

ADDENDUM

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, 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 February 14, 2005**, following the meeting of the Committee on Planning and Development, the Committee on Justice and Public Safety, the Committee on Public Works and Purchasing, and the Committee on Water and Sanitation in the Assembly Room, Berkeley County Office Building, at **6:00 p.m.**

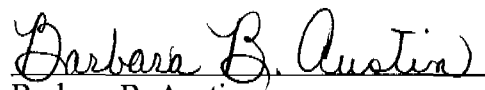
AGENDA

ADD:

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

10. An Ordinance to implement impact fees in Berkeley County.

February 11, 2004

 1PRD
Barbara B. Austin
Clerk of County Council

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
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A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday February 14, 2005**, following the meeting of the Committee on Planning and Development, the Committee on Justice and Public Safety, the Committee on Public Works and Purchasing, and the Committee on Water and Sanitation in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at **6:00 p.m.**

A G E N D A

APPROVAL OF MINUTES

January 10, 2005

A. Consideration of the following:

1. A **resolution** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Ronald L. Brewer]
2. A **resolution** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Stacey D. Platt]
3. A **resolution** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Robert B. Hoffman]

B. Consideration prior to First Reading of the following:

1. **Request by Lovell Development Company**, US Hwy. 52 and Cypress Gardens Road, Moncks Corner, TMS #211-00-02-003, (20.35 acres) **from HI, Heavy Industrial District to GC, General Commercial District**. Council District No. 3.
[Staff recommended Approval]
[Planning Commission recommended Approval]
2. **Request by Aslan Ventures, LLC**, 900 Block of Redbank Road, Goose Creek, TMS # 252-00-00-039, **from PDMU, Planned Development Mixed Use District, to R-5, Multi-**

Family District, (14.452 acres) and GC, General Commercial District, (11.562 acres) (26.01 acres total). Council District No. 3.

[Staff recommended Approval]

[Planning Commission recommended Denial]

3. Request by Robert Wells McDougal, Jr., 324 Candy Lane, Summerville, TMS #195-10-02-015, (.99 acres) from R2RF, Rural Manufactured Residential Farm District to RNC, Rural Neighborhood Commercial District. Council District No. 6.

[Staff recommended Approval]

[Planning Commission recommended Approval]

4. Request by Wade Ertzberger, 116 Jean Lane, Moncks Corner, TMS #196-02-00-003, (5.35 acres), from R2, Manufactured Residential District to R3, Mobile Home Park District. Council District No. 6.

[Staff recommended Approval]

[Planning Commission recommended Approval]

5. Request by Ana Oster, 1717 South Live Oak Drive, Moncks Corner, TMS #161-14-00-033, (1.90 acres) from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District. Council District No. 6.

[Staff recommended Approval]

[Planning Commission recommended Denial]

6. Request by Lori and Mark Sanchez, 1991 Highway 402, Moncks Corner, TMS #164-00-02-006, (1 acre), from GC, General Commercial District, to F-1, Agricultural District. Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Approval]

7. Request by J. J. Detweiler Enterprises, Inc., Butler Ware Trucking, Inc., and Butler Ware, corner of US Highway 17-A and Lazy Hill Road, Moncks Corner, TMS #196-00-00-101, -043, -090, -103, -104, (170 acres total) zoned PDMU, proposed Development Plan. Council District No. 6. [Plan to be attached to Bill No. 04-94]

[Staff recommended Approval]

[Planning Commission recommended Approval with conditions.]

HELD IN COMMITTEE – JANUARY 10, 2005

8. Request by Palmetto Coastal Properties, LLC, 1101 St. Thomas Island Drive, Daniel Island, TMS #275-00-00-018 (1 lot), from R1-MM, Multi Section Manufactured Residential District to GC, General Commercial District. Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Denial]

9. **Request by CM Construction, LLC, 1179 Royle Road, Ladson, TMS #233-06-00-005 (1 lot), from R2, Manufactured Residential District to GC, General Commercial District.** Council District No. 4.

[Staff recommended Denial]

[Planning Commission recommended Denial]

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

1. **Bill No. 05-01, an ordinance to amend Article 18, Sign Control, of the Zoning Ordinance No. 01-8-35 as amended by Ordinance Nos. 02-08-33, 02-12-58 and 04-11-68.**

[Reviewed by Planning Commission on 02/01/2005]

2. **Bill No. 05-02, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Kelly Lewis, US Hwy. 17-A, adjacent to Trident Technical College, Moncks Corner, TMS #161-00-02-145, (11.95 acres), from PDMU, Planned Development – Mixed Use District to R2, Manufactured Residential District (10.7 acres) and GC, General Commercial District (1.25 acres along US Hwy. 17-A).** Council District No. 6.

