

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 January 10, 2005**, following the meeting of the Committee on Public Works and Purchasing, the Committee on Water and Sanitation, the Committee on Human Services, the Committee on Community Services, and the Committee on Justice and Public Safety 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

December 13, 2004

A. Consideration of a **Resolution** authorizing the County Supervisor to execute a lease agreement between **South Carolina Federal Credit Union** and Berkeley County for premises located at 1003 Highway 52, Moncks Corner, South Carolina, (TMS #142-12-03-038).

B. Consideration prior to **First Reading** of 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.

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

1. Request by **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.

[Staff recommended Denial]

[Planning Commission recommended Denial]

2. Request by **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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

3. **Request by Kathleen Whipple, 375 Winding Road, Moncks Corner, TMS #195-00-01-006, (5.23 acres), from R2, Manufactured Residential District to F1, Agricultural District.** Council District No. 6.

[Staff recommended Denial]

[Planning Commission recommended Denial]

4. **Request by Centex Homes, Victoria Road and St. Thomas Island Drive, Charleston, TMS #275-00-00-083 (5.52 acres), -021 (6.33 acres), -038 (4.99 acres), -039 (2.66 acres), -011 (7.68 acres), -046 (1.09 acres), -048 (1.09 acres), -050 (1.09 acres), -045 (1.09 acres), -047 (1.09 acres), -049 (1.09 acres), and -051 (1.09 acres), (34 acres total) (to be combined into one parcel in the future), from R1-MM, Multi Section Manufactured District to R4, Multi Family – Small Scale District.** Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Denial]

5. **Request by 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) [Development Plan for Bill No. 04-96].** Council District No. 3.

[Staff recommended Approval]

[Planning Commission recommended Approval with conditions]

6. **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]

7. **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]

8. **Request by BMG, III, LLC, US Hwy. 176, TMS #195-00-00-043 (950.48 acres) and -044 (1100.66 acres), from F1, Agricultural District to PDMU, Planned Development – Mixed Use District.** Council District No. 7.

[Staff recommended Approval]

[Planning Commission recommended Approval]

9. **Request by BMG, III, LLC, US Hwy. 176, TMS #195-00-00-043, (950.48 acres) and -044 (1100.66 acres) Development Plan.** Council District No. 7.

[Staff recommended Approval]

[Planning Commission recommended Approval with conditions]

D. Review prior to Second Reading of the following:

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**. 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**. Council District No. 3. (Development Plan reviewed under Item C-5)

E. Review prior to Third Reading:

1. **Bill No. 04-72**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **James & Shirley Pappadakes**, 1119 Royle Road, Goose Creek, **TMS# 233-06-00-004**, (11.10 acres), **from R-2, Manufactured Residential District, to R-1, Single-Family Residential District**. Council District No. 4.

BILL NO. 04-77 DID NOT RECEIVE THIRD READING ON DECEMBER 13, 2004:

2. **Bill No. 04-77**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Henry Yaschik Dynasty Trust**, 100 Patriot Lane, Summerville, **TMS# 222-11-00-062** (3.27 acres portion of 4.34 acres total) and **222-11-00-075** (2.16 acres portion of 6.54 acres total), **from GC, General Commercial District to R-4, Multi-Family District, Small Scale**. Council District No. 4.

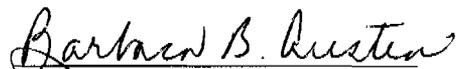
3. **Bill No. 04-79**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Andrew Cohen**, Old Highway 6, Cross, **TMS# 042-00-01-035**, (5 acres portion of 16.83 acres total), **from F-1, Agricultural District, to RNC, Rural Neighborhood Commercial District**. Council District 7.

4. **Bill No. 04-92**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jason Southard** for J. K. Austin, Jr., corner of Rose Drive and Turtle Pond Road, **TMS #221-00-00-089**, from **R-1, Single Family Residential** to **GC, General Commercial**. Council District No. 4.

HELD – DID NOT RECEIVE THIRD READING ON AUGUST 23, 2003, HELD IN COMMITTEE ON SEPTEMBER 13, 2004, OCTOBER 11, 2004, NOVEMBER 8, 2004, AND DECEMBER 13, 2004.

