



THE CITY OF  
**GOOSE CREEK**

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

**PLANNING COMMISSION**  
**TUESDAY, OCTOBER 1, 2019**  
**6:30PM**

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

# MEMORANDUM

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**TO:** MEMBERS OF THE PLANNING COMMISSION

**FROM:** BRENDA M. MONEER  
PLANNING TECHNICIAN

**DATE:** SEPTEMBER 26, 2019

**SUBJECT:** NOTIFICATION OF  
PLANNING COMMISSION MEETING

This is to remind everyone that the next meeting of the Planning Commission is scheduled for Tuesday, October 1, 2019, at 6:30 p.m. at City Hall.

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



**CITY OF GOOSE CREEK  
PLANNING COMMISSION  
AGENDA**

**TUESDAY, OCTOBER 1, 2019 AT 6:30PM  
MARGUERITE BROWN MUNICIPAL CENTER  
CITY HALL COUNCIL CHAMBERS**

- I. CALL TO ORDER – CHAIRMAN JOSH JOHNSON**
- II. AGENDA APPROVAL**
- III. REVIEW OF MINUTES: August 6, 2019**
- IV. PUBLIC HEARING – Rezoning Request for property located at 787 St. James Ave., property designated as TMS#234-00-00-147; Request to rezone from Conservation Open Space (CO) to General Commercial (GC).**
- V. PUBLIC HEARING - ANNEXATION AND ZONING PROCESS; regarding the proposal to amend the City of Goose Creek Zoning Ordinance language to Sections: 151.107, specifically requiring concurrent zoning classification assignment at time of annexation request.**
- VI. PUBLIC HEARING – MULTIFAMILY CONDITIONAL USE PERMIT PROCESS; regarding the proposal to amend the City of Goose Creek Zoning Ordinance language to Sections: 151.171, Duties and Powers; specifically relinquishing the issuance of multi-family conditional use permits by the Zoning Board of Appeals and to move that specific duty to the Goose Creek City Council.**
- VII. COMMENTS FROM THE COMMISSION**
- VIII. A) COMMENTS FROM STAFF  
B) DISCUSSION – MURALS**
- IX. ADJOURNMENT**

**MINUTES  
CITY OF GOOSE CREEK  
PLANNING COMMISSION  
TUESDAY, August 6, 2019, 6:30 P.M.  
GOOSE CREEK MUNICIPAL CENTER  
519 N. GOOSE CREEK BLVD.**

**I. Call to Order – Chairman Josh Johnson**

**Action:** Chairman Johnson called the meeting to order at 6:30 p.m.  
**Present:** Heather Byrd, John Starzyk; Jeffrey Smith; Josh Johnson;  
Gary Berenyi; Judie Edwards  
**Absent:** Paul Connerty  
**Staff Present:** Planning Director Mark Brodeur; Planning and Zoning Technician  
Brenda Moneer; Administrative Assistant Lili Ortiz-Ludlum  
**Council Present:** Councilmember McSwain; Councilmember Harmon

**II. Approval of Agenda**

**Motion:** A motion was made to accept the agenda as presented. **Moved by**  
Commissioner Edwards; **Seconded by** Commissioner Smith.  
**Discussion:** There was none.  
**Vote:** All voted in favor. The motion carried (6-0).

**III. Review of Minutes from June 4, 2019**

Chairman Johnson stated the words “Public Hearing” for section five (5) and six (6) of the June 4, 2019 minutes need to be removed as they were not public hearings.

**Motion:** A motion was made to approve the June 4, 2019 minutes with  
corrections. **Moved by** Commissioner Smith; **Seconded by**  
Commissioner Starzyk.  
**Discussion:** There was none.  
**Vote:** All voted in favor. The motion carried (6-0).

**IV. PUBLIC HEARING – REQUEST REM OF PARCEL IDENTIFIED AS TMS#234-00-00-001 FROM THE PLANNED DEVELOPMENT (PD) OF WOODLAND LAKES, AND REZONE THE PARCEL TO GENERAL COMMERCIAL (GC).**

Chairman Johnson opened the public hearing. Mr. Brodeur presented the staff report. He stated the property is identified as TMS # 234-00-00-001 (14.53 acres) and is part of the Planned Development (PD) known as Woodland Lakes.

