



PLANNING COMMISSION

Town Council Chambers, Moncks Corner Municipal
Complex, 118 Carolina Avenue
TUESDAY, NOVEMBER 28, 2023 at 6:00 PM

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Approval of Minutes for the August 22, 2023 meeting

NEW BUSINESS

2. Consider an Annexation & Zoning Map Amendment request for 9.99 acres located on US Hwy 52 & Westbury Lane (181-00-01-024), Planned Development (PD).

OLD BUSINESS

PLANNER'S COMMENTS

MOVE TO ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (843) 719- 7900 within 48 hours prior to the meeting in order to request such assistance.



PLANNING COMMISSION

Town Council Chambers, Moncks Corner Municipal
Complex, 118 Carolina Avenue
TUESDAY, AUGUST 22, 2023 at 6:00 PM

MINUTES

CALL TO ORDER

Meeting called to order at 6:00 p.m.

PRESENT

Commissioner Charlotte Cruppenink
Commissioner Glen Pipkin
Commissioner Chris Kondakor
Commissioner Drew Ensor

STAFF PRESENT

Justin Westbrook, Development Director

ABSENT

Commissioner Nick Ross
Commissioner Rev. Robin McGhee-Frazier

APPROVAL OF MINUTES

1. Approval of Minutes for the July 25, 2023 meeting.

Motion made by Commissioner Pipkin, Seconded by Commission Ensor.

Voting Yea: Chairwoman Cruppenink, Commissioner Pipkin, Commissioner Kondakor and Commissioner Ensor.

NEW BUSINESS

2. Consider a Zoning Map Amendment request for five (5) parcels (123-00-06-057, -060, -061, -062 & -063) located on Reid Hill Road, from C-2 (General Commercial) to R-4 (Multi-family Residential).

Mr. Westbrook presented the item.

Karl Rakes, 3771 Belvedere Road, Johns Island, spoke in favor of his request.

Mr. Rakes requested clarification regarding allowable density with the requested R-4 zoning district. Mr. Westbrook responded that the applicant and Staff can discuss density at a later date.

Motion made by Commissioner Pipkin to recommend approval, Seconded by Commissioner Kondakor.

Voting Yea: Chairwoman Cruppenink, Commissioner Pipkin, Commissioner Kondakor and Commissioner Ensor.

3. Consider a Tree Removal request located at 521 Division Street (142-03-02-047).

Mr. Westbrook presented the item.

Daniel Causey, 521 Division Street, spoke in favor of his request.

Chairwoman Cruppenink spoke to the exposed roots of the tree and discussed how rain events can pose stability concerns for trees with exposed roots.

Commissioner Ensor asked about the approximate height of the tree and distance of the tree to the house. Mr. Causey responded that he believed the tree may be seventy (70) feet tall.

Commissioner Kondakor asked assistance in identifying the structures in the pictures to help understand the situation more clearer. Mr. Causey helped identify an accessory structure on the property and the adjacent neighbor's house.

Chairwoman Cruppenink asked if the applicant had spoken to any of the neighbors regarding the tree removal request. Mr. Causey stated that none were in opposition, primarily due to potential danger the tree could pose the young children living next door.

Motion made by Commissioner Ensor to grant the Tree Removal Permit and waive the required mitigation due to the tree posing an imminent threat to nearby structures and exposed root system, Seconded by Commissioner Pipkin.

Voting Yea: Chairwoman Cruppenink, Commissioner Pipkin, Commissioner Kondakor and Commissioner Ensor.

4. Consider a Tree Removal request located at 220 First Street (142-07-05-022).

Mr. Westbrook presented the item.

Chris Havens, 220 First Street, spoke in favor of his request.

Terry Helms, 222 First Street, spoke in favor of the request.

Chairwoman Cruppenink asked about the trees that were planted after the pine tree was removed. Mr. Havens indicated that three (3) Pawpaw trees, two (2) Loquat trees, one (1) Persimmon tree and one (1) Fig tree were planted on the property.

Commissioner Pipkin asked about the damage the tree did to adjacent structures. Mr. Havens explained large tree branches had fallen during wind events, causing roof damage to nearby accessory structures.

Mr. Helms added that the tree hung over a pool where kids swam, along with the structure on his property, and the next event may cause significant damage to his property and potential harm to occupants of the grounds.

Commissioner Ensor asked if the damage in the presentation was caused by the tree that was removed, to which Mr. Helms confirmed it was.

