use Permit		
Applicant:	Sotirolou, Matthew		
Location/Address:	Marilyn Street, Goose Creek, SC 29445		
Property Owner:	Gloucore LLC		
Tax Map Number:	243-08-05-009/010		
Current Zoning:	General Commercial (GC)		
Proposed Site:	Development of a 24-unit, single building apartment complex		
Parcels combined:	1.21 acres		
Property Zoning to the:		Property Uses to the:	
North:	General Commercial (GC)	North:	Apartments
South:	General Commercial (GC)	South:	Undeveloped
East:	General Commercial (GC)	East:	Commercial Businesses
West:	Residential Medium Density (R2)	West:	Residential Single-Family Neighborhood

Satellite Imagery of Subject Property located at the corner of Frances St. and Marilyn St.



LEGEND

- R1 – Low Density Residential
- R2 – Medium Density Residential
- RC – Restricted Commercial
- GC – General Commercial
- LI – Light Industrial
- Subject Property – Condition Use Permit Application

Zoning Map of Subject property located at Corner of Frances St. and Marilyn St.



Street View of Subject Property to the left of intersection Frances & Marilyn Street looking east.



Street view of Subject Property from Carolina Avenue - looking north



Street View of Subject Property to the right from Marilyn Street looking West.





CITY OF GOOSE CREEK LAND USE APPLICATION

TODAY'S DATE: 10/22/21

PART I. PURPOSE OF SUBMITTAL

- Site Plan (See Checklist) Plat Review Rezoning
- Subdivision Plan (See Checklist) Variance Conditional Use Permit

PART II. GENERAL INFORMATION

1. Development Name: Carolina Avenue Apartments
2. Street Address: 0 Carolina Ave
3. TMS #: 243-08-05-009/010
4. Zoning Classification: GL
Requested Classification: _____ (For rezonings only)
5. Total Site Acres: 1.21

GOOSE CREEK ZONING DISTRICTS

- CO: Conservation Open Space GC: General Commercial
- LI: Light Industrial NC: Neighborhood Commercial
- R-1: Residential Low Density RC: Restricted Commercial
- R-2: Residential Medium Density PD: Planned Development
- R-3: Residential High Density PD-MH: PD for Mobile Home

PART III. CONTACT INFORMATION

Owner/Developer Name: Snyergy Real

Street Address: [REDACTED] City: [REDACTED] St: _____ Zip: [REDACTED]

Telephone: _____ Cell Phone: [REDACTED] Fax: _____

E-mail Address: [REDACTED]

PART IV. SUBMITTAL INFORMATION (IF APPLICABLE)

Proposed Building Use: Res. Apartments

Proposed Total Building Area (gross sq. ft.): 9,502

Max. Building Height: 35 Total Number of Buildings/Units/Lots: 24

Is The Property Restricted by Any Recorded Covenant Which Conflicts With or Prohibits The Proposed Use: N

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 _____ 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: Matt Satiroglova Date: 10-22-21

Signature: [Handwritten Signature]

April 30, 2021

Matthew N. Sotiropoulos
GLOUCORE, LLC
100 Crowfield Boulevard
Goose Creek, SC 29445

**RE: Trip Generation Evaluation/Comparison
Carolina Avenue Development Site
Goose Creek, South Carolina**

As requested, Short Engineering & Consulting, LLC has completed an evaluation of the trip generation characteristics of the current development plan for the Carolina Avenue Development Site as compared to alternative development scenarios that would be allowed under the current zoning designation. The following provides a summary of our findings.

SITE LOCATION

The project site (TMS# 243-08-05-009 & -010) is generally located with the northeast quadrant of the existing Marilyn Street at Frances Street/Carolina Avenue intersection and is within the City of Goose Creek municipal limits.

Figure 1 graphically depicts the site location in relation to the local/regional roadway system.

CURRENT DEVELOPMENT PLAN

Development Overview

As currently proposed, the overall site (approximately 1.14-acres) will be developed to provide a total of 20 residential apartment units.

Primary/direct access for the project is proposed via the construction of one (1) new access driveway along Frances Street/Carolina Avenue and one (1) new access driveway along Marilyn Street.

Based on the current development schedule, the project is expected to be fully developed/occupied within a 1-2 year time period.

Figure 2 graphically depicts the most up-to-date site plan as currently proposed.



