



## 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>

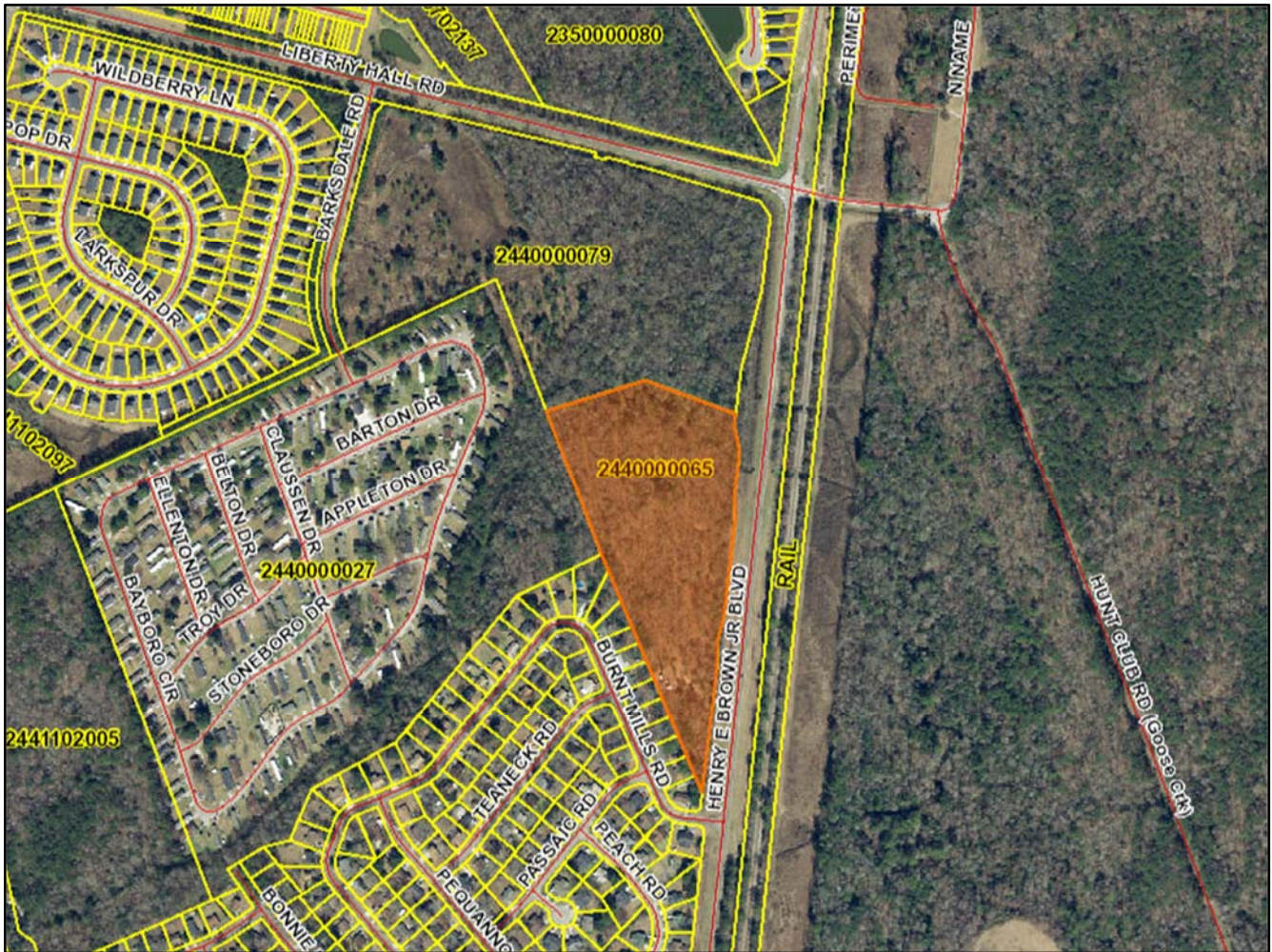
Agenda Item	
<b>Request #:</b>	To be determined
<b>Applicant:</b>	Jason Esposito/Gordon Darby
<b>Location/Address:</b>	6547 Henry Brown Boulevard
<b>Property Owner:</b>	RAGS LLC Of Charleston
<b>Tax Map Number:</b>	244-00-00-065
<b>Plat Book &amp; Page:</b>	Not indicated on Berkeley County GIS
<b>Current Zoning:</b>	General Commercial (GC)

Description of the request
The applicant is requesting to construct a mixed used development consisting of 84 apartment units along with a 6,000 square feet of commercial/retail space on approximately 16.3 acres along Henry Brown Boulevard.
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 (2) parcel consisting of 16.3 acres (TMS# 244-00-00-065) following the approval of the CUP. The parcel which is being considered with this request is the parcel consisting of 16.3 acres.