He stated the entire PD property was re-zoned from Area-Wide Business AB (which no longer exists) to Planned Development Residential PD-R (which no longer exists) in 1985. In 1990, City

Council further approved the regulations for this specific PD. He stated this was done as part of the planning for the City Hall complex.

Mr. Brodeur stated at that time; City Council approved a list of uses prohibited in the Woodland Lakes PD and presented the restrictions:

- Multi-Family Dwellings and/or Apartments
- Heavy Machinery
- Truck Sales
- Service and Repair
- Radio Television Station or Studio
- Warehousing or Mini Warehousing (aka storage)
- Transportation Terminals
- Clubs/Bars Allowing on Premises Alcohol Consumption

Mr. Brodeur stated that removing this property from a PD constitutes a major modification to the PD plan and map. He stated this necessitates a review by the Planning Commission, a public hearing by the Planning Commission, and a recommendation to City Council. If City Council honors the request for the zone change, it is important to ensure the new zoning designation is consistent with the Comprehensive Plan. He stated the proposed zoning of General Commercial (GC) is consistent with the Goose Creek Comprehensive Plan.

Mr. Brodeur stated at this time no development is proposed. He stated this is only a request to change the zoning on this parcel. He stated the applicant has an adjacent parcel that is not in the PD and is zoned GC. The applicant would like to have both parcels zoned the same.

Mr. Brodeur advised that multi-family is permitted in a GC zone but only with a conditional use permit (CUP). He stated a CUP requires that the applicant appears before the Zoning Board of Appeals (ZBA) and would be required to meet seventeen (17) distinct conditions.

Mr. Brodeur stated City staff's recommendation is to support the change from PD to GC. He also presented an alternative recommendation to rezone the property to Restricted Commercial as some of the uses allowed in GC may not blend well with the nearby residential character of Woodland Lakes.

The applicant, Mr. Jim Dorn, spoke on behalf of the Hipp family that owns GPH, LLC. He is requesting that a parcel is removed from the Woodland Lakes Planned Development. He stated the PD was first proposed in February of 1987, at that time a large portion of Highway 52 frontage was planned as a commercial area and large shopping area. The parcel in question was part of that commercial development. However, in July of 1989 the City bought a significant portion of this property. The City subsequently rezoned its property to Conservation Open Space (CO) leaving TMS 234-00-00-001 as the only parcel left in the PD as commercial, with no Planned Development. Mr. Dorn is requesting that the parcel be removed from PD and rezoned GC in order to market the property appropriately and thanked the Planning Commission and City Staff for reviewing this request.

Nobody from the Public spoke in favor of the request.

Ms. Fran Wilbanks of Woodland Lakes shared her opposition for this rezoning due to traffic and safety concerns.

Mr. Sam Shifflett of Woodland Lakes shared his opposition for this rezoning due to increase traffic and the possibility of apartments. He stated he feels this will decrease property values in Woodland Lakes. He stated if the PD status needs to change, it should be changed to restrictive commercial.

Ms. Jessica Chowning of Woodland Lakes shared her opposition due to the possibility of apartments, increased traffic and the destruction of nature that fronts Woodland Lakes.

Mr. Dorn answered questions from the commission. Chairman Johnson inquired as to the benefit of changing the zoning from PD to GC. Mr. Dorn stated he is having problems selling this property due to the restrictions. Commissioner Berenyi inquired as to the original plan for the PD. Mr. Dorn stated Mr. Hipp Sr. bought this property in the 70's; at that time, it was zoned for 106 townhomes, 201 mobile homes and storage facilities. Mr. Berenyi inquired if the intent to rezone this property is to make it marketable. Mr. Dorn stated yes. Commissioner Starzyk inquired as to the type of strategy he plans to use with developers. Mr. Dorn stated he has employed Palmetto Commercial properties to help sell the property.

Chairman Johnson closed the public hearing for discussion between commissioners and City staff. Mr. Brodeur wanted to share that the applicant owns two (2) parcels; one is outside the PD and is zoned GC and the other is in the PD and zoned PD. He stated that marketing two properties that are next to each other with different zonings is a challenge. Mr. Brodeur presented maps that showed that the parcel in question was never included as part of the Woodland Lakes commercial conglomeration. He stated he wants this information to be on record. He stated there is reason to question as to whether or not this was in the PD because the applicant would have known.