Chairwoman Cruppenink asked which company removed the tree. Mr. Helms stated it was Carolina Tree Care of Manning, SC.

Chairwoman Cruppenink asked if a Tree Removal Permit was applied for before the tree was removed. Mr. Haven stated that a Tree Removal Permit and Business License was applied for the same afternoon the Code Enforcement Staff visited the site.

Chairwoman Cruppenink asked when the applicant knew to apply for the Tree Removal Permit. Mr. Haven explained that Code Enforcement visited the contractors as the work was being performed, and that's when the requirements were explained to the property owners.

Motion made by Commissioner Kondakor to grant the Tree Removal Permit and waive the required mitigation due to the tree posing an imminent threat, Seconded by Commissioner Ensor.

Voting Yea: Chairwoman Cruppenink, Commissioner Pipkin, Commissioner Kondakor and Commissioner Ensor.

OLD BUSINESS

PLANNER'S COMMENTS

Mr. Westbrook summarized action taken by the Town Council regarding recent requests that the Planning Commission had deliberated on.

MOVE TO ADJOURN

Chairwoman Cruppenink thanked the citizens in the audience for attending and reiterated that the Planning Commission is a volunteer recommending body to the Town Council.

Motion made by Commissioner Pipkin to adjourn, Seconded by Commissioner Kondakor.

Voting Yea: Chairwoman Cruppenink, Commissioner Pipkin, Commissioner Kondakor and Commissioner Ensor.

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STAFF REPORT

TO: Planning Commission
FROM: Justin Westbrook, Community Development Director
SUBJECT: Annexation (AN-23-03) – American Star Development
DATE: November 28, 2023

Background: The applicant, American Star Development, has applied for an Annexation (AN-23-03) for a parcel, owned by Catherine Blakely (TMS #181-00-01-024). Along with the annexation request, the applicant is seeking the parcels to be zoned **Planned Development (PD)**.

The request involves an age restricted townhome community of “a maximum of 70 units” with approximately one (1) acre set aside for commercial fronting US Hwy 52.

Existing Zoning: The subject parcels are currently in Berkeley County’s Flex-1 zoning district. Per the Berkeley County, the Flex-1 – Agricultural District is intended to:

1. *Preserve agricultural activities as a primary use, but to allow residential development as a secondary use.*
2. *Manage growth to protect agricultural land and land uses from development pressures to avoid increasing demands for road improvements and public infrastructure.*
3. *Provide standards to control the intensity of development in rural areas of sensitive natural and historical resources.*
4. *Preserve wetlands, watercourses and other significant natural resource areas, and to preserve the scenic quality of the landscape.*
5. *Preserve and protect the rural residential character of specific areas within the county.*
6. *Ensure that the cultural integrity of the county's historical resources is protected.*
7. *Protect these areas from infiltration of incompatible land uses.”*

The zoning district is primarily residential in nature, specifically designed for agricultural uses, recreation and amusement uses such as ecotourism, and low-density residential use types.

	Adjacent Zoning	Adjacent Land Use
North	Flex-1 (Berkeley County)	VACANT
	GC (Berkeley County)	Funeral Home
South	Flex-1 (Berkeley County)	Industrial Use & Cell Tower

East	Flex-1 (<i>Berkeley County</i>)	VACANT
	Conditional Zoning R-3	VACANT
West	R-3	Single-family Detached

Existing Site Conditions: The subject parcels comprise of approximately 9.99 acres, which are currently used for several single-family dwellings. Per the National Wetlands Inventory map and the applicant’s sketch plan, there does appear to be approximately 2.5 acres of wetlands delineated on the parcel, predominantly to the west. The subject parcels are currently accessible by US Hwy 52 and a private road, Westbury Lane.

Proposed Zoning Request: The applicant has requested to annex the subject parcel into the Town of Moncks Corner and apply for a **Planned Development** zoning district. Per the Town’s Zoning Ordinance, the **Planned Development** District is intended to:

“...encourage the development of mixed-use communities which provide a range of harmonious land uses which support the mixed uses within the planned unit development”, “promote flexibility in site planning and structure location that facilitates and use of efficient circulation and utility systems and preservation of natural and scenic features”, “permit the development of such communities where there is demand for housing, a relationship with the existing and/or planned employment opportunities, as well as supporting businesses and other services”, and to “provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own”.

The provided PD Document from the applicant shows the commercial area, of at least 1.05 acres, to be used for commercial/office space. As the PD Document does not utilize specific use types, this is of concern for Staff who are fearful of this being used for transportation-intense use, such as a gas station or car wash.