NOT TO SCALE

Figure 1
SITE LOCATION MAP
Carolina Avenue Apartment Project
Goose Creek, South Carolina



PARKING REQUIRED = 48 SPACES
 PARKING PLANNED = 49 SPACES
 LAND COVERAGE PLANNED = 33,256 sq.ft.
 TOTAL AREA = 52,611 sq.ft.
 BERKELEY COUNTY TMS:
 243-08-05-000
 243-08-05-010

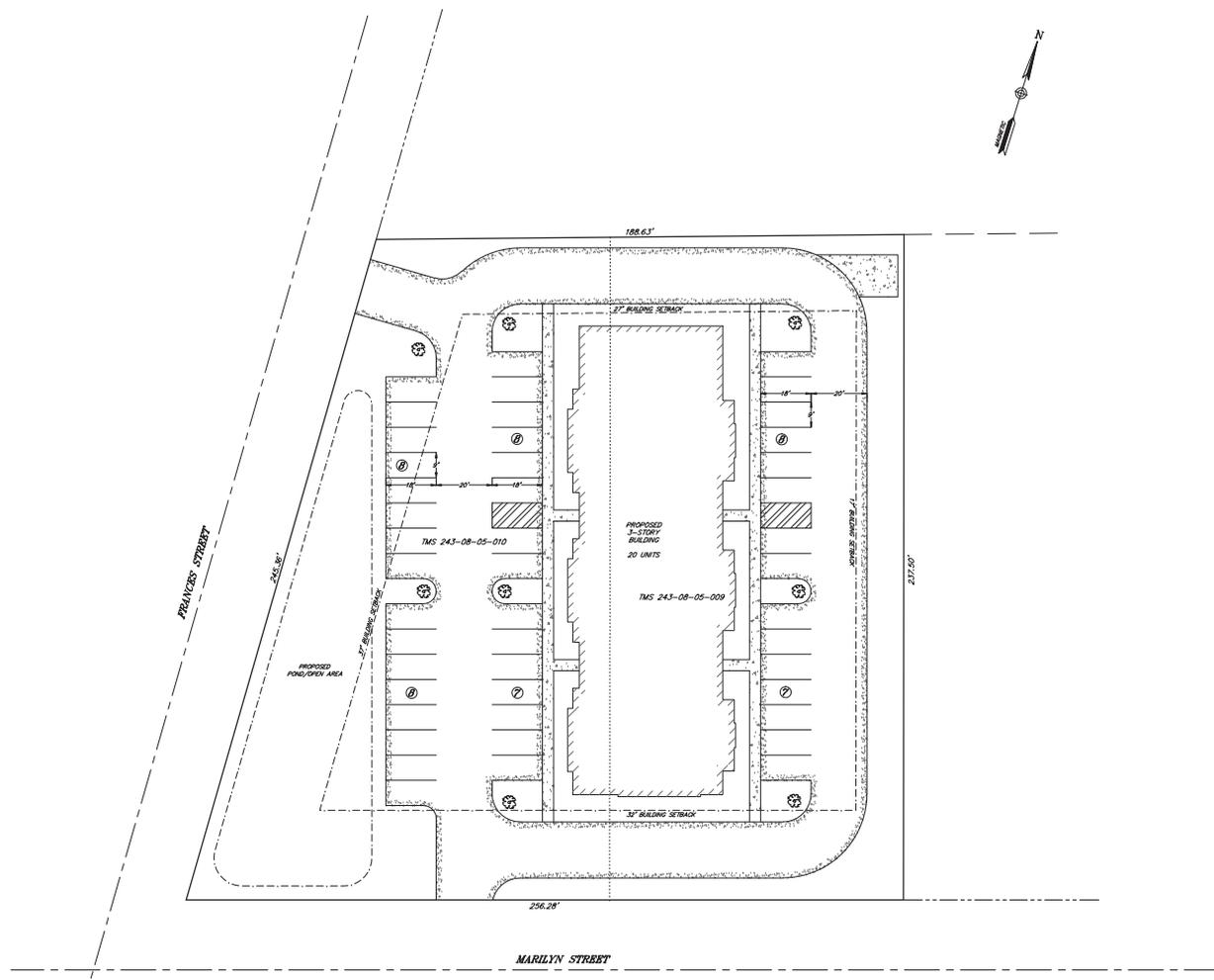


Figure 2
CONCEPTUAL SITE PLAN

**TIM
 ELMER
 RLS,
 LLC**
 522 MAN O'WAR LANE
 MONCK'S CORNER, SC 29461
 Phone: (843) 482-0795
 CELmer.TERLS@gmail.com



CONCEPTUAL PLAN
 PROPOSED APARTMENT - CAROLINA AVENUE
 GOOSE CREEK
 BERKELEY COUNTY
 SOUTH CAROLINA
 APRIL 12, 2021 1" = 30'
 20 0 10 20 40 80
 (IN FEET)
 1 inch = 20 Ft.

Trip Generation Characteristics

Traffic volumes expected to be generated by the Current Development Plan were forecasted using the Tenth Edition of the ITE *Trip Generation* manual, as published by the Institute of Transportation Engineers. Land-Use Code 220 (*Multi-Family Housing*) was used to estimate the specific site-generated traffic. **Table 1** depicts the anticipated site-generated traffic.