Chairman Johnson inquired if the Commission would like to act.

**Motion:** A motion was made to rezone parcel 234-00-00-001 to Restrictive Commercial. **Moved by** Commissioner Smith; **Seconded by** Commissioner Byrd.

**Discussion:** Commissioner Berenyi stated he does not see the purpose to rezone this parcel to Restrictive Commercial. He stated he does not see that Restrictive Commercial is in support of the original PD intent. Chairman Johnson stated he still has the same leading question; what benefit does changing the zoning have to the City and its residents. He stated he thinks commercial is right, but the restrictions in the PD covers the issues we would have. Commissioner Edwards inquired if it is left in the PD, can it still be sold as commercial property. Chairman Johnson stated it could be developed in accordance with the Plan Development Agreement which includes the restrictions on the property, which is the issue for the property owner. Commissioner Berenyi stated the PD will outline buffers and other elements of the development in support of the residential community. Commissioner Byrd stated the PD is no longer applicable as it was zoned in 1987 when

this was a major military installation. She stated the original intent, from Mr. Dorn's testimony, was massive amounts of housing and storage that met the needs of the community at that time, however the community and landscape has changed, thus the need for the change.

**Roll Call Vote:** Commissioner Byrd voted in favor; Commissioner Starzyk opposed; Commissioner Smith voted in favor; Chairman Johnson opposed; Commissioner Berenyi opposed; Commissioner Edwards opposed. The motion did not pass (2-4).

Chairman Johnson stated this vote is only a recommendation to City Council and is not a final determination. Commissioner Berenyi stated the Commission did not vote to deny the application of General Commercial as that was the request. He inquired if a separate vote needed to take place. Mr. Brodeur stated a separate motion would be in order.

**Motion:** A motion was made to deny the request to rezone parcel 234-00-00-001 to General Commercial. **Moved by** Commissioner Berenyi; **Seconded by** Commissioner Edwards.

**Discussion:** Commissioner Byrd inquired as to how this is any different from the PD. Chairman Johnson stated if the parcel is given a zone then it obtains certain uses by right. He stated there are certain uses in a zone that are conditional uses which would have to be approved by the Zoning Board of Appeals. Chairman Johnson stated the motion on the floor is to keep the zoning as PD.

**Roll Call Vote:** Commissioner Byrd abstained; Commissioner Starzyk voted in favor; Commissioner Smith voted in favor; Chairman Johnson voted in favor; Commissioner Berenyi voted in favor; Commissioner Edwards voted in favor. The motion carried (5-0).

**V. STREET NAMING – LIBERTY VILLAGE 6A & 6B: HAWTHORNE LANDING DRIVE, MONCRIEF LANE, CHAPMAN STREET, PATTERSON AVENUE.**

Chairman Johnson inquired if staff could brief the Commission on this item. Mrs. Moneer stated the developer of phases 6A and 6B has requested the street names of Hawthorne Landing Drive; Moncrief Lane, Chapman Street and Patterson Ave. She presented a drawing showing where the proposed streets would be located. Hawthorne Landing Drive and Patterson Avenue are their first choices.

**Motion:** A motion was made to approve the street names. **Moved by** Commissioner Edwards; **Seconded by** Commissioner Berenyi.

**Discussion:** Chairman Johnson stated he is always skeptical of given the extra names as free use without seeing how it lays out.

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

**VI. DISCUSSION - ANNEXATION AND ZONING PROCESS.**

Mr. Brodeur stated City Council has charged him to discuss with the Commission the City’s annexation and zoning processes. He stated under the current annexation process; parcels are brought into the City with the zoning of Conservation Open Space (CO). He stated the applicant for annexation would probably be coming into the City seeking a higher use and presented an alternative. He stated during the application process; the applicant would also need to provide a zone change request. All members of the Commission agreed. Chairman Johnson inquired if the annexation and zoning request would be presented at one time. Mr. Brodeur stated it would be heard as a concurrent application.

