

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mrs. Judith K. Spooner, District No. 2  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mr. Dennis Fish, District No. 5  
District No. 6 - Vacant  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday October 10, 2005**, following the meeting of the Committee on Public Works and Purchasing, the Committee on Water and Sanitation, the Committee on Community Services, the Committee on Justice and Public Safety and Public Hearings in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at **6:00 p.m.**

**AGENDA**

**APPROVAL OF MINUTES**

**September 12, 2005**

- A. Mr. Larry Meisner and Mr. Matt Noonkester, Kimley-Horn & Associates, Inc., Re: Transportation Impact Fee Study.**
- B. Consideration prior to First Reading of a Proposed Development Agreement for The Parks of Berkeley, LLC, and Crescent Resources, LLC.**
- C. Consideration prior to First Reading of the following:**

**HELD IN COMMITTEE:**

- 1. Request by Marc G. and Tamara B. Haight, 328 Doc's Place, Moncks Corner, TMS #162-00-02-024 (5.92 acres), from PDMU, Planned Development Mixed Use to GC, General Commercial District. Council District No. 8.**  
[Staff recommended Approval]  
[Planning Commission recommended Deny]
- D. Review prior to Second Reading of the following:**
  - 1. Bill No. 05-81, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Pointe North Community Church, Old Highway 52, Moncks Corner, TMS #142-00-01-073 (22 acre portion of 28 acres) from GC, General Commercial to R-4, Multi-Family (Small Scale). Council District No. 8.**

2. **Bill No. 05-82**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mt. Holly Commerce Park**, Moncks Corner, TMS #211-00-02-096 (Lot 21), (19.2 acres), **from HI, Heavy Industry to GC, General Commercial District**. Council District No. 3.

3. **Bill No. 05-83**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Charles and Katie Koth**, 1494 Charity Church Road, Huger, TMS #240-00-00-013 (2.81 acres), **from RNC, Rural and Neighborhood Commercial District to F-1, Agriculture District**. Council District No. 8.

4. **Bill No. 05-84**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **HGBD, Inc.**, 567 Sanders Farm Road, Charleston, TMS #271-00-02-060 (20.39 acres), **from F-1, Agriculture District to R-1, Single Family District**. Council District No. 8.

5. **Bill No. 05-85**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ruby J. Fields**, 2466 Clements Ferry, Charleston, TMS #271-00-01-094, -004 (2.604 and .941 acres, Total 3.545 acres), **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 8.

6. **Bill No. 05-86**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **DRR Developers**, West Dike Road, Pinopolis, TMS (SCPSA) (36.087 acres) **from F-1, Agricultural District to R-1, Single Family Residential District**. Council District No. 6.

E. **Review prior to Third Reading** of the following:

1. **Bill No. 05-73**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Teresa F. Hood Clemmons**, 1950 Cane Gully Road, Moncks Corner, TMS #105-00-00-052 (9.74 acres), **from GC, General Commercial District to F-1, Agriculture District**. Council District No. 6.

2. **Bill No. 05-74**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Berenyi**, Clements Ferry Road, Charleston, TMS #268-00-00-124 (12.94 acres), **from GC, General Commercial District to R-4, Multi-Family District (Small Scale)**. Council District No. 2.

3. **Bill No. 05-75**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **County Council**, 1376 Old Gilliard Road, Ridgeville, TMS #157-00-00-003 (3,500 acre portion of 7,675 acres), **from F-1, Agriculture District to HI, Heavy Industrial District**. Council District No. 7.

October 5, 2005

  
Barbara B. Austin, CCC  
Clerk of County Council

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Phillip Farley, District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday October 10, 2005**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:12 p.m.

**PRESENT:** Mr. Phillip Farley, Council Member District No. 1, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Vacant, District 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8. Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Council Member Pinckney led in the Invocation, and Council Member Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley called the meeting to order and asked for approval of minutes from the Committee on Land Use meeting held September 12, 2005.

It was moved by Council Member Spooner and seconded by Council Member Fish to approve the minutes as presented. The motion was passed by unanimous voice vote of the Committee.