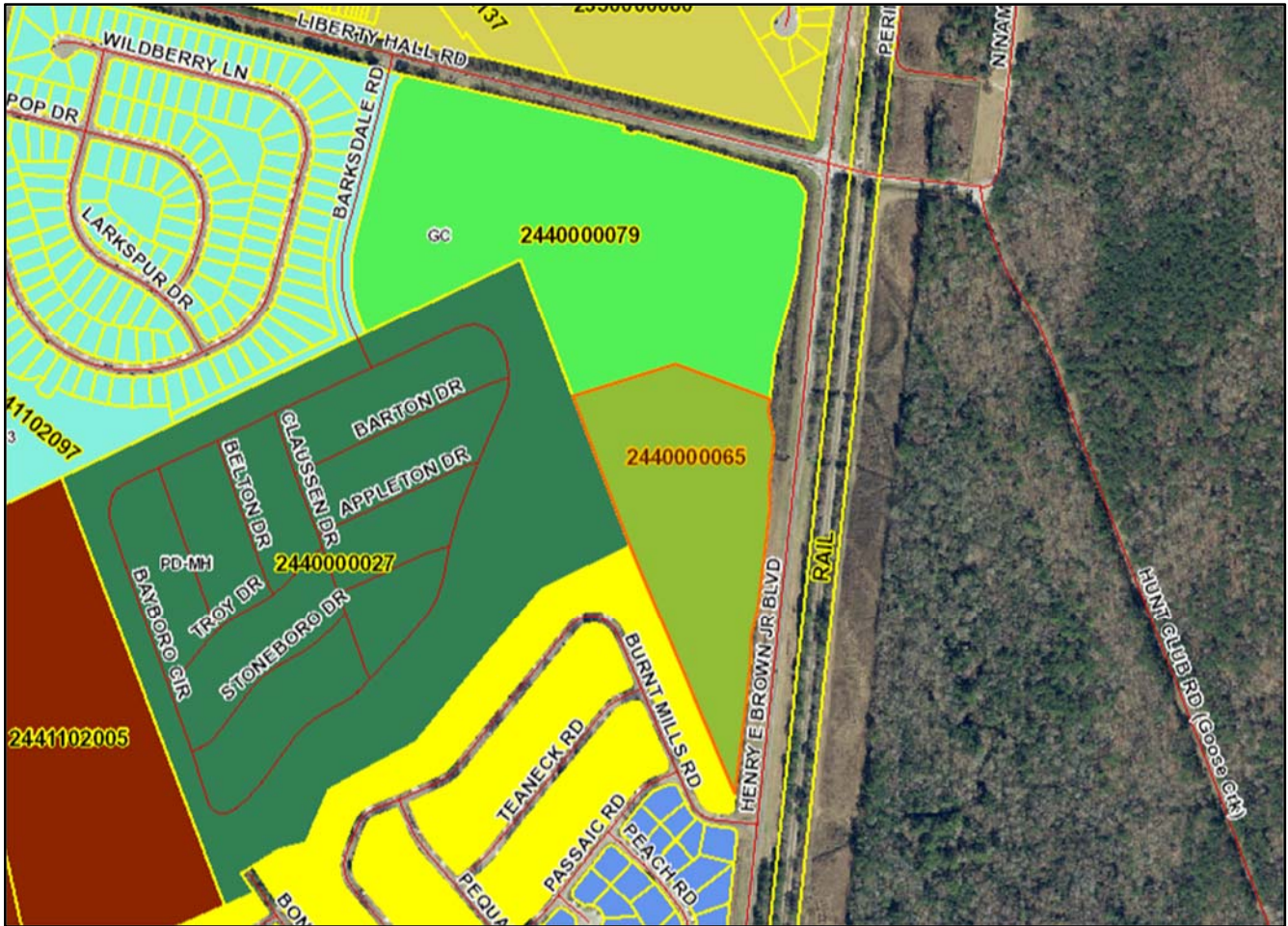
Zoning Ordinance Reference
The applicant is making his request in accordance with Appendix B: Table of Land Uses multi-family dwellings, apartments including garden apartments, townhouses, patio homes are a Conditional Use in the General Commercial (GC) district and require approval from the Zoning Board of Appeals.