**VII. DISCUSSION – MULTIFAMILY CONDITIONAL USE PERMIT PROCESS**

Mr. Brodeur stated this would modify the duties of the zoning board of appeals (ZBA) to relinquish the issuance of Multi Family Conditional Use Permits (CUP) and to move that specific duty to City Council. Mr. Brodeur explained the process for a CUP. He stated City Council is directly responsible to the residents of the City of Goose Creek and as elected officials they have been entrusted with the care and vision of this community. He shared a second idea as an alternative to moving this duty to City Council. He stated we could conduct a workshop where we sit around a map and decided where Multi-Family use can occur in the City. Chairman Johnson inquired if other municipalities have designated zones for multi-family developments. Mr. Brodeur stated most communities do designate land for multi-family use. Commissioner Berenyi stated its different in Goose Creek because parcels in the city have already been zoned and communities are already built. Mr. Brodeur stated the idea would be to take Commercial property and rezone it to R3. The Commission agreed to keep the duties of Multifamily CUP with the ZBA.

**VIII. Comments from the Commission**

Commissioner Edwards inquired as to when the Comprehensive Plan will be updated. Mr. Brodeur stated the cost to update the plan is expensive and money has just been placed in the budget.

**IX. Comments from Staff**

Mr. Brodeur stated he provided a short staff report in tonight’s packet and inquired if a one (1) to two (2) page will suffice for further packets. The Commission agreed and requested that City staff remove the recommendation letter in future packet.

**X. Adjournment**

Commissioner Smith made a motion to adjourn, Commissioner Starzyk seconded. All voted in favor (6-0). The meeting adjourned at approximately 7:46pm.

\_\_\_\_\_  
Mr. Josh Johnson, Chairman

Date: \_\_\_\_\_





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*PLANNING COMMISSION AGENDA ITEM IV  
REZONING REQUEST – 787 ST JAMES AVENUE*

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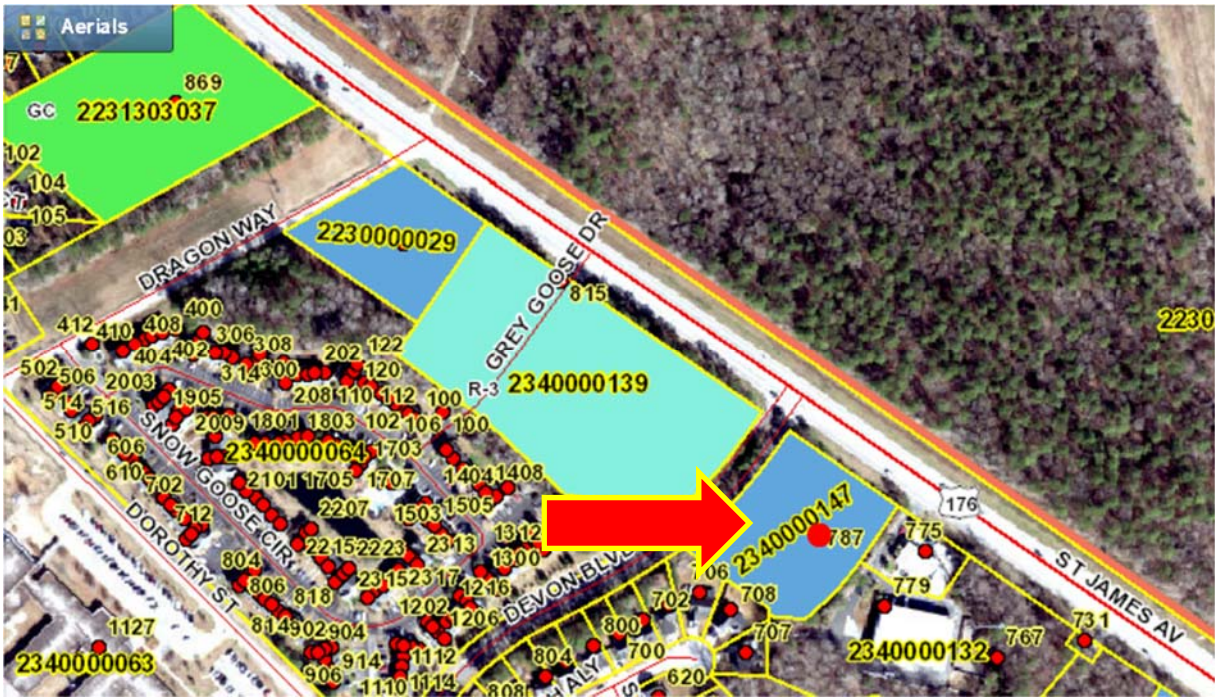