Table 1
PROJECT TRIP-GENERATION ¹
Carolina Avenue Development Site
Current Development Plan

Time Period	Residential Apartment ² 20-Units
Weekday Daily	110
AM Peak-Hour	
Enter	3
<u>Exit</u>	<u>8</u>
Total	11
PM Peak-Hour	
Enter	9
<u>Exit</u>	<u>6</u>
Total	15

1. ITE Trip Generation manual, Tenth Edition.

2. ITE Trip Generation manual - LUC 220.

Weekday Daily rounded up to nearest applicable 10.

As shown in Table 1, the Current Development Plan can be expected to generate a total of **110** two-way vehicular trips on a weekday daily basis, of which a total of **11** trips (**3** entering, **8** exiting) can be expected during the AM peak-hour. During the PM peak-hour, **15** total trips (**9** entering, **6** exiting) can be expected.

ALTERNATIVE DEVELOPMENT PLAN(S)

Development Alternatives

Given the current zoning (General Commercial) designation and input from the Applicant, if the site is not developed to provide for residential apartments, the most feasible (highest & best use) development alternatives for the site would be as follows:

- Development Alternative #1 – *General Office*
- Development Alternative #2 – *Medical Office*

Based on information provided by the site/civil engineer for the project, assuming the above-cited uses, a building size of 42,000 square-feet (sf) could be provided and maintain compliance with all applicable parking/circulatory requirements, landscaping requirements, etc.

In addition to the above-cited (office oriented) development alternatives as defined by the Applicant, City of Goose Creek staff has requested evaluation of a third development alternative assuming a more generalized retail use. Per direction from City staff, the following development alternative has been evaluated:

- Development Alternative #3 – *Free-Standing Discount Store*

Based on information provided by City staff, assuming the above-cited use, a building size of 21,044 sf could be provided and maintain compliance with all applicable parking/circulatory requirements, landscaping requirements, etc.

Trip Generation Characteristics

Trip generation projections for the cited alternative development plans were forecasted using the Tenth Edition of the ITE *Trip Generation* manual, as published by the Institute of Transportation Engineers. Land-Use Codes #710 (*General Office*), #720 (*Medical Office*) and #815 (*Free-Standing Discount Store*) were used to estimate the specific site-generated traffic.

Table 2 depicts the anticipated site-generated traffic for each cited development alternative.

Table 2
TRIP-GENERATION PROJECTION ¹
Carolina Avenue Development Site
Alternative Development Plans

	DEVELOPMENT ALTERNATIVE #1	DEVELOPMENT ALTERNATIVE #2	DEVELOPMENT ALTERNATIVE #3
	General Office ² 42,000 sf	Medical Office ³ 42,000 sf	Free-Standing Discount Store ⁴ 21,044 sf
Time Period	(a)	(b)	(c)
Weekday Daily	460	1,530	1,120
AM Peak-Hour			
Enter	57	81	17
<u>Exit</u>	<u>9</u>	<u>23</u>	<u>8</u>
Total	66	104	25
PM Peak-Hour			
Enter	8	41	51
<u>Exit</u>	<u>42</u>	<u>104</u>	<u>51</u>
Total	50	145	102

1. ITE Trip Generation manual, Tenth Edition.
 Weekday Daily estimates rounded up to nearest 10.
2. ITE Trip Generation manual - LUC 710.
3. ITE Trip Generation manual - LUC 720.
4. ITE Trip Generation manual - LUC 815.

As shown in Table 2, Alternative Development Plan #1 (*General Office*) can be expected to generate a total of **460** two-way vehicular trips on a weekday daily basis, of which a total of **66** trips (**57** entering, **9** exiting) can be expected during the AM peak-hour. During the PM peak-hour, **50** total trips (**8** entering, **42** exiting) can be expected.

As shown in Table 2, Alternative Development Plan #2 (*Medical Office*) can be expected to generate a total of **1,530** two-way vehicular trips on a weekday daily basis, of which a total of **104** trips (**81** entering, **23** exiting) can be expected during the AM peak-hour. During the PM peak-hour, **145** total trips (**41** entering, **104** exiting) can be expected.

As shown in Table 2, Alternative Development Plan #3 (*Free-Standing Discount Store*) can be expected to generate a total of **1,120** two-way vehicular trips on a weekday daily basis, of which a total of **25** trips (**17** entering, **8** exiting) can be expected during the AM peak-hour. During the PM peak-hour, **102** total trips (**51** entering, **51** exiting) can be expected.

SUMMARY OF FINDINGS

Based on the information presented in Tables 1 & 2, it can be stated that the Current Development Plan (20 residential apartments) will generate a noticeably lower volume of traffic during both the AM & PM peak-hour time period as compared to any of the defined/feasible Alternative Development Plans.

As such, it can be stated that the traffic/transportation impacts of the Current Development Plan should be considered less significant than those resulting from any of the cited Alternative Development Plans.

If you have any questions or comments regarding any information contained within this document, please contact me at (803) 361-9000.

Regards,

SHORT ENGINEERING & CONSULTING, LLC



Matt Short, P.E.
Principal/Owner



4/30/21