

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 August 8, 2005**, following the meeting of the Committee on Public Works and Purchasing, the Committee on Planning and Development, 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

July 11, 2005

July 25, 2005

A. Consideration of a **Resolution** designating certain service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County.

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

1. Request by **Van Malphrus**, Maplewood Road, Moncks Corner, TMS #162-00-01-015 (8.724 acre portion of 15 acres) **from F-1, Agriculture District to R-1, Single Family Residential**. Council District No. 6.

[Staff recommended Denial]

[Planning Commission recommended Denial]

2. Request by **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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

3. Request by **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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

4. **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]

C. Review prior to Second 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) (7.10 acres), to GC, General Commercial (4.65 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.**

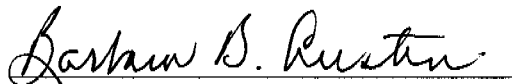
7. **Bill No. 05-69, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Frank Oakley, 2695 Highway 41, Wando, TMS #263-00-03-042 and 043 (.68 acres) from R-2, Manufactured Residential to GC, General Commercial District. Council District No.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

D. Review prior to Third Reading of the following:

1. **Bill No. 05-44**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Louis Vick, Jr.**, 740 Royle Road, Ladson, TMS #233-09-02-017, (2.4 acres), **from R-2, Manufactured Residential to R-3, Mobile Home Park**. Council District No. 4.
2. **Bill No. 05-55** an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Thomas**, Old Whitesville Road, Moncks Corner, TMS #141-00-02-016 (20.32 acres) **from PDMU, Planned Development Mixed Use to R-2, Manufactured Residential District**. Council District No. 7.
3. **Bill No. 05-56**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Brandon Hawkins**, 126 Farm Branch Lane, Summerville, TMS #194-00-02-012 (14.78 acres total) **from R-3, Mobile Home Park to RNC, Rural and Neighborhood Commercial**. Council District No. 7.
4. **Bill No. 05-57** an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnell Meese**, 209 Frankie Lane, Ladson, TMS #233-09-02-036 (2.3 acres) **from R-3, Mobile Home Park to R-2, Manufactured Residential**. Council District No. 4.
5. **Bill No. 05-58**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dennis Burbage**, 361 Liberty Hall Road, Goose Creek, TMS #244-06-00-028 (14.4 acres) **from R-2, Manufactured Residential to RNC, Rural and Neighborhood Commercial**. Council District No. 3.
6. **Bill No. 05-59**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **HLA, Inc.**, Old Hwy 52 and Cypress Gardens Road, Moncks Corner, TMS #211-00-02-102 et al (477.2 acres), **from Flex-1 Agricultural, R-1, Single-Family Residential, and GC, General Commercial to PDMU, Planned Development Mixed Use and proposed Development Plan**. Council District No. 3.
7. **Bill No. 05-60**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Don Winningham**, 710 South Live Oak Drive, Moncks Corner TMS #142-14-00-008 (<1 acre), **from R-2, Manufactured Residential to GC, General Commercial**. Council District No. 8.
8. **Bill No. 05-61**, an ordinance authorizing the conveyance of one lot owned by Berkeley County and located at 2669 Highway 45, Pineville, South Carolina, more particularly identified as TMS #014-00-00-014; and other matters relating thereto.

August 3, 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 August 8, 2005**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 8:15 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. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Judy C. Mims, Council Member District No. 6 and Mr. Steve C. Davis, Council Member District No. 8 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 meetings held July 11, 2005 and July 25, 2005.

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

A. Consideration of a Resolution designating certain service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County.

It was moved by Council Member Spooner and seconded by Council Member C. Davis to **approve the Consideration of a Resolution designating certain service area restrictions for wastewater removal and treatment in the unincorporated areas 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 Van Malphrus, Maplewood Road, Moncks Corner, TMS #162-00-01-015 (8.724 acre portion of 15 acres) from F-1, Agriculture District to R-1, Single Family Residential. Council District No. 6.
[Staff recommended Denial]

[Planning Commission recommended Denial]

Chairman Farley stated the request had been pulled by the landowner.

2. **Request by 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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

Ms. Madelyn Robinson, Zoning Administrator, stated this property had been part of property across the street which is zoned GC. The property has been subdivided and requests to be zoned F-1.

It was moved by Council Member Crosby and seconded by Council Member Spooner to **approve the request by Teresa F. Hood Clemmons**. The motion was passed by unanimous voice vote of the Committee.

3. **Request by 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.

[Staff recommended Approval]

[Planning Commission recommended Approval]

It was moved by Council Member Spooner and seconded by Council Member Crosby to **approve the request by Tony Berenyi**. The motion was passed by unanimous voice vote of the Committee.

4. **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]

Mr. Marc Haight, property owner, is under contract to purchase Doc's Rental. The tree line would remain as a buffer with the open space available for rental.

Supervisor Rozier expressed concern the property would be considered spot zoning.

Mr. D. Mark Stokes, County Attorney, explained to the Committee, one level of use above or below the current use would not constitute spot zoning.

Chairman Farley stated this request would be held in Committee.