## STAFF REPORT FOR THE CITY OF GOOSE CREEK PLANNING COMMISSION

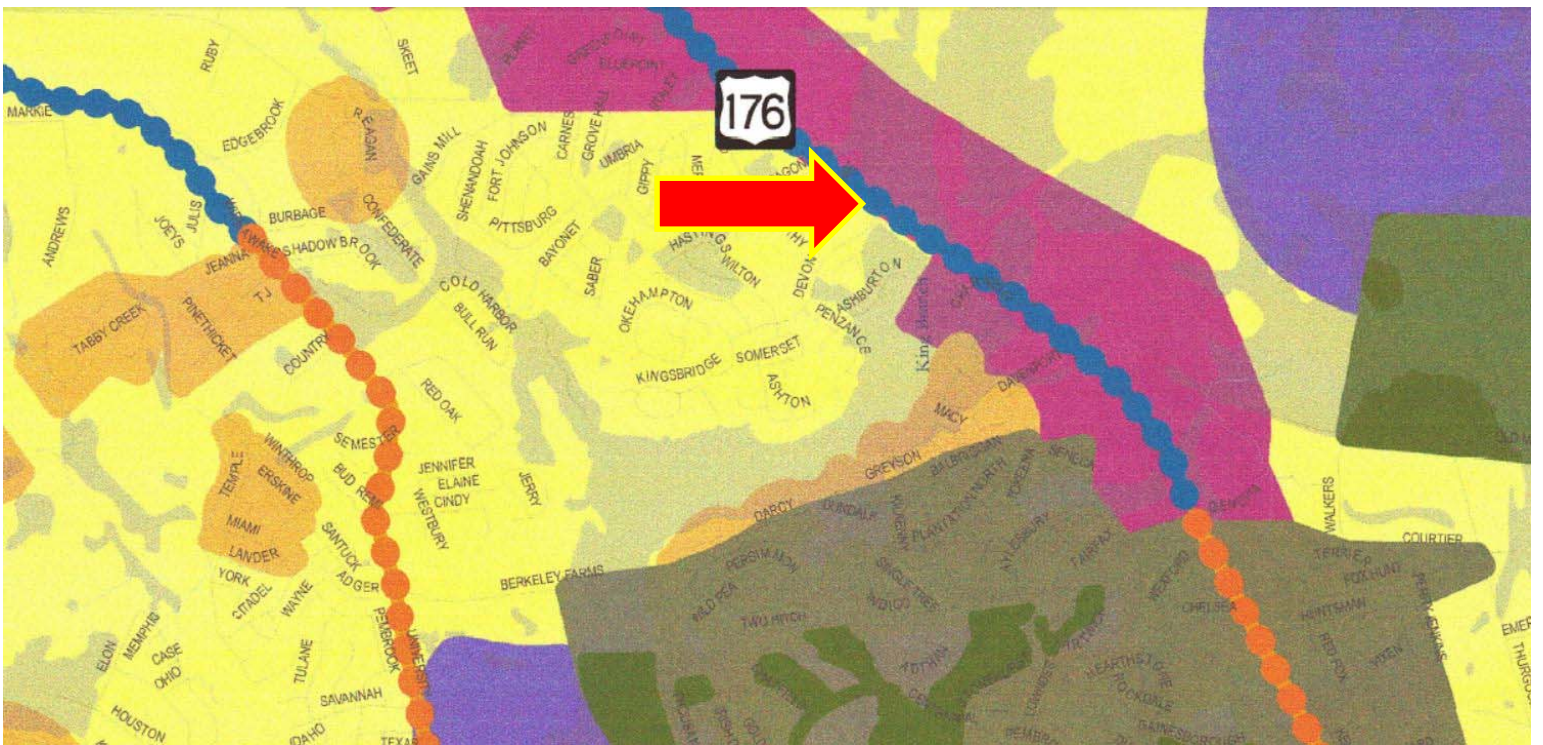
For reference, the City of Goose Creek Code of Ordinances are available  
online at <https://www.cityofgoosecreek.com/government/code-ordinances>