**EXECUTIVE SESSION**

It was moved by Council Member Crosby and seconded by Council Member Spooner to enter into Executive Session to discuss matters relating to where the legal advice relates to a pending, threatened or potential claim, or other matters covered by the attorney-client privilege; settlement of legal claim or the position of the County in other adversary situations involving the assertion against the County of a claim. The motion was passed by unanimous voice vote of Council.

Council entered into Executive Session at 6:14 p.m., and returned to Regular Session at 6:27 p.m.

Mr. D. Mark Stokes, County Attorney, reported that Council entered into Executive Session for reasons stated in the motion, and no formal action was taken.

**A. Mr. Larry Meisner and Mr. Matt Noonkester, Kimley-Horn & Associates, Inc., Re: Transportation Impact Fee Study.**

Mr. Meisner addressed the Committee and stated the findings on the Transportation Impact Fee Study. (A complete copy of the Impact Fee Study is attached hereto and by this reference a part hereof.)

Transportation Impact Fee Study

Why Impact Fees?

- .. Rapid growth / development
- .. Significant land available for development
- .. Federal / state funding unable to meet needs
- .. Increasing annual construction costs
- .. Resistance to increased property taxes

What are Impact Fees?

“Impact fees represent financial payments made to a local government by a developer to fund certain offsite capital improvements needed to accommodate future growth.”

- .. Mitigate negative impacts of new development
- .. Pass construction costs onto new development rather than existing taxpayers
- .. 40% of US metropolitan counties use some form of impact fees

What are Impact Fees?

- .. Generated Revenue < Implementation Costs
- .. Existing deficiencies are not eligible for impact fee funding
- .. Legality for collecting impact fees:
  - Municipal authority to collect fees
  - Rational nexus test
  - Nondiscriminatory

State Enabling Legislation

- .. South Carolina Development Impact Fee Act
- .. Formal process
  - Resolution by County Council
  - Prepare Impact Fee Study Report
  - Prepare Capital Improvements Plan
  - Enact Impact Fee Ordinance
- .. Requires adopted Comp Plan or CIP
- .. Study / provisions for affordable housing

State Enabling Legislation

- .. Impact fee revenues may be used for...
  - Design / engineering
  - Acquisition
  - Construction
- .. Impact fee revenues may not be used for...
  - Maintenance
  - Administrative costs
  - Operating Costs

State Enabling Legislation

- .. All revenues maintained in an interest bearing account
- .. Monies must be spent within 3 years of CIP scheduled date of construction
- .. Annual monitoring report
- .. Comprehensive review and update every 5 years

Study Area

- .. Five service zones
- .. Based on population distribution / natural boundaries
- .. Individual impact fee schedules
- .. Rational nexus test

Roadway Network

- .. Major state / county roadways
- .. Excluded roadways: Municipal limits
  - Interstate 526
  - Interstate 26
- .. Two new roadways:
  - Regional Spine Road
  - Wildgame Road Ext.

Study Assumptions

- .. Analysis period (2003 –2020)
- .. BCDCOG Travel Demand Model
- .. Average daily trips
- .. Level of Service D threshold
- .. Berkeley County land use
  - Planned / expected development
  - Phased between 2003 –2020
  - 2.7% countywide growth rate

Existing Conditions (2003)

- .. Model conditions:
  - 1 deficient link Located in Zone 1
- .. \$1.1 Million for Improvements

Liberty Hall Road

Add center left turn lanes

.. Not eligible for impact fee funding

Future Conditions (2020)

.. Model conditions:

10 deficient links

2 new roadways

Located in Zone 1

.. \$102.3 million for improvements

\$58.0 million to fix deficiencies

\$44.3 million for two new roadways

.. All projects eligible for impact fee funding

Roadway Improvement Costs

.. Road construction costs:

Independent study

Landscaping / lighting not included

Validated by SCDOT

.. ROW costs:

Deficient links identified

Land values determined by County

Property Appraiser

.. Urban vs. rural conditions

Sidewalk treatments

Drainage

Impact Fee Estimates

Impact Fee Calculation:

ITE trip generation

Passby capture

Trip end discount (50%)

Discount rate (30%)

Cost per trip (Zone 1 = \$420.80)

Cost per Trip: Average daily trips

Estimated construction costs

Cost escalation (5 yrs @ 6%)

Reported by zone

(ITE trips passby trips trip end discount 30% discount)\*cost per trip

2020 Total Construction Cost –2003 Total Construction Cost

2020 Total Average Daily Traffic –2003 Total Average Daily Traffic

Cost per Trip = Impact Fee =

**Impact Fee Schedule**

- .. Only applies to Service Zone 1
- .. Comprehensive list of land use categories limits special cases
- .. Discount rate (30%)
- .. Impacts to growth?

**Projected Impact Fee Revenue**

Projected Cost  
Potential Revenue  
Percentage \$102.3 Million  
\$49.6 Million 48.5%

**Next Steps**

- .. Public workshops (October 18, 2005)
- .. Complete Affordable Housing Study (BCDCOG)
- .. Finalize Impact Fee Study Report
- .. Develop Capital Improvements Plan
- .. Prepare Transportation Impact Fee Ordinance
- .. Adoption process

**B. Consideration prior to First Reading of a Proposed Development Agreement for The Parks of Berkeley, LLC, and Crescent Resources, LLC.**

Ms. Madelyn Robinson, Zoning Administrator, distributed Development Agreements to the Committee.

Chairman Farley stated this item would be held in Committee until the November meeting.

**C. Consideration prior to First Reading of the following:**

**HELD IN COMMITTEE:**

**1. Request by Marc G. and Tamara B. Haight, 328 Doc's Place, Moncks Corner, TMS #162-00-02-024 (5.92 acres), from PDMU, Planned Development Mixed Use to GC, General Commercial District. Council District No. 8.**

[Staff recommended Approval]

[Planning Commission recommended Deny]

Committee Member Pinckney stated that a meeting had not taken place between Marc Haight and Ms. Marsha Marsh.

Mr. Marc Haight addressed the Committee and stated that he had spoken with Ms. Marsh tonight at the meeting and they were in agreement with the proposed boundary line of trees.

It was moved by Council Member S. Davis and seconded by Council Member Crosby to **approve the request by Marc G. and Tamara B. Haight.** The motion was passed by unanimous voice vote of the Committee.

**D. Review prior to Second Reading of the following:**

**1. Bill No. 05-81, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Pointe North Community Church**, Old Highway 52, Moncks Corner, TMS #142-00-01-073 (22 acre portion of 28 acres) **from GC, General Commercial to R-4, Multi-Family (Small Scale).** Council District No. 8.**

It was moved by Council Member S. Davis and seconded by Council Member Pinckney to **approve prior to Second Reading Bill No. 05-81.** The motion was passed by unanimous voice vote of the Committee.

**2. Bill No. 05-82, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mt. Holly Commerce Park**, Moncks Corner, TMS #211-00-02-096 (Lot 21), (19.2 acres), **from HI, Heavy Industry to GC, General Commercial District.** Council District No. 3.**

It was moved by Council Member Crosby and seconded by Council Member Spooner to **approve prior to Second Reading Bill No. 05-82.** The motion was passed by unanimous voice vote of the Committee.

**3. Bill No. 05-83, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Charles and Katie Koth**, 1494 Charity Church Road, Huger, TMS #240-00-00-013 (2.81 acres), **from RNC, Rural and Neighborhood Commercial District to F-1, Agriculture District.** Council District No. 8.**

It was moved by Council Member S. Davis and seconded by Council Member Spooner to **approve prior to Second Reading Bill No. 05-83.** The motion was passed by unanimous voice vote of the Committee.

**4. Bill No. 05-84, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **HGBD, Inc.**, 567 Sanders Farm Road, Charleston, TMS #271-00-02-060 (20.39 acres), **from F-1, Agriculture District to R-1, Single Family District.** Council District No. 8.**

It was moved by Council Member S. Davis and seconded by Council Member Crosby to approve prior to Second Reading Bill No. 05-84. The motion was passed by unanimous voice vote of the Committee.