Property Zoning to the:		Property Uses to the:	
<b>North:</b>	General Commercial (GC)	<b>North:</b>	Undeveloped (Approved for a mixed-use development in November 2016)
<b>South:</b>	Berkeley County - Low-Density Residential (R-1)	<b>South:</b>	Single-Family Residential
<b>East:</b>	Naval Weapons Station	<b>East:</b>	Naval Weapons Station
<b>West:</b>	Planned Development Mobile Home (PD-MH) and Low-Density Residential (R-1)	<b>West:</b>	Birch Hollow Mobile Home Park and Single-Family Residential

**Aerial Map**



**Zoning Map**



History of Property		
Date	Type of Request	Decision
November 2016	Conditional Use Permit	Approved with Conditions

Staff Comments
The applicant appeared before the Zoning Board of Appeals in November 2016. The request was to develop an apartment community totaling up to 180 apartment units on property consisting of approximately 41 acres. I have attached a copy of the minutes from that meeting for reference. Shortly after approval was given for the CUP the property was subdivided into two (2) parcels one (1) totaling 24.8 acres (TMS# 244-00-00-079) and one (1) totaling 16.3 acres (TMS# 244-00-00-065) which is the parcel

associated with this request. Staff was not able to verify why the property was subdivided, the intent of the subdivision, or why it was approved so soon after the approval of the CUP. Staff requests that regardless of the ZBA's decision on this request or for the request associated with TMS# 244-00-00-079, the property line be abandoned between these two (2) parcels thus reestablishing the property as it was when the CUP was approved in November 2016. In addition, 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.

<b>CONDITIONAL USE PERMIT</b>
<b>According to § 151.171 DUTIES AND POWERS of the Zoning Board of Appeals as contained in the City of Goose Creek Zoning Ordinance:</b>
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:
<input type="checkbox"/> (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;
<input type="checkbox"/> (2) Vehicular traffic flow would not increase and pedestrian movement would not be diminished or endangered;
<input type="checkbox"/> (3) Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design;
<input type="checkbox"/> (4) Property values, general character and welfare of nearby areas will not be deteriorated;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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;
<input type="checkbox"/> (8) The proposed use complies with all applicable development standards of the city;
<input type="checkbox"/> (9) The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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;

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| <input type="checkbox"/> (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;  |
| <input type="checkbox"/> (13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;   |
| <input type="checkbox"/> (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;   |
| <input type="checkbox"/> (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; |
| <input type="checkbox"/> (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   |
| <input type="checkbox"/> (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.   |



CITY OF GOOSE CREEK LAND USE APPLICATION

TODAY'S DATE: 4/27/18

PART I. PURPOSE OF SUBMITTAL

- Site Plan, Subdivision Plan, Plat Review, Variance, Rezoning, Conditional Use Permit

PART II. GENERAL INFORMATION

- Development Name: Darby tract
Street Address: 6547 Henry Brown Blvd.
TMS #: 244 - 00 - 00 - 065
Zoning Classification: GC
Requested Classification: (For rezonings only)
Total Site Acres: 16.3

Table with 2 columns: Zoning District Name and Description. Includes CO, LI, R-1, R-2, R-3, GC, NC, RC, PD, PD-MH.

PART III. CONTACT INFORMATION

Owner/Developer Name: RAES LLC
Street Address: 600 Seacoast Pkwy City: Mt. Pleasant St: SC Zip: 29464
Telephone: 843-554 1030 Cell Phone: 843-200 1231 Fax:
E-mail Address: jesposito@centerparkhomes.com

PART IV. SUBMITTAL INFORMATION (IF APPLICABLE)

Proposed Building Use:
Proposed Total Building Area (gross sq. ft.):
Max. Building Height: Total Number of Buildings/Units/Lots:
Is The Property Restricted by Any Recorded Covenant Which Conflicts With or Prohibits The Proposed Use:

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: Date: 4/30/18
Signature: [Handwritten Signature]

# Darby Development Company, Inc.

600 SEACOAST PARKWAY, SUITE 100  
MOUNT PLEASANT, SOUTH CAROLINA 29464

TELEPHONE 843/554-1030  
FAX 843/566-9952

May 10, 2018

Ms. Kara Browder, Director  
City of Goose Creek  
P.O. Box 1768  
Goose Creek, SC 29445

Re: Liberty Hall Tract TMS# 244-00-00-065

Dear Kara:

First, I want to sincerely thank you for taking the time to review the conditional use permit application regarding the 84 apartments and +/- 6000 sq ft of commercial space. As we discussed, I would appreciate it if you would review my responses and any comments or changes you feel necessary will be greatly appreciated.

The following addresses the requirements needed in order to obtain approval of a conditional use permit:

1. All setbacks, buffers, fences or planning strips to protect adjacent properties will be done subject to zoning regulations and review by the city's planning staff.
2. Vehicular traffic flow will be less than that of a typical general commercial use. Also, traffic flow created by apartments on a per unit basis is less than that created by single-family and mobile homes per unit. The property was previously zoned for mobile home use.
3. See attached site plan.
4. The proposed use is to build quality apartments which will enhance the integrity of the site. Nearby areas will by no means be deteriorated and a significant buffer will be in place along Henry Brown Blvd.
5. The previous zoning for the property was originally for mobile home use and the currently proposed use will be in accordance with the purpose and intent of the city's comprehensive plan.
6. Plans for the proposed use will be compatible with existing neighborhood character and final plans are subject to staff review.
7. The proposed use will not adversely affect surrounding land use and will comply with all standards subject to staff review.