3. **Bill No. 05-03, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gene W. Sanders, 2168 S. Live Oak Drive, Moncks Corner, TMS #180-14-01-048, (5.62 acres), from R2, Manufactured Residential District and GC, General Commercial District to all acreage to be GC, General Commercial District.** Council District No. 6.

4. **Bill No. 05-04, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Request by BMG, III, LLC, US Hwy. 176, TMS #195-00-00-043 (950.48 acres) and -044 (1100.66 acres), (2,051.14 total acres), from F1, Agricultural District to PDMU, Planned Development – Mixed Use District, and Approval of Development Plan.** Council District No. 7.

D. **Review prior to Third Reading:**

1. **Bill No. 04-93, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dwayne Nowicki, 117 Godfrey Lane, Moncks Corner, TMS #210-00-00-057, (5.78 acres), from R2, Manufactured Residential District to R3, Mobile Home Park District.** Council District No. 6.

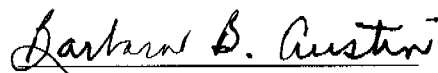
2. **Bill No. 04-94, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Butler Ware, US Hwy. 17-A, Moncks Corner, TMS #196-00-00-043, (across from Windwood Lane), (16.56 acres), from R2, Manufactured Residential District to PDMU, Planned Development – Mixed Use District. [Development Plan reviewed under B-7]** Council District No. 6.

3. **Bill No. 04-95, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Foxbank Ventures, LLC, Cypress**

Gardens Road (near intersection with US Hwy. 52), Moncks Corner, (3.34 acres), TMS #211-00-02-001, from F1, Agricultural District to GC, General Commercial District. Council District No. 3.

4. **Bill No. 04-96**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Seamon Whiteside and Associates, for Foxbank Ventures, LLC and Miroc, LLC L/P**, (intersection of US Hwy. 52), Moncks Corner, TMS #197-00-01-019 (405.53 acres) & -008 (289.96 acres), (695.49 acres total), from F1, Agricultural District, GC, General Commercial District and R5, Multi Family – Large Scale District to PDMU, Planned Development – Mixed Use District, and Approval of Development Plan. Council District No. 3.

February 9, 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, February 14, 2005**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:42 p.m.

PRESENT: Mr. Phillip Farley, District No. 1, Mrs. Judith K. Spooner, Council Member District No. 2, Mr. William E. Crosby, Council Member District No. 3; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 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. Mr. Charles E. Davis, Council Member District No. 4 was 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

APPROVAL OF MINUTES

Chairman Farley called the meeting to order and asked for approval of minutes from the Committee on Land Use Meeting held on January 10, 2005.

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

A. Consideration of the following:

1. A **resolution** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Ronald L. Brewer]

It was moved by Council Member Pinckney and seconded by Council Member Davis to approve the resolution to appoint and commission **additional code enforcement officer, Ronald L. Brewer**, for the proper security, general welfare, and convenience of Berkeley County. The motion was passed by unanimous voice vote of the Committee.

2. A **resolution** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Stacey D. Platt]

It was moved by Council Member Pinckney and seconded by Council Member Fish to approve the resolution to appoint and commission **additional code enforcement officer, Stacey D. Platt**, for the proper security, general welfare, and convenience of Berkeley County. The motion was passed by unanimous voice vote of the Committee.

3. A **resolution** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Robert B. Hoffman]

It was moved by Council Member Pinckney and seconded by Council Member Mims to approve the resolution to appoint and commission **additional code enforcement officer, Robert B. Hoffman**, for the proper security, general welfare, and convenience of Berkeley County. The motion was passed by unanimous voice vote of the Committee.

B. Consideration prior to First Reading of the following:

1. **Request by Lovell Development Company, US Hwy. 52 and Cypress Gardens Road, Moncks Corner, TMS #211-00-02-003, (20.35 acres) from HI, Heavy Industrial District to GC, General Commercial District. Council District No. 3.**
[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member Crosby and seconded by Council Member Mims to **approve prior to First Reading** the request by **Lovell Development Company**. The motion was passed by unanimous voice vote of the Committee.

2. **Request by Aslan Ventures, LLC, 900 Block of Redbank Road, Goose Creek, TMS # 252-00-00-039, from PDMU, Planned Development Mixed Use District, to R-5, Multi-Family District, (14.452 acres) and GC, General Commercial District, (11.562 acres) (26.01 acres total). Council District No. 3.**
[Staff recommended Approval]
[Planning Commission recommended Denial]

Ms. Madelyn Robinson, Zoning Administrator, stated that that Planning Commission recommended denial based upon concerns from the public regarding traffic.

Council Member Crosby voiced his concern with rental apartments in this area attracting the wrong type of element.

Council Member Spooner requested a DOT study on the traffic flow in the area.

Chairman Farley requested that this matter be **held** in Committee for one month until a DOT study could be reviewed.