5. **Bill No. 05-85**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ruby J. Fields**, 2466 Clements Ferry, Charleston, TMS #271-00-01-094, -004 (2.604 and .941 acres, Total 3.545 acres), **from R-2, Manufactured Residential District to GC, General Commercial District.** Council District No. 8.

It was moved by Council Member S. Davis and seconded by Council Member Spooner to approve prior to Second Reading Bill No. 05-85. The motion was passed by unanimous voice vote of the Committee.

6. **Bill No. 05-86**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **DRR Developers**, West Dike Road, Pinopolis, TMS (SCPSA) (36.087 acres) **from F-1, Agricultural District to R-1, Single Family Residential District.** Council District No. 6.

It was moved by Council Member Spooner and seconded by Council Member S. Davis to approve prior to Second Reading Bill No. 05-86. The motion was passed by unanimous voice vote of the Committee.

E. **Review prior to Third Reading** of the following:

1. **Bill No. 05-73**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Teresa F. Hood Clemmons**, 1950 Cane Gully Road, Moncks Corner, TMS #105-00-00-052 (9.74 acres), **from GC, General Commercial District to F-1, Agriculture District.** Council District No. 6.

It was moved by Council Member Spooner and seconded by Council Member S. Davis to approve prior to Third Reading Bill No. 05-73. The motion was passed by unanimous voice vote of the Committee.

2. **Bill No. 05-74**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Berenyi**, Clements Ferry Road, Charleston, TMS #268-00-00-124 (12.94 acres), **from GC, General Commercial District to R-4, Multi-Family District (Small Scale).** Council District No. 2.

It was moved by Council Member Spooner and seconded by Council Member S. Davis to approve prior to Third Reading Bill No. 05-74. The motion was passed by unanimous voice vote of the Committee.

3. **Bill No. 05-75**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **County Council**, 1376 Old

Gilliard Road, Ridgeville, TMS #157-00-00-003 (3,500 acre portion of 7,675 acres),  
**from F-1, Agriculture District to HI, Heavy Industrial District.** Council District No.  
7.

Chairman Farley stated Bill No. 05-75 would be held in Committee.

It was moved by Council Member Spooner and seconded by Council Member S.  
Davis to adjourn the Committee on Land Use meeting. The motion was passed by  
unanimous voice vote of the Committee.

The meeting ended at 7:11 pm.

November 14, 2005  
Date Approved

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mrs. Judith K. Spooner, District No. 2  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mr. Dennis Fish, District No. 5  
District No. 6 - Vacant  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A **special meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday October 24, 2005**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at **6:00 p.m.**

**AGENDA**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**A. Consideration prior to First Reading of the following:**

**1. Request by The Parks of Berkeley, LLC and Crescent Resources, LLC, Sheep Island Road and US Hwy. 176, Summerville, TMS #221-00-00-133 (1,149.7 acres) and TMS #195-00-00-046 (3,402.2 acres), from F1, Agricultural District to PDMU, Planned Development Mixed Use District, and proposed Development Plan for The Parks of Berkeley. Council District No. 7.**

[Staff recommended Approval W/Conditions]

[Planning Commission recommended Denial]

**2. Request by Timothy Reed, 1001 St. James Avenue, Goose Creek, TMS #223-00-00-010 (1.6 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 4.**

[Staff recommended Approval]

[Planning Commission recommended Denial]

**3. Request by Kelli Garrett and Sunshine Jones, 1068 Clements Ferry Road, Charleston, TMS #263-00-03-029 (.61 acre) from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 2.**

[Staff recommended Approval]

[Planning Commission recommended Approval]

4. **Request by Joe Lawrence**, Hamlin Corner Road, Huger, TMS #248-00-02-078 (1.7 acres), from R-2, Manufactured Residential District to RNC, Rural and Neighborhood Commercial District. Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Approval]

5. **Request by Maxine Woodham**, 3447 South Live Oak Drive, Moncks Corner, TMS #209-12-00-044 (1 acre), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 6.