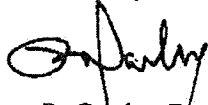
Page Two

The plans are subject to review and approval by city staff.

8. Under no circumstances will the proposed use be detrimental to the public health and welfare of the city and its citizens.
9. The site is strategically located at the intersection of Henry Brown Blvd. and Liberty Hall Road, and vehicular traffic will not be a problem given that this site will have its own separate access point on Henry Brown Blvd. It should also be noted the site's location is on 16.3 acres of land conveniently buffered on the east by a large floodway which is beautifully inhabited by live oak trees and other species of grand trees which greatly add to the natural beauty and seclusion of the site. The majority of the site is not conducive to a typical general commercial use given its lack of frontage and visibility on Henry Brown Blvd.
10. Large oaks and grand trees will be saved. There are no historic features on the site.

I enjoyed our meeting, and greatly appreciate your input and look forward to your response.

Sincerely,



R. Gordon Darby

RGD/dlw





**LEGEND**  
 1. EXISTING PROPERTY LINES  
 2. EXISTING PROPERTY CORNERS  
 3. EXISTING EASEMENTS  
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**GRAPHIC SCALE**  
 1" = 80'

YES COMPANIES SC LLC  
 TEL: 344-88-8827

HENRY E. BROWN JR. BLVD  
 5-10-135  
 8/11/2018



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

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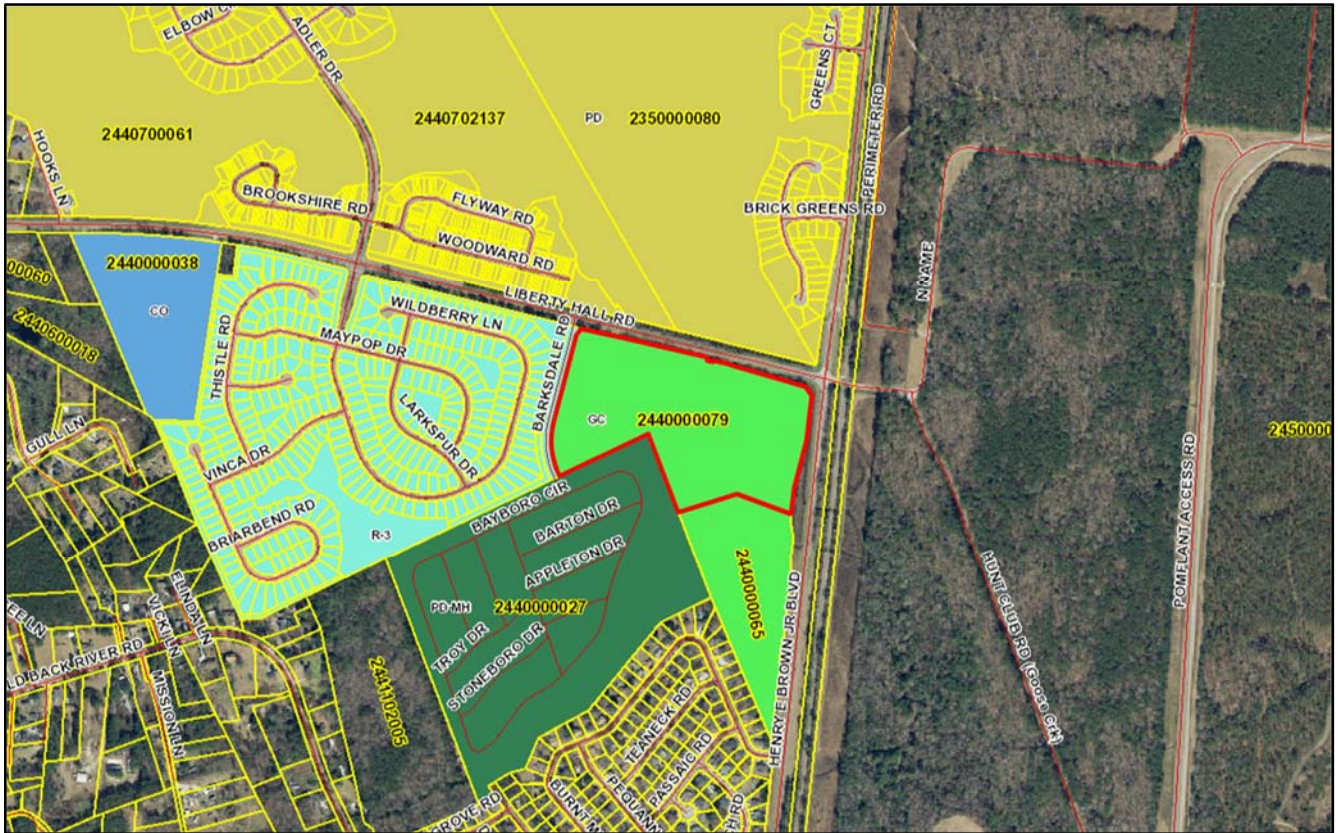
Agenda Item	
<b>Request #:</b>	To be determined
<b>Applicant:</b>	Jason Esposito/Gordon Darby
<b>Location/Address:</b>	861 Liberty Hall Road
<b>Property Owner:</b>	RAGS LLC Of Charleston
<b>Tax Map Number:</b>	244-00-00-079
<b>Plat Book &amp; Page:</b>	Not indicated on Berkeley County GIS
<b>Current Zoning:</b>	General Commercial (GC)