3. **Request by Robert Wells McDougal, Jr., 324 Candy Lane, Summerville, TMS #195-10-02-015, (.99 acres) from R2RF, Rural Manufactured Residential Farm District to RNC, Rural Neighborhood Commercial District.** Council District No. 6.
[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member Mims and seconded by Council Member Davis to approve **prior to First Reading** the request by **Robert Wells McDougal, Jr.** The motion was passed by unanimous voice vote of the Committee.

4. **Request by Wade Ertzberger, 116 Jean Lane, Moncks Corner, TMS #196-02-00-003, (5.35 acres), from R2, Manufactured Residential District to R3, Mobile Home Park District.** Council District No. 6.
[Staff recommended Approval]
[Planning Commission recommended Approval]

It was moved by Council Member Mims and seconded by Council Member Crosby to approve **prior to First Reading** the request by **Wade Ertzberger.** The motion was passed by unanimous voice vote of the Committee.

5. **Request by Ana Oster, 1717 South Live Oak Drive, Moncks Corner, TMS #161-14-00-033, (1.90 acres) from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District.** Council District No. 6.
[Staff recommended Approval]
[Planning Commission recommended Denial]

Ms. Robinson stated that the Planning Commission recommended denial based on a petition that was presented and the public present at the meeting, opposing the request.

Mr. Stewart Driggers, representing the opposition, addressed the Committee regarding the uses that could be placed at this location if it were to be changed to RNC. The intent of RNC is to prevent "haphazard roadside sprawl" in the future. He requested that RNC not be put between 2 homes.

Mr. Oster also presented the Committee with a petition supporting the request and stated that GC is less than ½ mile from this location. He stated that RNC should be allowed also.

It was moved by Council Member Mims and seconded by Council Member Crosby to **deny prior to First Reading** the request by **Ana Oster.** The motion was passed by majority voice vote of the Committee with Council Member Spooner and Council Member Fish voting to **approve.**

6. **Request by Lori and Mark Sanchez**, 1991 Highway 402, Moncks Corner, TMS #164-00-02-006, (1 acre), **from GC, General Commercial District, to F-1, Agricultural District.** Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Approval]

It was moved by Council Member Davis and seconded by Council Member Pinckney to approve prior to First Reading the request by Lori and Mark Sanchez. The motion was passed by unanimous voice vote of the Committee.

7. **Request by J. J. Detweiler Enterprises, Inc., Butler Ware Trucking, Inc., and Butler Ware**, corner of US Highway 17-A and Lazy Hill Road, Moncks Corner, TMS #196-00-00-101, -043, -090, -103, -104, (170 acres total) **zoned PDMU, proposed Development Plan.** Council District No. 6. [Plan to be attached to Bill No. 04-94]

[Staff recommended Approval]

[Planning Commission recommended Approval **with conditions.**]

Ms. Robinson stated that the Planning Commission recommended approval with conditions. The conditions were in regard to parking regulations and typographical errors.

It was moved by Council Member Mims and seconded by Council Member Davis to approve the proposed Development Plan requested by J.J. Detweiler Enterprises, Inc., Butler Ware Trucking, Inc. and Butler Ware, prior to further consideration. The motion was passed by unanimous voice vote of the Committee.(The plan will be placed on the March 2005, Land Use Agenda)

HELD IN COMMITTEE – JANUARY 10, 2005

8. **Request by Palmetto Coastal Properties, LLC**, 1101 St. Thomas Island Drive, Daniel Island, TMS #275-00-00-018 (1 lot), **from R1-MM, Multi Section Manufactured Residential District to GC, General Commercial District.** Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Denial]

Ms. Robinson stated that the Planning Commission recommended denial based on opposition from the community. This request was held in committee on January 10, 2005, to provide the applicant a opportunity to change the request to OI, which would allow a doctor's office.

Council Member Pinckney stated that the community was concerned what new owners would put at this location if it were changed to GC.

Ms. Robinson stated that the applicant would be contacted and asked to change the request to OI.

Chairman Farley stated that this request would be **held** for one month so that the applicant can be contacted.

9. Request by CM Construction, LLC, 1179 Royle Road, Ladson, TMS #233-06-00-005 (1 lot), from R2, Manufactured Residential District to GC, General Commercial District. Council District No. 4.

[Staff recommended Denial]

[Planning Commission recommended Denial]

Ms. Robinson stated that staff and the Planning Commission recommended denial. This location currently has a legal non-conforming mini-warehouse and wants to expand the business. Denial was recommended so that this would not be considered spot-zoning.

Mr. John Williams, Attorney, representing Mr. Creel, the owner, presented to the Committee photographs showing surrounding businesses. Mr. Creel proposes to add a second mini-warehouse and surround the entire complex with security fencing with limited access. This proposal is in agreement with adjacent property owners.

