

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
Mrs. Judy C. Mims, District No. 6
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 September 12, 2005**, following the meeting of the Committee on Public Works and Purchasing, the Committee on Water and Sanitation, the Committee on Community Services and the Committee on Justice and Public Safety in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at **6:00 p.m.**

AGENDA

APPROVAL OF MINUTES

August 8, 2005

A. Consideration prior to First Reading of the following:

1. **Request by 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.
[Staff recommended Approval]
[Planning Commission recommended Approval]
2. **Request by 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.
[Staff recommended Approval]
[Planning Commission recommended Approval]
3. **Request by 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.
[Staff recommended Approval]
[Planning Commission recommended Approval]

4. **Request by 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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

5. **Request by 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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

6. **Request by 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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

HELD IN COMMITTEE:

8. **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]

B. Review prior to Second 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.

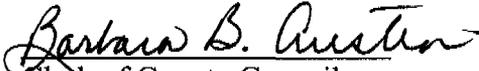
3. **Bill No. 05-75, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: County Council, 1376 Old Gilliard Road, Ridgeville, TMS #157-00-00-003 (3,500 acre portion of 7,675 acres), from F-1, Agriculture District to HI, Heavy Industrial District.**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

C. Review prior to Third Reading of the following:

1. **Bill No. 05-63, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Minnis Brenner, Gaillard Road and Hwy 17A, Moncks Corner, TMS #161-15-00-032 (.876 acres), from F-1, Agriculture District to R-2, Manufactured Residential District.** Council District No. 6.

2. **Bill No. 05-64**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mary Ann Lattrell**, United Drive and Wildflower Lane, Huger, TMS #250-00-00-038 (5 acres), from **R-2, Manufactured Residential District to F-1, Agriculture District**. Council District No. 8.
3. **Bill No. 05-65**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Greg Sarver**, 114 Berkeley Circle, Summerville, TMS #232-00-01-042 (<1 acre), from **R-1, Single Family Residential District to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.
4. **Bill No. 05-66**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **S. E. Felkel**, Corner of Blossom and Hollywood, Goose Creek, TMS #235-13-03-020 and 021, (.547 acres), from **R-1, Single Family Residential District to OI, Office and Institutional District**. Council District No. 3.
5. **Bill No. 05-67**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jessco Homes**, Treeland Drive and Plantation Pine Road, Ladson, TMS #233-00-00-037 (10.95 acres), from **OI, Office and Institutional District to R-4, Multi-Family (Small Scale)** (6.25 acres), to **GC, General Commercial** (4.7 acres). Council District No. 4.
6. **Bill No. 05-68**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Barry Baker**, 173 College Park Road, Summerville, TMS #242-00-01-019 (3.893 acres), from **R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 5.
7. **Bill No. 05-69**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frank Oakley**, 2695 Highway 41, Wando, TMS #263-00-03-042 and 043 (.68 acres) from **R-2, Manufactured Residential to GC, General Commercial District**. Council District No. 2.
8. **Bill No. 05-70**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Beazer Homes**, Discovery Drive and Royle Road, Ladson, TMS #233-00-00-015 and 062 (7.343 acres), from **R-1, Single Family Residential to R-4, Multi Family Small Scale District**. Council District No. 4.

September 7, 2005


Clerk of County Council
Barbara B. Austin, CCC

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 September 12, 2005**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:37 p.m.

PRESENT: Mr. Phillip Farley, Council Member District No. 1, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; 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. Mr. William E. Crosby, Council Member District No. 3 and Mrs. Judy C. Mims, Council Member District No. 6 were excused from this meeting.

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.

Chairman Farley called the meeting to order and asked for approval of minutes from the Committee on Land Use meeting held August 8, 2005.

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

A. Consideration prior to First Reading of the following:

- 1. Request by 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.
[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member S. Davis and seconded by Council Member Pinckney to **approve prior to First Reading the request by Point North Community Church.** The motion was passed by unanimous voice vote of the Committee.

- 2. Request by 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.

[Staff recommended Approval]
[Planning Commission recommended Approval]

Supervisor Rozier explained to the Committee this area was outside the actual park.

It was moved by Council Member C. Davis and seconded by Council Member Spooner to **approve prior to First Reading the request by Mt. Holly Commerce Park.** The motion was passed by unanimous voice vote of the Committee.

3. Request by 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.

[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member S. Davis and seconded by Council Member Pinckney to **approve prior to First Reading the request by Charles and Katie Koth.** The motion was passed by unanimous voice vote of the Committee.

4. Request by 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.

[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member S. Davis and seconded by Council Member Fish to **approve prior to First Reading the request by HGBD, Inc.** The motion was passed by unanimous voice vote of the Committee.

5. Request by 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.

[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member S. Davis and seconded by Council Member Pinckney to **approve prior to First Reading the request by Ruby J. Fields.** The motion was passed by unanimous voice vote of the Committee.