Description of the request
The applicant is requesting that a Conditional Use Permit approved by the Zoning Board of Appeals in November 2016 be modified to remove the condition that the remaining buildable portions of the property be reserved for commercial development. This condition was placed on the request as part of the approval. 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 (2) parcel consisting of 16.3 acres (TMS# 244-00-00-065) following the approval of the CUP. The parcel which is being considered with this request is the parcel consisting of 24.8 acres.

Zoning Ordinance Reference
The applicant is making this request in accordance with Section 151.171 Duties and Powers (C) (15). The applicant wishes to modify the approved Conditional Use Permit by removing the condition that the remaining buildable portions of the property be reserved for commercial development. The applicant is making this request to avoid the revocation of the CUP for non-compliance with the condition attached to the approval.



**Zoning Map**



History of Property		
Date	Type of Request	Decision
November 2016	Conditional Use Permit	Approved with Conditions

Staff Comments
The applicant appeared before the Zoning Board of Appeals in November 2016. The request was to develop an apartment community totaling up to 180 apartment units on property consisting of approximately 41 acres. I have attached a copy of the minutes from that meeting for reference. Shortly after approval was given for the CUP, the property was subdivided into two (2) parcels one (1) totaling 24.8 acres (TMS# 244-00-00-079), which is the parcel associated with this request, and one (1) totaling 16.3 acres (TMS# 244-00-00-065). Staff was not able to verify why the property was subdivided, the intent of the subdivision, or why it was approved so soon after the approval of the CUP. Staff requests that

regardless of the ZBA's decision on this request or for the request associated with TMS# 244-00-00-065, the property line be abandoned between these two (2) parcels thus reestablishing the property as it was when the CUP was approved in November 2016. In addition, 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.

#### **CONDITIONAL USE PERMIT**

##### **According to § 151.171 DUTIES AND POWERS of the Zoning Board of Appeals as contained in the City of Goose Creek Zoning Ordinance:**

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;

- |  |
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| <input type="checkbox"/> (13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;   |
| <input type="checkbox"/> (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;   |
| <input type="checkbox"/> (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; |
| <input type="checkbox"/> (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   |
| <input type="checkbox"/> (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.   |
-



CITY OF GOOSE CREEK LAND USE APPLICATION

TODAY'S DATE: 4/27/18

PART I. PURPOSE OF SUBMITTAL

- Site Plan, Subdivision Plan, Plat Review, Variance, Rezoning, Conditional Use Permit

PART II. GENERAL INFORMATION

- Development Name: Darry Tract
Street Address: 861 Liberty Hall Road
TMS #: 244 - 00 - 00 - 079
Zoning Classification: CC
Requested Classification: (For rezonings only)
Total Site Acres: 24.8

Table with 2 columns: District Name and Description. Includes CO, LI, R-1, R-2, R-3, GC, NC, RC, PD, PD-MH.

PART III. CONTACT INFORMATION

Owner/Developer Name: RACS LLC
Street Address: 600 Seacoast Pkwy City: Mt Pleasant St: SC Zip: 29464
Telephone: 843 554-1030 Cell Phone: 843 200 1231 Fax:
E-mail Address: jesposito@centerparkhomes.com

PART IV. SUBMITTAL INFORMATION (IF APPLICABLE)

Proposed Building Use:
Proposed Total Building Area (gross sq. ft.):
Max. Building Height: Total Number of Buildings/Units/Lots:
Is The Property Restricted by Any Recorded Covenant Which Conflicts With or Prohibits The Proposed Use:

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: [Signature] Date: 4/27/18
Signature: [Signature]

# Darby Development Company, Inc.

600 SEACOAST PARKWAY, SUITE 100  
MOUNT PLEASANT, SOUTH CAROLINA 29464

TELEPHONE 843/554-1030

FAX 843/566-9952

May 10, 2018

Ms. Kara Browder, Director  
City of Goose Creek  
P.O. Box 1768  
Goose Creek, SC 29445

Re: Liberty Hall Tract TMS# 244-00-00-079

Dear Kara:

First, I want to sincerely thank you for taking the time to review the conditional use permit application regarding modifying our current permit and removing the general commercial component of the site. As we discussed, I would appreciate it if you would review my responses and any comments or changes you feel necessary will be greatly appreciated.