[Staff recommended Approval]

[Planning Commission recommended Approval]

6. **Request by J. B. Hood**, Old Mill Road, St. Stephen, Portion of TMS #036-00-03-011 (16.66 acres), from GC, General Commercial District to R-1, Single Family District. Council District No. 7.

[Staff recommended Denial]

[Planning Commission recommended Denial]

7. **Request by Earthsource Engineering**, 2563 Clements Ferry Road, Charleston, TMS #271-00-02-035 (17.946 acres), from R-2, Manufactured Residential District and GC, General Commercial District to R-4, Multi-Family District (Small Scale). Council District No. 8.

[Staff recommended Approval]

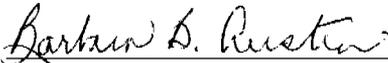
[Planning Commission recommended Approval]

8. **Request by Amadeo & Erlinda Biascan**, 1818 South Live Oak Drive, Moncks Corner, TMS #180-00-02-009 (36.087 acres), from R-2, Manufactured Residential District to RNC, Rural and Neighborhood Commercial District. Council District No. 6.

[Staff recommended Approval]

[Planning Commission recommended Approval]

October 19, 2005

  
Barbara B. Austin, CCC  
Clerk of County Council

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Phillip Farley, District No. 1

A **special meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday October 24, 2005**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:02 p.m.

**PRESENT:** Mr. Phillip Farley, Council Member District No. 1, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Vacant, Council Member District No. 6.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Without objection from the Committee, Berkeley County Council Chairman Rozier asked Mrs. Judy C. Mims' daughters, Tammy and Jacquelyn, to approach the podium with their family members. Chairman Rozier stated that Mrs. Mims, prior to her death, was a Member of Berkeley County Council since 1995. He asked for Council's approval of a resolution, which he read into the record in memory of Mrs. Mims.

**“RESOLUTION TO REMEMBER THE HONORABLE JUDY C. MIMS OF BERKELEY COUNTY FOR HER SERVICE AS A MEMBER OF BERKELEY COUNTY COUNCIL.”**

It was moved by Council Member Pinckney and seconded by Council Member Crosby to approve the resolution to remember the Honorable Judy C. Mims. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-44 is attached to these minutes.)

Mrs. Tammy Jackson thanked Council and stated that her mother, Mrs. Mims, loved Berkeley County, and this resolution meant a lot to her and her family.

Chairman Farley called the special meeting of Land Use to order. Council Member Pinckney gave the Invocation, and Council Member Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

It was moved by Council Member Crosby and seconded by Council Member Spooner to enter into Executive Session to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area serviced by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened or potential claim or other matters covered by the attorney – client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

The Committee entered into Executive Session at 6:08 p.m., and returned to Committee Session at 6:46 p.m.

Mr. D. Mark Stokes, County Attorney, reported that Council went into Executive Session for reasons stated in the motion, and no formal action was taken.

**A. Consideration prior to First Reading of the following:**

**1. Request by The Parks of Berkeley, LLC, and Crescent Resources, LLC, Sheep Island Road an US Highway 176, Summerville, TMS #221-00-00-133 (1,149.7 acres) and TMS #195-00-00-046 (3,402.2 acres), from F-1, Agricultural District to PDMU, Planned Development Mixed Use District, and proposed Development Plan for The Parks of Berkeley. Council District No. 7.**  
[Staff recommended Approval w/Conditions]  
(Planning Commission recommended Denial]

Ms. Madelyn Robinson, Zoning Administrator, stated that staff recommended approval of this request under the condition that the traffic analysis be updated with each phase of development. This request is in conformance with the Comprehensive Plan. The Planning Commission recommended that this request be denied, as there were concerns centering around the Fire and Sheriff's Departments and health facilities.