Agenda Item			
<b>Applicant:</b>	Jett Carolina Bells, LLC DBA/Taco Bell		
<b>Location/Address:</b>	787 St. James Ave.		
<b>Request:</b>	Rezone from Conservation Open Space (CO) to General Commercial (GC)		
Subject Parcel			
<b>Property Owner:</b>	Jett Restaurant Realty LLC		
<b>Tax Map Number:</b>	234-00-00-147		
<b>Approximate Acreage:</b>	1.92		
<b>Plat Book &amp; Page:</b>	Plat CAB Q – 212A		
<b>Comprehensive Plan Future Land Use Map Designation:</b>	Commercial District		
Property Zoning to the		Property Uses to the	
<b>North:</b>	R3 High Density Residential	<b>North:</b>	Devon Point II and Non-developed
<b>South:</b>	GC General Commercial	<b>South:</b>	Commercial
<b>East:</b>	LI Light Industrial/HI High Industrial	<b>East:</b>	GC non dev./Berkeley County Alumax
<b>West:</b>	R1 – Berkeley County. Residential	<b>West:</b>	Single Family Residential
Anticipated Rezoning Meeting Schedule			
Body	Meeting Date	Action	
Planning Commission	September 3, 2019	Public Hearing-Rezone Request	
City Council Meeting	September 10, 2019	First Reading	
City Council Meeting	October 8, 2019	Final Reading	
<i>City Council Meeting subject to change. Please check the website for up-to-date information.</i>			



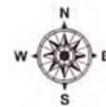
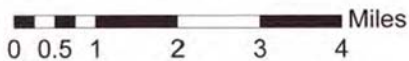


Zoning Map 787 St James Ave. Located at the entrance of Devon Forest



**COMPREHENSIVE LAND USE MAP LEGEND**

- |                                  |                         |                                  |
|----------------------------------|-------------------------|----------------------------------|
| <b>Future Land Use Districts</b> | <b>Corridors</b>        | <b>Goose Creek Planning Area</b> |
| Commercial District              | Commercial              | Interstate                       |
| Conservation/Recreation          | Limited Access          | US Highway                       |
| Developed                        | Community Oriented      | SC Highway                       |
| Downtown Mixed Use               | Development Constraints | Local road                       |
| Employment                       | Lakes & Rivers          |                                  |
| Institutional                    |                         |                                  |
| Low Density Residential          |                         |                                  |
| Moderate Density Residential     |                         |                                  |
| Neighborhood Mixed Use           |                         |                                  |





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*PLANNIG COMMISSION AGENDA ITEM V  
ANNEXATION AND ZONING PROCESS*

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THE CITY OF  
**GOOSE CREEK**  
BERKELEY CO. EST. 1961 SO. CAROLINA

## Department of Planning and Zoning

### Mark Brodeur

DIRECTOR

519 N. GOOSE CREEK BOULEVARD  
P.O DRAWER 1768  
GOOSE CREEK, SC 29445-1768  
TEL (843) 797-6220 EXT. 1118  
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## Memorandum

**TO:** Members of the Planning Commission  
**FROM:** Mark Brodeur, Planning and Zoning  
Director  
**DATE:** September 3, 2019  
**SUBJECT:** PUBLIC HEARING - Annexation and Zoning  
Designation

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### Proposal:

Conduct a Public Hearing to recommend the merits of requiring all new land annexation requests to be supported by a concurrent zoning designation request.

### Background:

Under the current annexation process, the annexation of new lands into the City are in the Conservation/Open Space zoning category. Upon annexation by the City Council, the ultimate use for the property is not considered as part of the record for consideration by Council.

At the Commission's August meeting, the members of the Planning Commission generally agreed that this proposal was a good one.

### Discussion:

Most annexed land in Goose Creek is vacant and thus the property is appropriately designated as Conservation/Open Space. An applicant for annexation would be seeking to come into the City if a higher and better use. So, in a sense, the affected residents of the City who might adjoin the annexed lands may be led to believe that a wooded plot might exist forever in that state. That is rarely the case. The resident has not opposed the annexation because they think that the vacant parcel may remain that way because it is zoned for Conservation Open Space.

Conversely, the applicant for property annexation is coming forward with a development proposal in mind. It would be rare for the applicant to want to come into the City simply to have Conservation/Open Space zoning. In this case, the applicant could go through the entire annexation process only to be denied fair use of their property in a Zone Change Request. That presents the City with potential litigation for denial of basic property rights.