The following addresses the requirements needed in order to obtain approval of a conditional use permit:

1. All setbacks, buffers, fences or planning strips to protect adjacent properties will be done subject to zoning regulations and review by the city's planning staff.
2. Vehicular traffic flow will be less than that of a typical general commercial use. Also, traffic flow created by apartments on a per unit basis is less than that created by single-family and mobile homes per unit. The property was previously zoned for mobile home use.
3. See attached site plan.
4. The proposed use is to build quality apartments which will enhance the integrity of the site. Nearby areas will by no means be deteriorated.
5. The previous zoning for the property was originally for mobile home use and the currently proposed use will be in accordance with the purpose and intent of the city's comprehensive plan.
6. Plans for the proposed use will be compatible with existing neighborhood character and final plans are subject to staff review.
7. The proposed use will not adversely affect surrounding land use and will comply with all standards subject to staff review.



Page Two

The plans are subject to review and approval by city staff.

8. Under no circumstances will the proposed use be detrimental to the public health and welfare of the city and its citizens.
9. The site is strategically located at the intersection of Henry Brown Blvd. and Liberty Hall Road, and vehicular traffic will not be a problem given that this site will have its own separate access point on Liberty Hall Road. It should also be noted the site's location is on 24.8 acres of land conveniently buffered on the North and East by a large wetland which is beautifully inhabited by live oak trees and other species of grand trees which greatly add to the natural beauty and seclusion of the site.
10. Large oaks and grand trees will be saved. There are no historic features on the site.

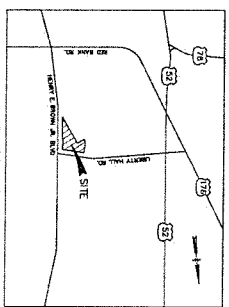
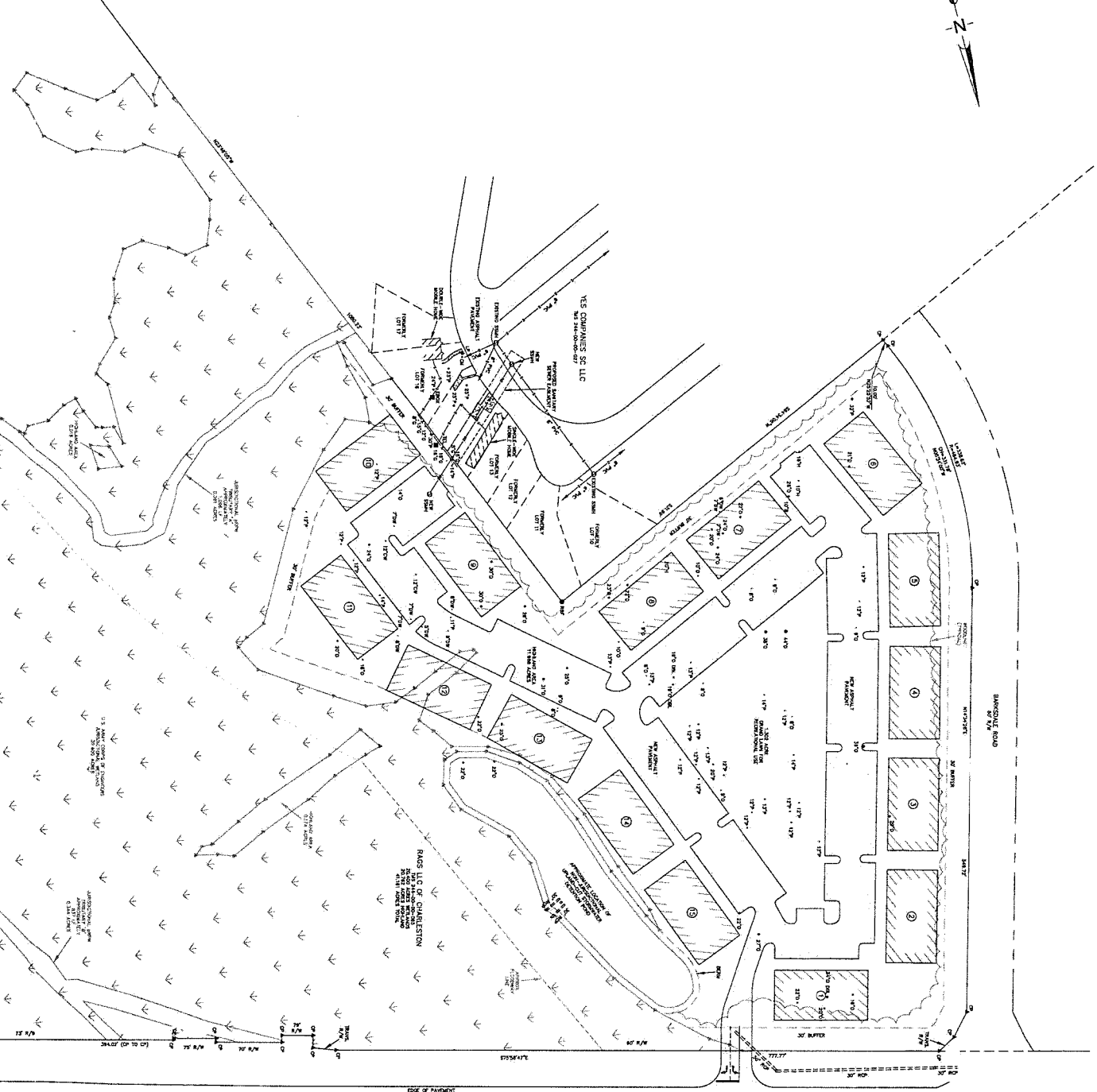
I enjoyed our meeting, and greatly appreciate your input and look forward to your response.