Without objection from the Committee, Mr. John Roach, 7301 Rivers Avenue, Suite 230, Charleston, addressed the Committee and stated that the proposed development of The Parks of Berkeley contained vision, diversity and amenities other than homes. The team involved with the creation of this proposed development included local, state and federal agencies. Also included were local and regional consultants having years of experience, together with companies highly respected in their disciplines. This team has been involved with The Parks of Berkeley Project well over 14 months. The team has provided critical information and insight in assisting with the master site plan. Information shared was deemed critical in building needed rapport, trust and respect for each other. Exchanges of information for long range planning included water and sewer, and transportation needs to minimize traffic problems and allow proper connectivity for adequate traffic flow. The Planning Staff of Berkeley County is a group

of highly trained professionals assisting with the growth of Berkeley County. This staff has been very thorough with the review of this project. In conclusion, Mr. Roach stated that the vast amount of roadway, and water and sewer infrastructure would be constructed for the County with private funding, saving the County millions of dollars and providing citizens with a great place to live. This is a plan that will provide a variety of housing to choose from; a place where children can walk and ride bicycles to school and play in parks; parents can work close to home and shop for groceries; doctors and dentists nearby; a place where citizens will not have to commute great distances each and every day for basic necessities.

Mr. Kenny Seamon, representing Seamon, Whiteside & Associates, 501 Wando Park Blvd., Suite 200, Mt. Pleasant, addressed the Committee and gave a Powerpoint presentation, to include the following highlights, of the proposed plan for The Parks of Berkeley:

- Request for rezoning of this tract would be to develop a mix use, self-sufficient and smart growth community, offering opportunities for citizens to live, work, worship, shop and recreate in one single community.
- Site is located Northeast of I-26 between Sheep Island Road and US Highway 176; West of Sheep Island Road to the North and South sides of Wildgame Road.
- Property is a 4,559-acre tract formerly known as the Sheep Island Tract.
- Tract includes 3,697 acres of highlands, 862 acres of wetlands.
- Wetlands to be impacted: 63 acres.
- Approximately 58 acres of the tract are located within the Town of Summerville.
- Proposed roads include a future I-26 interchange intended to support a new Sheep Island Parkway, which will tie into the entrance of the Cane Bay development located off of US Highway 176.
- Land Use Plan for this tract is comprised of the following:
  - Residential: 447 units of Single Family Rural on 447 acres; 2,961 units of Single Family-1 on 986 acres; 2,699 units of Single Family-2 on 539.74 acres; 2,369 units of Village District on 393 acres; 1,487 units of Townhouses on 185 acres; 3,308 units of Multi-Family on 206 acres; a total of 13,271 units.
  - Commercial: 107.6 acres of General Commercial; 55.89 acres of General Office; 109.35 acres of Light Industrial; a total of 272.84 acres.
  - Civic, Utility, Support: 27.51 acres of Civic; 175.82 acres of Civic/School; a total of 203.33 acres.
  - Green Space: a total of 1,136.33 acres. There would be 273 acres of parks, 862 acres of wetlands, and 1,125 acres of highlands to be used as a buffer. Storm water requirements will be met with environmentally sensitive solutions.

In conclusion of the presentation, Mr. Seamon stated that The Parks of Berkeley is, in the least, a 30-year project. *(A copy of the Powerpoint presentation is attached hereto and, by this reference, made a part hereof.)*

Council Member Pinckney stated that it was his understanding that a traffic impact sensitive analysis study had been completed for Phase I of the project. He stated that a number of citizens had concerns with regard to the impact of traffic on Rose Drive and Sheep Island Road.

Mr. Seamon responded that his organization met with the New Hope Community and Rose Drive Community on several occasions. After these meetings, the developers agreed not to have a connection to Rose Drive until, at some point in the future, the traffic has been disbursed well enough not to impact Rose Drive. Determination would be made through the different traffic studies completed throughout this projected development. Phase I will not have a connection to Rose Drive, but rather through the existing Sheep Island Drive and an improved overpass.

Council Member Crosby questioned any intent the developers might have to join a municipality.

Mr. Seamon stated that the intent, right now, is to develop in Berkeley County. As part of this planned development mixed use, there is also a development agreement, which is a contract between the developers and Berkeley County.

Supervisor Rozier stated that after the developers and County enter into this development agreement, it would become a contract that could not be changed unless both parties agreed to change it.