- 5. Request by County Council, 1376 Old Gilliard Road, Ridgeville, TMS #157-00-00-003 (3500 acre portion of 7675 acres), from F-1, Agriculture District to HI, Heavy Industrial District; Council District 7.**
[Staff Recommended Approval]

Supervisor Rozier stated investors were willing to buy the property and hold it long term for an industry if it is rezoned to HI. The property would require an interchange on the interstate. The property would be accessed through the Pringletown community until the interchange could be completed. It is recommended this zoning request be given first reading or the investors may be lost for this opportunity.

It was moved by Council Member Pinckney and seconded by Council Member C. Davis to **approve the request by County Council.** The motion was passed by unanimous voice vote of the Committee.

C. Review prior to Second 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 Fish and seconded by Council Member Crosby to **approve prior to Second 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 Pinckney and seconded by Council Member Spooner to **approve prior to Second 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 Second 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 Spooner and seconded by Council Member Crosby to approve prior to Second 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)** (7.10 acres), **to GC, General Commercial** (4.65 acres). Council District No. 4.

Ms. Robinson stated a request had been received from the applicant that due to design and layout changes would change the subdivision to 6.25 acres for R-4, Multi-Family and 4.7 acres for GC, General Commercial.

It was moved by Council Member C. Davis and seconded by Council Member Pinckney to approve prior to Second 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 Second Reading Bill No. 05-68. The motion was passed 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 Crosby to approve prior to Second 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 C. Davis and seconded by Council Member Spooner to **approve prior to Second Reading Bill No. 05-70**. The motion was passed by unanimous voice vote of the Committee.

D. Review prior to Third Reading of the following:

1. **Bill No. 05-44**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Louis Vick, Jr.**, 740 Royle Road, Ladson, TMS #233-09-02-017, (2.4 acres), **from R-2, Manufactured Residential to R-3, Mobile Home Park**. Council District No. 4.

It was moved by Council Member C. Davis and seconded by Council Member Spooner to **approve prior to Third Reading Bill No. 05-44**. The motion was passed by unanimous voice vote of the Committee.

2. **Bill No. 05-55** an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Thomas**, Old Whitesville Road, Moncks Corner, TMS #141-00-02-016 (20.32 acres) **from PDMU, Planned Development Mixed Use to R-2, Manufactured Residential 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. 05-55**. The motion was passed by unanimous voice vote of the Committee.

3. **Bill No. 05-56**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Brandon Hawkins**, 126 Farm Branch Lane, Summerville, TMS #194-00-02-012 (14.78 acres total) **from R-3, Mobile Home Park to RNC, Rural and Neighborhood Commercial**. 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. 05-56**. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 05-57** an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnell Meese**, 209 Frankie

Lane, Ladson, TMS #233-09-02-036 (2.3 acres) from R-3, Mobile Home Park to R-2, Manufactured Residential. Council District No. 4.

It was moved by Council Member C. Davis and seconded by Council Member Spooner to approve prior to Third Reading Bill No. 05-57. The motion was passed by unanimous voice vote of the Committee.

5. **Bill No. 05-58, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dennis Burbage, 361 Liberty Hall Road, Goose Creek, TMS #244-06-00-028 (14.4 acres) from R-2, Manufactured Residential to RNC, Rural and Neighborhood Commercial. Council District No. 3.**

It was moved by Council Member Crosby and seconded by Council Member Fish to approve prior to Third Reading Bill No. 05-58. The motion was passed by unanimous voice vote of the Committee.

6. **Bill No. 05-59, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: HLA, Inc., Old Hwy 52 and Cypress Gardens Road, Moncks Corner, TMS #211-00-02-102 et al (477.2 acres), from Flex-1 Agricultural, R-1, Single-Family Residential, and GC, General Commercial to PDMU, Planned Development Mixed Use and proposed Development Plan. Council District No. 3.**

Ms. Robinson stated the developer had presented a list of requested changes from the zoning requirements. A chart showing the requested changes and staff recommendations would be voted on by the Committee. A traffic study has been requested showing the deletion of the second entrance on Cypress Gardens Road. The Planning Commission approved all of the requested changes except one. The Commission requested the traffic study by Wilbur Smith be included.

Council Member Spooner stated concern on the small setbacks on corner lots on secondary roads.

Supervisor Rozier recommended to send Bill No. 05-59 on for Third Reading and to study the requests and make amendments at that time.

Council Member Crosby stated that Council had already voted on the Zoning Requirements. Is the Committee required to vote on every change that the developer requests?

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the staff recommendations on the changes to the Zoning Requirement on Bill No. 05-59. The motion was passed by unanimous voice vote of the Committee.

7. **Bill No. 05-60**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Don Winningham**, 710 South Live Oak Drive, Moncks Corner TMS #142-14-00-008 (<1 acre), **from R-2, Manufactured Residential to GC, General Commercial**. Council District No. 8.

It was moved by Council Member Spooner and seconded by Council Member Fish to **approve prior to Third Reading Bill No. 05-60**. The motion was passed by unanimous voice vote of the Committee.

8. **Bill No. 05-61**, an **ordinance** authorizing the **conveyance** of one lot owned by Berkeley County and located at 2669 Highway 45, Pineville, South Carolina, more particularly identified as TMS #014-00-00-014; and other matters relating thereto.

It was moved by Council Member Spooner and seconded by Council Member Fish to **approve prior to Third Reading Bill No. 05-61**. The motion was passed by unanimous voice vote of the Committee.

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

The meeting ended at 9:21 pm.

September 12, 2005
Date Approved