Sincerely,



R. Gordon Darby

RGD/dlw



- NOTES:**
- 1) THE TOTAL AREA OF THE TRACT IS 1,100,000 SQ. FT.
  - 2) THE PROPERTY IS OWNED BY RAGS LLC OF CHARLESTON.
  - 3) THE TOTAL AREA OF THE TRACT IS 1,100,000 SQ. FT.
  - 4) THIS SITE PLAN SHOWS THE PROPOSED BUILDING FOOTPRINTS, PARKING LOTS, AND DRIVEWAYS. THE PROPOSED BUILDING FOOTPRINTS ARE SHOWN WITH HATCHING. THE PROPOSED PARKING LOTS AND DRIVEWAYS ARE SHOWN WITH DASHES.
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  - 11) THE PROPOSED BUILDING FOOTPRINTS ARE SHOWN WITH HATCHING. THE PROPOSED PARKING LOTS AND DRIVEWAYS ARE SHOWN WITH DASHES.

- LEGEND:**
- 1) PROPOSED BUILDING FOOTPRINT
  - 2) PROPOSED PARKING LOT
  - 3) PROPOSED DRIVEWAY
  - 4) EXISTING DRIVEWAY
  - 5) EXISTING PARKING LOT
  - 6) EXISTING BUILDING FOOTPRINT
  - 7) EXISTING FENCE
  - 8) EXISTING ROAD
  - 9) EXISTING UTILITY
  - 10) EXISTING TREE
  - 11) EXISTING OBSTACLE
  - 12) EXISTING EASEMENT
  - 13) EXISTING RIGHT-OF-WAY
  - 14) EXISTING PROPERTY LINE
  - 15) EXISTING ADJACENT PROPERTY
  - 16) EXISTING ADJACENT ROAD
  - 17) EXISTING ADJACENT UTILITY
  - 18) EXISTING ADJACENT OBSTACLE
  - 19) EXISTING ADJACENT EASEMENT
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  - 26) EXISTING ADJACENT RIGHT-OF-WAY
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  - 32) EXISTING ADJACENT RIGHT-OF-WAY
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  - 48) EXISTING ADJACENT OBSTACLE
  - 49) EXISTING ADJACENT EASEMENT
  - 50) EXISTING ADJACENT RIGHT-OF-WAY

- SITE DATA:**
- 1) TOTAL AREA: 1,100,000 SQ. FT.
  - 2) TOTAL UNITS: 180 UNITS
  - 3) GREEN SPACES: 120 UNITS
  - 4) LAND AREA: 180 UNITS
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  - 99) GREEN SPACES: 120 UNITS
  - 100) LAND AREA: 180 UNITS

**PRELIMINARY SITE PLAN**  
**FOR A TRACT OF LAND OWNED BY**  
**RAGS LLC OF CHARLESTON, TRMS # 244-00-00-065**  
 LOCATED IN BERKELEY COUNTY, SOUTH CAROLINA  
 DATE: AUGUST 18, 2011

**FORBERG ENGINEERING AND SURVEYING, INC.**  
 1100 W. BROADWAY, SUITE 100  
 CHARLESTON, SOUTH CAROLINA 29405  
 PHONE: 703.777.1100  
 FAX: 703.777.1101  
 WWW.FORBERGENGINEERING.COM  
 1994