6. Request by 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.

[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member Fish and seconded by Council Member S. Davis to **approve prior to First Reading the request by DRR Developers.** The motion was passed by unanimous voice vote of the Committee.

HELD IN COMMITTEE:

8. 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]

Ms. Madelyn Robinson, Zoning Administrator, explained that the Planning Commission recommended denial with the concern that this was spot zoning. According to the County's zoning ordinance, the Comprehensive Plan and the Enabling Guide for South Carolina for Comprehensive Plans, approval was recommended because the request is in conformance with a residential growth area that encourages commercial and residential mixes to develop. The Comprehensive Guide for South Carolina directly addresses spot zoning as small areas that may be rezoned as long as the action is not arbitrary or capricious. Many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres. This parcel is five acres or more, so the request went beyond the spot zoning issue. One adjacent parcel is residential and opposition was voiced at the Planning Commission meeting.

Chairman Farley gave permission for Ms. Marsha Marsh to address the Committee to voice her concerns that the property would be turned into an industrial park.

Chairman Farley stated the request would be held in Committee.

B. Review prior to Second 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 Second 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 Second 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.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to **approve prior to Second Reading Bill No. 05-75**. The motion was passed by unanimous voice vote of the Committee.

C. Review prior to Third Reading of the following:

1. **Bill No. 05-63**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Minnis Brenner**, Gaillard Road and Hwy 17A, Moncks Corner, **TMS #161-15-00-032** (.876 acres), **from F-1, Agriculture District to R-2, Manufactured Residential 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. 05-63**. The motion was passed by unanimous voice vote of the Committee.

2. **Bill No. 05-64**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mary Ann Lattrell**, United Drive and Wildflower Lane, Huger, **TMS #250-00-00-038** (5 acres), **from R-2, Manufactured Residential District to F-1, Agriculture District**. Council District No. 8.

It was moved by Council Member S. Davis and seconded by Council Member Pinckney to **approve prior to Third Reading Bill No. 05-64**. The motion was passed by unanimous voice vote of the Committee.

3. **Bill No. 05-65**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Greg Sarver**, 114 Berkeley Circle, Summerville, **TMS #232-00-01-042** (<1 acre), **from R-1, Single Family**

Residential District to RNC, Rural and Neighborhood Commercial District. Council District No. 7.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve prior to Third Reading Bill No. 05-65. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 05-66**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **S. E. Felkel**, Corner of Blossom and Hollywood, Goose Creek, **TMS #235-13-03-020 and 021**, (.547 acres), **from R-1, Single Family Residential District to OI, Office and Institutional District.** Council District No. 3.

It was moved by Council Member Fish and seconded by Council Member C. Davis to approve prior to Third Reading Bill No. 05-66. The motion was passed by unanimous voice vote of the Committee.

5. **Bill No. 05-67**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jessco Homes**, Treeland Drive and Plantation Pine Road, Ladson, **TMS #233-00-00-037** (10.95 acres), **from OI, Office and Institutional District to R-4, Multi-Family (Small Scale)** (6.25 acres), **to GC, General Commercial** (4.7 acres). Council District No. 4.

It was moved by Council Member Spooner and seconded by Council Member C. Davis to approve prior to Third Reading Bill No. 05-67. The motion was passed by unanimous voice vote of the Committee.

6. **Bill No. 05-68**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Barry Baker**, 173 College Park Road, Summerville, **TMS #242-00-01-019** (3.893 acres), **from R-2, Manufactured Residential District to GC, General Commercial District.** Council District No. 5.

It was moved by Council Member Fish and seconded by Council Member Spooner to approve prior to Third Reading Bill No. 05-68. The motion was assed by unanimous voice vote of the Committee.

7. **Bill No. 05-69**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frank Oakley**, 2695 Highway 41, Wando, **TMS #263-00-03-042 and 043** (.68 acres) **from R-2, Manufactured Residential to GC, General Commercial District.** 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. 05-69. The motion was passed by unanimous voice vote of the Committee.

8. **Bill No. 05-70**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Beazer Homes**, Discovery Drive and Royle Road, Ladson, **TMS #233-00-00-015 and 062** (7.343 acres), **from R-1, Single Family Residential to R-4, Multi Family Small Scale District**. Council District No. 4.

It was moved by Council Member S. Davis and seconded by Council Member Fish to approve prior to Third Reading Bill No. 05-70. The motion was passed by unanimous voice vote of the Committee.

EXECUTIVE SESSION

It was moved by Council Member Spooner and seconded by Council Member Fish to enter into Executive Session to discuss contractual matters and the receipt of legal advice. The motion passed by unanimous voice vote of Council.

The Committee entered into Executive Session at 7:08 p.m., and returned to Committee Meeting at 7:31 p.m.

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

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

The meeting ended at 7:31 p.m.

October 10, 2005
Date Approved