Council Member Spooner questioned the outcome of meetings with local Fire, Sheriff and EMS Departments.

Mr. Roach responded that needs would be required with local fire officials (Pineridge and Whitesville), in which acreage within the Civic Category would be used to satisfy those needs. Needs of the Sheriff and EMS Departments were included in the planning process.

Council Member Steve Davis questioned the derivation of an impact fee dollar amount of \$1,000.00 per home, as stated in the development agreement.

Mr. Roach responded that the dollar amount has not yet been established, and the contract would reflect the correct amount upon being established.

Supervisor Rozier stated that the dollar amount would be determined as a result of the County's study on impact fees.

Council Member Steve Davis questioned if the acreage set aside for Light Industrial would impact existing homeowners.

Mr. Roach responded that the area for Light Industrial would tie into a road system of a parkway out to the Interstate, which would not impact existing homeowners.

Council Member Steve Davis questioned whether affordable housing issues were addressed sufficiently in this development.

Mr. Seamon responded that there were six different classifications of residential in this proposed development.

Chairman Farley asked if anyone in the public had any comments.

Mr. Carroll Cash, 1285 Wildgame Road, Summerville, addressed the Committee and stated that a letter had been sent to Council requesting its postponement of a decision on this request (by The Parks of Berkeley, LLC, and Crescent Resources, LLC). Mr. Cash requested "that this postponement be for a minimum of 90 days and a maximum of 180 days, to allow a task force to do some research to see if we can't bring some more sensibility to this development". In conclusion, Mr. Cash stated concerns regarding municipality ordinances used across the country to impose impact fees on homebuyers and exactions on developers/builders (i.e., taxpayers paying additional costs not absorbed by impact fees; developers imposed to build schools, fire stations, day care centers and affordable housing). He asked Council to "let citizens have a voice, because we are the ones who have to bear this burden".

Council Member Fish indicated that in the last 12 years (since 1993), Berkeley County has grown by over 28,000 residents. In that same 12 years, the County has approximately 1,900 fewer students in the Berkeley County School District's schools.

Mrs. Marrietta Harvey Hicks, 1207 Edward Drive, Moncks Corner, addressed the Committee and stated that her family had a farm in the Cooper Store Area, and she was in the process of moving back to that community. As a child, she rode her horse bareback in that area, but would not attempt that now. She must be cautious even riding along the fence line now, because of the traffic in that area. Mrs. Hicks stated that development is expected in this area, and she is in favor of The Parks of Berkeley. She preferred a beautifully developed area, versus small 100-acre tracts subdivided. With regard to the burden of additional taxes, Mrs. Hicks stated that type speech would not apply to Berkeley County Council, but rather the Berkeley County School Board. Berkeley County Council does not approve the Berkeley County School District's budget. She, herself, had concerns as to why tax monies paid to the School District were not reaching the classrooms (i.e., teachers without decent computers and children without supplies), but those questions did not pertain to County Council. In conclusion, Mrs. Hicks asked that the Committee approve the request by The Parks of Berkeley, LLC, and Crescent Resources, LLC.

It was moved by Council Member Spooner and seconded by Council Member Fish to approve, prior to First Reading, the request by **The Parks of Berkeley, LLC, and Crescent Resources, LLC.**

In discussion, Council Member Steve Davis stated that the Planning Commission completed its job, considered citizen input and denied this request.

Council Member Pinckney stated this request was in his district, and as time progresses, changes do come about. From a governing body, it is County Council's responsibility to manage growth effectively and efficiently, using continued dialogue between residents, elected officials, etc. Thereafter, his concern was making the best decision for the majority of people in Berkeley County.

Council Member Charles Davis stated that there have been struggles with water and sewer and schools in Berkeley County for over forty years. Individuals are moving to the coast, and it will not stop. It is Council's intent to work at developing the best plan for this growth in the future.