MINUTES  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
NOVEMBER 29, 2016 6:30 P.M.  
GOOSE CREEK MUNICIPAL COURTROOM  
519 N. GOOSE CREEK BOULEVARD

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

Present: Butch Clift, Jason Dillard, James Fisk, Ralph Hayes, Larry Monheit, Gerald Stinson, Thomas Volkmar  
Absent: None  
Staff Present: Sarah Hanson

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

*Motion:* Mr. Volkmar made a motion to approve the minutes as written. Mr. Monheit seconded.  
*Discussion:* There was none.  
*Vote:* All voted in favor. (7-0)

III. Public Hearing – Request for a Conditional Use Permit for a proposed multi-family development for property located at Liberty Hall Road and Henry E. Brown Blvd., designated as TMS#244-00-00-065.

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

Chairman Clift opened the floor to Staff. Ms. Hanson pointed out the property location. Staff stated the property consists of approximately 41 acres located along Liberty Hall Road as well as along Henry Brown Blvd. She noted the property is located adjacent to the Birch Hollow mobile home community. Ms. Hanson also mentioned that of the 40 acres, approximately 20 acres are considered developable due to the presence of wetlands. She added that the property was recently rezoned from Planned Development Mobile Home (PDMH) to General Commercial (GC). Staff stated that when someone wants to use a property that is zoned GC for a multi-family use, a Conditional Use Permit approval by the ZBA is required. Ms. Hanson mentioned the plans, to date, are preliminary with revisions to meet the City's buffer and open space requirements. Staff specified the project will be required to go through a typical Staff review, should it be approved, and must meet or exceed all applicable zoning requirements. She noted requirements would consist of landscaping, land use buffering, storm water, density, and consistency with the areas aesthetics. Ms. Hanson also mentioned any approvals or conditions granted by the ZBA would be

subject to the project conforming to ordinance requirements. Ms. Hanson mentioned that the site is especially restricted as a whole because of wetland, flood hazard zones, and a tributary that runs through the property. She further detailed the project to include a 180-unit proposal that would allow for the natural development along the northern boundary of the current mobile home community and stay within the density, buffering, and parking requirements needed to meet the zoning ordinance while also working within the natural components of the property, noting the site plan as submitted is by no means a final site plan but rather illustrating the possible density within the given space.

Ms. Hanson mentioned a tree survey had been submitted, as required per the zoning ordinance, and that there are several significant (defined in the zoning ordinance as 24" or greater in diameter) oaks located on the property. She pointed out that the property also has several flowering dogwoods, mentioning that these are also protected as per the tree ordinance. Staff voiced concern about the removal of these, particularly the larger oaks and has requested that the final site plan be designed as creatively as possible to allow for as many of these trees to remain, adding mitigation for the removal would be significant, but Staff always prefers the mature canopy vs. a large amount of new, smaller trees being planted per mitigation. Ms. Hanson stated that because this property was initially zoned and intended for the development of a very large mobile home community, the recent rezoning offers the possibility of a less dense development than the original plan. Staff wanted to ensure the Boards awareness that per the development agreement currently in place for the Brickhope Plantation community, on the opposite side of Liberty Hall Road and Henry Brown Boulevard, a total of 525 multi-family units have been approved for possible development 1.5 miles from this site.

Ms. Hanson stated that the property owner is requesting that the Board approve the multi-family use to ensure that future owners of the property have the multi-family option available and so the property can be marketed as such. She added that per the zoning ordinance the Board may attach any conditions on its decision such as maximum density, site restrictions, etc. that it considers important or imperative.

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

Staff finalized her comments by asking that any approvals be conditional upon Staff approval of the architectural design of the complex, sufficient buffering between communities, and any other specifics the Board may require. In addition, Staff would ask that a maximum number of units be specified or that the density be governed by the ability to save as many trees defined within the zoning ordinance as "significant" as absolutely possible; even if requiring the repositioning of buildings, the use of low impact development standards for parking areas, the relocation of driveways, etc. Ms. Hanson stated that in giving those conditions, indicating the area designated

for commercial development on the Henry Brown Boulevard side and the multi-family use reserved for the other portion of the total property, Staff has no objection to the use for multi-family.

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

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

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

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

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

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

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

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

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

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

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

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

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

*Discussion:* There was none.

*Vote:* All voted in favor.

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

#### IV. Comments from the Board

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

V. Comments from Staff

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

VI. Adjournment

Mr. Volkmar made a motion to adjourn. Mr. Monheit seconded. All voted in favor. The meeting ended at or about 8:07 p.m.

  
\_\_\_\_\_

Date: 2-15, 2017

Butch Clift, Chairman