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

10. An Ordinance to implement impact fees in Berkeley County.

Supervisor Rozier stated that a \$1,000 impact fee on new housing at the time that a building permit is issued could be used to build new roads and infrastructures that would be needed by the new housing developments. This would prevent a penny sales tax hike for all Berkeley County citizens.

It was moved by Council Member Crosby and seconded by Council Member Spooner to **approve prior to First Reading** an Ordinance to **implement impact fees in Berkeley County**. The motion was passed by unanimous voice vote of the Committee.

C. Review prior to Second Reading of the following:

1. Bill No. 05-01, an ordinance to amend Article 18, Sign Control, of the Zoning Ordinance No. 01-8-35 as amended by Ordinance Nos. 02-08-33, 02-12-58 and 04-11-68. [Reviewed by Planning Commission on 02/01/2005]

Ms. Robinson stated that research into surrounding counties produced a mixed bag of time restrictions for political signs. Successful primary candidates would not have to repost signs for the general election.

It was moved by Council Member Fish and seconded by Council Member Spooner to **approve prior to Second Reading to amend Article 18, Sign Control**, of the Zoning Ordinance No. 01-8-35 as amended by Ordinance Nos. 02-08-33, 02-12-58 and 04-11-68. The motion was passed by unanimous voice vote of the Committee.

2. **Bill No. 05-02**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Kelly Lewis**, US Hwy. 17-A, adjacent to Trident Technical College, Moncks Corner, TMS #161-00-02-145, (11.95 acres), **from PDMU, Planned Development – Mixed Use District to R2, Manufactured Residential District (10.7 acres) and GC, General Commercial District (1.25 acres along US Hwy. 17-A).** Council District No. 6.

It was moved by Council Member Spooner and seconded by Council Member Fish to **approve prior to Second Reading** the request by **Kelly Lewis**. The motion was passed by unanimous voice vote of the Committee.

3. **Bill No. 05-03**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Gene W. Sanders**, 2168 S. Live Oak Drive, Moncks Corner, TMS #180-14-01-048, (5.62 acres), **from R2, Manufactured Residential District and GC, General Commercial District to all acreage to be GC, General Commercial District.** Council District No. 6.

It was moved by Council Member Spooner and seconded by Council Member Fish to **approve prior to Second Reading** the request by **Gene W. Sanders**. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 05-04**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Request by BMG, III, LLC**, US Hwy. 176, TMS #195-00-00-043 (950.48 acres) and -044 (1100.66 acres), (2,051.14 total acres), **from F1, Agricultural District to PDMU, Planned Development – Mixed Use District, and Approval of Development Plan.** Council District No. 7.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to **approve prior to Second Reading** the request by **BMG, III, LLC**. The motion was passed by unanimous voice vote of the Committee.

D. Review prior to Third Reading:

1. **Bill No. 04-93**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Dwayne Nowicki**, 117 Godfrey Lane, Moncks Corner, TMS #210-00-00-057, (5.78 acres), **from R2, Manufactured Residential District to R3, Mobile Home Park District.** Council District No. 6.

It was moved by Council Member Spooner and seconded by Council Member Davis to **approve prior to Third Reading** the request by **Dwayne Nowicki**. The motion was passed by unanimous voice vote of the Committee.

2. **Bill No. 04-94**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Butler Ware**, US Hwy. 17-A, Moncks Corner, TMS #196-00-00-043, (across from Windwood Lane), (16.56 acres), **from R2, Manufactured Residential District to PDMU, Planned Development – Mixed Use District**. [Development Plan reviewed under B-7] Council District No. 6.

Chairman Farley stated that this request would be **held** for 2 months per Ms. Robinson's request.

3. **Bill No. 04-95**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Foxbank Ventures, LLC**, Cypress Gardens Road (near intersection with US Hwy. 52), Moncks Corner, (3.34 acres), TMS #211-00-02-001, **from F1, Agricultural District to GC, General Commercial District**. Council District No. 3.

It was moved by Council Member Spooner and seconded by Council Member Davis to **approve prior to Third Reading** the request by **Foxbank Ventures, LLC**. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 04-96**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Seamon Whiteside and Associates, for Foxbank Ventures, LLC and Miroc, LLC L/P**, (intersection of US Hwy. 52), Moncks Corner, TMS #197-00-01-019 (405.53 acres) & -008 (289.96 acres), (695.49 acres total), **from F1, Agricultural District, GC, General Commercial District and R5, Multi Family – Large Scale District to PDMU, Planned Development – Mixed Use District, and Approval of Development Plan**. Council District No. 3.

It was moved by Council Member Crosby and seconded by Council Member Davis to **approve prior to Third Reading** the request by **Seamon Whiteside and Associates, for Foxbank Ventures, LLC and Miroc, LLC L/P**. The motion was passed by unanimous voice vote of the Committee.

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

Meeting adjourned at 7:56 pm.

March 14, 2005
Date Approved