Supervisor Rozier stated that the purpose of this rezoning request to PDMU (Planned Development Mixed Use), is to allow Council to perform the process of planning. This will lead to a development plan and a development agreement. The agreement becomes a contract with the County. The developers could easily request annexation into Dorchester County, wherein, they could build 45,000 houses on the property, as that county allows one house every 4,000 square feet. "If the Committee stopped this night, Council would stop planning. If the Committee continued with the approval process of this request, it would continue to plan."

The motion passed by majority voice vote of the Committee. Council Member Steve Davis voted, "Nay."

**2. Request by Timothy Reed, 1001 St. James Avenue, Goose Creek, TMS #223-00-00-010 (1.6 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 4.**

[Staff recommended Approval]

[Planning Commission recommended Denial]

Ms. Robinson stated that this request was in compliance with the County's Comprehensive Land Use Plan. There was opposition from a neighbor living approximately two or three parcels away from this property. The property being considered for rezoning is immediately adjacent to General Commercial properties.

Council Member Charles Davis asked what type business would be placed on the property.

Ms. Robinson responded that it appeared it would be used for a mini-warehouse or some type of retail development or office space. The property was located in an area considered to be a transition area, as it is located on Highway 176 leaving Goose Creek. This area has a lot of General Commercial and Residential mixed together.

It was moved by Council Member Spooner and seconded by Council Member Charles Davis to **approve**, prior to First Reading, the **request by Timothy Reed**. The motion passed by unanimous voice vote of the Committee.

**3. Request by Kelli Garrett and Sunshine Jones**, 1068 Clements Ferry Road, Charleston, TMS #263-00-03-029 (.61 acre), **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 2.  
[Staff recommended Approval]  
[Planning Commission recommended Approval]

It was moved by Council Member Spooner and seconded by Council Member Crosby to **approve**, prior to First Reading, the **request by Kelli Garrett and Sunshine Jones**. The motion passed by unanimous voice vote of the Committee.

**4. Request by Joe Lawrence**, Hamlin Corner Road, Huger, TMS #248-00-02-078 (1.7 acres), **from R-2, Manufactured Residential District to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.  
[Staff recommended Approval]  
[Planning Commission recommended Approval]

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve**, prior to First Reading, the **request by Joe Lawrence**. The motion passed by unanimous voice vote of the Committee.

**5. Request by Maxine Woodham**, 3447 South Live Oak Drive, Moncks Corner, TMS #209-12-00-044 (1 acre), **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 6.  
[Staff recommended Approval]  
[Planning Commission recommended Approval]

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve**, prior to First Reading, the **request by Maxine Woodham**. The motion passed by unanimous voice vote of the Committee.

**6. Request by J.B. Hood**, Old Mill Road, St. Stephen, portion of TMS #036-00-03-011 (16.66 acres), **from GC, General Commercial District to R-1, Single Family District**. Council District No. 7.  
[Staff recommended Denial]  
[Planning Commission recommended Denial]

Ms. Robinson stated that this rezoning request was in an Agricultural Area and not in conformance with the Comprehensive Plan.

Council Member Pinckney recommended that this request be held in Committee.

Chairman Farley stated that the **request by J.B. Hood** would be held in Committee.

**7. Request by Earthsource Engineering, 2563 Clements Ferry Road, Charleston, TMS #271-00-02-035 (17.946 acres), from R-2, Manufactured Residential District and GC, General Commercial District to R-4, Multi-Family District (Small Scale).** Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Approval]

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve**, prior to First Reading, the **request by Earthsource Engineering**. The motion passed by unanimous voice vote of the Committee.

**8. Request by Amadeo & Erlinda Biascan, 1818 South Live Oak Drive, Moncks Corner, TMS #180-00-02-009 (36.087 acres), from R-2, Manufactured Residential District to RNC, Rural and Neighborhood Commercial District.** Council District No. 6.

[Staff recommended Approval]

[Planning Commission recommended Approval]

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve**, prior to First Reading, the **request by Amadeo & Erlinda Biascan**. The motion passed by unanimous voice vote of the Committee.

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to adjourn the special meeting of the Committee on Land Use. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 8:15 p.m.

November 14, 2005

Date Approved