5. **Bill No. 04-48**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rutha L. Kinlock**, 1025 Charity Church Road, Huger, TMS# **248-00-02-004**, (1 lot), from **R-2, Manufactured Residential District**, to **RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

January 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 January 10, 2005**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 7:00 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. Charles E. Davis, Council Member District No. 4; 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.

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 December 13, 2004.

It was moved by Council Member Spooner 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 a **Resolution** authorizing the County Supervisor to execute a lease agreement between **South Carolina Federal Credit Union** and Berkeley County for premises located at 1003 Highway 52, Moncks Corner, South Carolina, (TMS #142-12-03-038).

It was moved by Council Member C. Davis and seconded by Council Member Spooner to approve the **Resolution authorizing the County Supervisor to execute a lease agreement between South Carolina Federal Credit Union and Berkeley County.** The motion was passed by unanimous voice vote of the Committee.

B. **Consideration** prior to **First Reading** of 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.

Supervisor Rozier suggested that the ordinance be amended to read that signs shall be erected no sooner than 30 days prior to an election.

Mr. Robbie Metts, Deputy Supervisor, suggested that material from other entities should be assembled for review.

It was moved by Council Member C. Davis and seconded by Council Member Fish to approve prior to First Reading of Ordinance No. 01-8-35. The motion was passed by majority voice vote of the Committee with Council Member Spooner voting "Nay".

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

1. **Request** by **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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

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

2. **Request** by **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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

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

3. **Request** by **Kathleen Whipple**, 375 Winding Road, Moncks Corner, TMS #195-00-01-006, (5.23 acres), from R2, Manufactured Residential District to F1, Agricultural District. Council District No. 6.

[Staff recommended Denial]

[Planning Commission recommended Denial]

Ms. Madelyn Robinson, Zoning Administrator, stated that staff recommended denial. The applicant would like it zoned Flex 1 for animals. The surrounding area is zoned R2 and is in the Residential Growth area on the Comprehensive Land Use map.

It was moved by Council Member Mims and seconded by Council Member Crosby to deny prior to First Reading the request by Kathleen Whipple. The motion was denied by unanimous voice vote of the Committee.

4. **Request by Centex Homes, Victoria Road and St. Thomas Island Drive, Charleston, TMS #275-00-00-083 (5.52 acres), -021 (6.33 acres), -038 (4.99 acres), -039 (2.66 acres), -011 (7.68 acres), -046 (1.09 acres), -048 (1.09 acres), -050 (1.09 acres), -045 (1.09 acres), -047 (1.09 acres), -049 (1.09 acres), and -051 (1.09 acres), (34 acres total) (to be combined into one parcel in the future), from R1-MM, Multi Section Manufactured District to R4, Multi Family – Small Scale District.** Council District No. 8.

[Staff recommended Approval]

[Planning Commission recommended Denial]

Chairman Farley stated that this request had been **withdrawn**.

5. **Request by 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) [Development Plan for Bill No. 04-96].** Council District No. 3.

[Staff recommended Approval]

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

Ms. Robinson stated that staff had recommended approval and the Planning Commission recommended approval with conditions. The conditions were concerning storm drains and buffers.

Mr. Stewart Whiteside, Seamon Whiteside and Associates, addressed the Development Plan for Bill No. 04-96. This development would consist of 709 acres with approximately 2,100 homes. It would be called Foxbank Plantation. *The Development Plan is attached hereto, and by this reference, is made a part hereof.*

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

6. **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 explained that the staff recommended approval and the Planning Commission recommended denial.

Council Member S. Davis asked what where the overriding concerns of the surrounding community?

Ms. Robinson explained that the communities main concern was the high traffic flow. With the zoning changed to GC, any type of business could be located on the property. The applicant wishes to construct a dentist or doctors' office on the property that has a low traffic flow.

Chairman Farley suggested that this request be **held** in Committee until more information can be presented.

7. **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]

Chairman Farley stated that the applicant requested to hold this request until February's meeting.