For these reasons, the proposal is to have the property owner wishing to annex into the City to request the appropriate zoning designation at the same time.

### Recommendation:

Open the Public Hearing and discuss the pros and cons of having the owners of property to be annexed into the City, request the proposed zoning on the site at the time of consideration of the annexation.

Forward the Planning Commission's recommendation on the Public hearing to the City Council.

## **§ 151.107 CHANGE OF CITY BOUNDARIES.**

In the event of changes in the city limits removing lands from the city, the district boundaries shall be construed as moving with the city limits. In the event of annexation of new lands, the ~~areas~~ **lands** shall be ~~considered to be in the CO District until otherwise~~ re-zoned **to an appropriate city zoning classification** in accordance with these regulations, or when otherwise approved by City Council prior to a referendum of annexation. All changes shall be recorded on the zoning map approved by City Council and on file with the Planning Director and City Clerk. Non-conforming uses in newly annexed areas shall cease according to the schedule in § [151.152](#)(G).



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*PLANNIG COMMISSION AGENDA ITEM VI  
MULTIFAMILY CONDITIONAL USE – ZBA PROCESS*

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THE CITY OF  
**GOOSE CREEK**  
BERKELEY CO. EST. 1961 SO. CAROLINA

## Department of Planning and Zoning

### Mark Brodeur

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FAX (843) 863-5208

## Memorandum

**TO:** Members of the Planning Commission  
**FROM:** Mark Brodeur, Planning and Zoning  
Director  
**DATE:** September 3, 2019  
**SUBJECT:** Public Hearing to consider “Changing Duties of  
Zoning Board of Appeals for Multi-Family  
Conditional Use Permits”

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### Proposal:

The proposed Zoning Code Amendment would modify the duties of the Zoning Board of Appeals to relinquish the issuance of multi-family conditional use permits and to move that specific duty to the Goose Creek City Council.

### Background:

Within a land use zone there are typically permitted uses, conditional uses, and uses that are not allowed. Conditional uses fulfill an important role in land use planning. These uses are intended to provide flexibility to municipalities and prevent the negative externalities of those uses. Without conditional uses, a use that may be beneficial to the character and nature of a zone, but that also produces negative externalities, would either be allowed without restrictions or not allowed under any circumstances. This all-or-nothing approach can cripple a community's ability to provide the necessary spectrum of land uses.

One of those conditionally permitted uses in Goose Creek is multi-family residential. This use is typically a controversial one in most communities and Goose Creek is no exception. That is why they are not simply permitted in any zone by-right and they are only conditionally allowed in four zoning districts (R-3, R-C, N-C, and G-C).

The Planning Commission discussed this at their August 6<sup>th</sup> regularly scheduled meeting and did not support the Zoning Code Amendment.

### Discussion:

The City Council is directly responsible to the residents of the City of Goose Creek. As elected officials, they have been entrusted with the care of our community. The Council is involved with many facets of community development including land use, transportation, economic development, employment, safety, recreation and mainly being the vision-keepers for the community.

Due to the very nature of multi-family uses, including apartments, condo's and townhomes, they are better equipped to render decisions and attach the needed conditions to any and all such developments because of this broader view of the entirety of City needs.

### Recommendation:

Hold a Public Hearing and send a recommendation on this item to the City Council.

(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.

*(E) The City Council shall issue conditional use permits for all multi family development subject to the terms and conditions as set forth in (C) above. In approving a multifamily conditional use, the City Council may impose conditions and restrictions as in its opinion will accomplish the intent of this chapter.*

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

 § 151.172 ANNUAL REPORT.

**Language added ( in red) to CHAPTER 31 – CITY COUNCIL, REGARDING THE DUTIES OF THE CITY COUNCIL**

**§31.0XX Power to Permit Multi-Family Conditional Use Permits**

*To permit multi-family conditional uses subject to the terms and conditions for the uses as set forth below. A conditional use is a use not otherwise permitted in a district, and which would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood and subject to the conditions noted, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare of the city. A multi-family conditional uses may be allowed after determination by the City Council of additional controls required, and after the holding of a public hearing. A multi-family development is eligible for location within the subject zoning district, if all 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 City Council shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;*
- (15) The City Council reserves the right to revoke any multi-family 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 City Council 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 City Council 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 multi-family 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 multi-family conditional use, the City Council may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.*