8. **Request by BMG, III, LLC, US Hwy. 176, TMS #195-00-00-043 (950.48 acres) and -044 (1100.66 acres), from F1, Agricultural District to PDMU, Planned Development – Mixed Use District.** Council District No. 7.
[Staff recommended Approval]
[Planning Commission recommended Approval]

Ms. Robinson stated that staff recommended approval and the Planning Commission recommended approval.

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

9. **Request by BMG, III, LLC, US Hwy. 176, TMS #195-00-00-043, (950.48 acres) and -044 (1100.66 acres) Development Plan.** Council District No. 7.
[Staff recommended Approval]
[Planning Commission recommended Approval with conditions]

Mr. Ben Gramling, Developer, addressed the Development Plan for BMG, III, LLC. This development would consist of 2,051.14 acres. It would be called Cane Bay Plantation. *The Development Plan is attached hereto, and by this reference, is made a part hereof.*

It was moved by Council Member Spooner and seconded by Council Member S. Davis to approve the request by **BMG, III, LLC of the proposed Development Plan.** The motion was passed by unanimous voice vote of the Committee.

D. Review prior to Second Reading of the following:

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 Mims and seconded by Council Member S. Davis to approve **prior to Second 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.** Council District No. 6.

It was moved by Council Member Mims and seconded by Council Member S. Davis to approve **prior to Second Reading the request by Butler Ware.** The motion was passed by unanimous voice vote of the Committee.

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 Crosby and seconded by Council Member Fish to approve **prior to Second 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. Council District No. 3. (Development Plan reviewed under Item C-5)

It was moved by Council Member Crosby and seconded by Council Member Fish to approve prior to Second 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.

E. Review prior to Third Reading:

1. **Bill No. 04-72, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: James & Shirley Pappadakes, 1119 Royle Road, Goose Creek, TMS# 233-06-00-004, (11.10 acres), from R-2, Manufactured Residential District, to R-1, Single-Family Residential District. Council District No. 4.**

Chairman Farley stated that a request had been received to **withdraw, per landowner**, this request.

BILL NO. 04-77 DID NOT RECEIVE THIRD READING ON DECEMBER 13, 2004:

2. **Bill No. 04-77, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Henry Yaschik Dynasty Trust, 100 Patriot Lane, Summerville, TMS# 222-11-00-062 (3.27 acres portion of 4.34 acres total) and 222-11-00-075 (2.16 acres portion of 6.54 acres total), from GC, General Commercial District to R-4, Multi-Family District, Small Scale. Council District No. 4.**

Chairman Farley stated that this request had been **withdrawn**.

3. **Bill No. 04-79, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Andrew Cohen, Old Highway 6, Cross, TMS# 042-00-01-035, (5 acres portion of 16.83 acres total), from F-1, Agricultural District, to RNC, Rural Neighborhood Commercial District. Council District 7.**

It was moved by Council Member S. Davis and seconded by Council Member Crosby to approve prior to Third Reading the request by Andrew Cohen. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 04-92, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Jason Southard for J. K. Austin, Jr., corner of Rose Drive and Turtle Pond Road, TMS #221-00-00-089, from R-1, Single Family Residential to GC, General Commercial. Council District No. 4.**

It was moved by Council Member Mims and seconded by Council Member Fish to approve **prior to Third Reading the request by Jason Southard.** The motion was passed by majority voice vote of the Committee with Council Member C. Davis voting "Nay".

HELD – DID NOT RECEIVE THIRD READING ON AUGUST 23, 2003, HELD IN COMMITTEE ON SEPTEMBER 13, 2004, OCTOBER 11, 2004, NOVEMBER 8, 2004, AND DECEMBER 13, 2004.

5. Bill No. 04-48, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rutha L. Kinlock, 1025 Charity Church Road, Huger, TMS# 248-00-02-004, (1 lot), from **R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 8**

It was moved by Council Member Mims and seconded by Council Member Crosby to approve **prior to Third Reading** the request by **Rutha L. Kinlock.** The motion was passed by unanimous voice vote of the Committee.

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

Meeting adjourned at 7:47 pm.

February 14, 2005
Date Approved