The remainder of the tract is to be utilized, per the PD Document as “senior restricted residential” of up to seventy (70) units. As age restriction would need to be by deed or other mechanism not controlled by the Town, there are limited guarantees the “senior restricted” aspect is enforceable by the Town, and the recourse for such enforcement would become legally time consuming and costly.

The streets within the development are 50-foot private or public rights-of-way. Per the Town and County regulations of roadways, the streets within the development would be privately owned and maintained.

All other additional elements as required by the Zoning Ordinance, specifically Section 6-12 of the Zoning Ordinances, must be met by the developer.

Density: The subject parcels consist of approximately 9.99 acres. With a proposed seventy (70) units and subtracting the one (1) acre for commercial uses, the density for this request will result in 7.79 dwelling units per acre. The Comprehensive Plan, adopted in 2017, has designated this amount of density on the high end of what is considered ‘*Residential (Medium Density)*’. This type of designation has been identified to be located within Moncks Corner for areas that:

“provide a transition from the low-density suburban neighborhoods to already developed residential and commercial areas with potential to serve as infill developments.”

Staff believes that this sparsely developed parcel, surrounded by a scattering of single-family detached homes and a singular business, the '*Residential (Medium Density)*' does not fit "already developed residential and commercial areas". The plan goes on to define medium density for new neighborhoods to become "walkable communities with a system of interconnected trails or sidewalks" that provide connectivity to parks and recreation. The plan also suggests this density be within one-half mile of neighborhood centers or nonresidential development.

Good planning practices identifies the need for single-family attached dwellings and that density serves a purpose within any developing town, however Staff agrees with the 2017 Comprehensive Plan regarding the placement of such density. Staff does believe that the subject parcels, surrounded by undeveloped lands and absent of nearby commercial development, that this area does not fit the '*Residential (Medium Density)*' use types.

Transportation: Connectivity, particularly for more dense developments like single-family attached uses, is very important. Staff has concerns with the number of units not meeting the minimum number of connection points as prescribed by the adopted Fire Code.

Proper connectivity obviously provides flexibility and maneuverability for first responders and emergency vehicles when responding to a situation, however connectivity also serves the residents and general public on a daily basis. As such, this amount of density should be walkable within the subject project, as well as the existing transportation network immediately adjacent to the project. Currently, there are not any constructed or planned walkable transportation network in the immediate vicinity, and with US Hwy 52 not being an ideal walkable corridor, Staff has serious concerns that the requested density and optimal provided walkable network will not exist at this site and could be dangerous and detrimental to the local area, future residents, and current citizens of Moncks Corner.

Consistency with Plans: Adopted in 2017 as part of the Town's Comprehensive Plan, the Future Land Use Map identifies the subject parcel as "Low Density Suburban". This designation, provided by the county's future land use map, is not in line with the intended for single-family attached units requested for the **Planned Development** zoning district.

The Comprehensive Plan also lays out various goals and policies to help in decision making for land use requests. Staff believes the applicant and request generally follow the following policies listed in the plan.

- **Land Use Policy 2:** The Town will continue efforts to guide the growth of land adjacent to existing boundaries.

Staff also believes the applicant and request generally does not follow the following policies listed in the plan:

- **Land Use Policy 1:** The Town will guide land use patterns, encourage new growth, in areas that maximize efficient use of existing infrastructure and investments in expanded infrastructure.
- **Land Use Policy 3:** The Town will promote development that is appropriate and compatible with neighboring uses.

Procedural Issues: As the subject parcel is requesting annexation by 100% of the property owners, and have signed annexation petitions, the request will be presented for approval at two (2) separate Town Council meetings. As part of this request, the applicant is also seeking to apply the Town of Moncks Corner zoning to the subject parcels.

As part of any Zoning Map Amendment, the request must be at least two (2) acres, an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this particular case, the subject parcel exceeds two (2) acres in size.

Staff Analysis: Staff is concerned with several aspects of this plan, most notably the lack of twenty-five (25) highland acres required for a **Planned Development (PD)** zoning district. Beyond the zoning request parameters per the Zoning Ordinance, Staff have concerns with walkability and connectivity for such a project, particularly the lack of external connections a dense development of this nature should benefit from. Obviously, the one entrance for up to seventy (70) units is also a concern, typically reviewed during the Preliminary Plat stage, however Staff feels it prudent in mentioning when looking at zoning requesting such density with a lack of ingress/egress to the site.

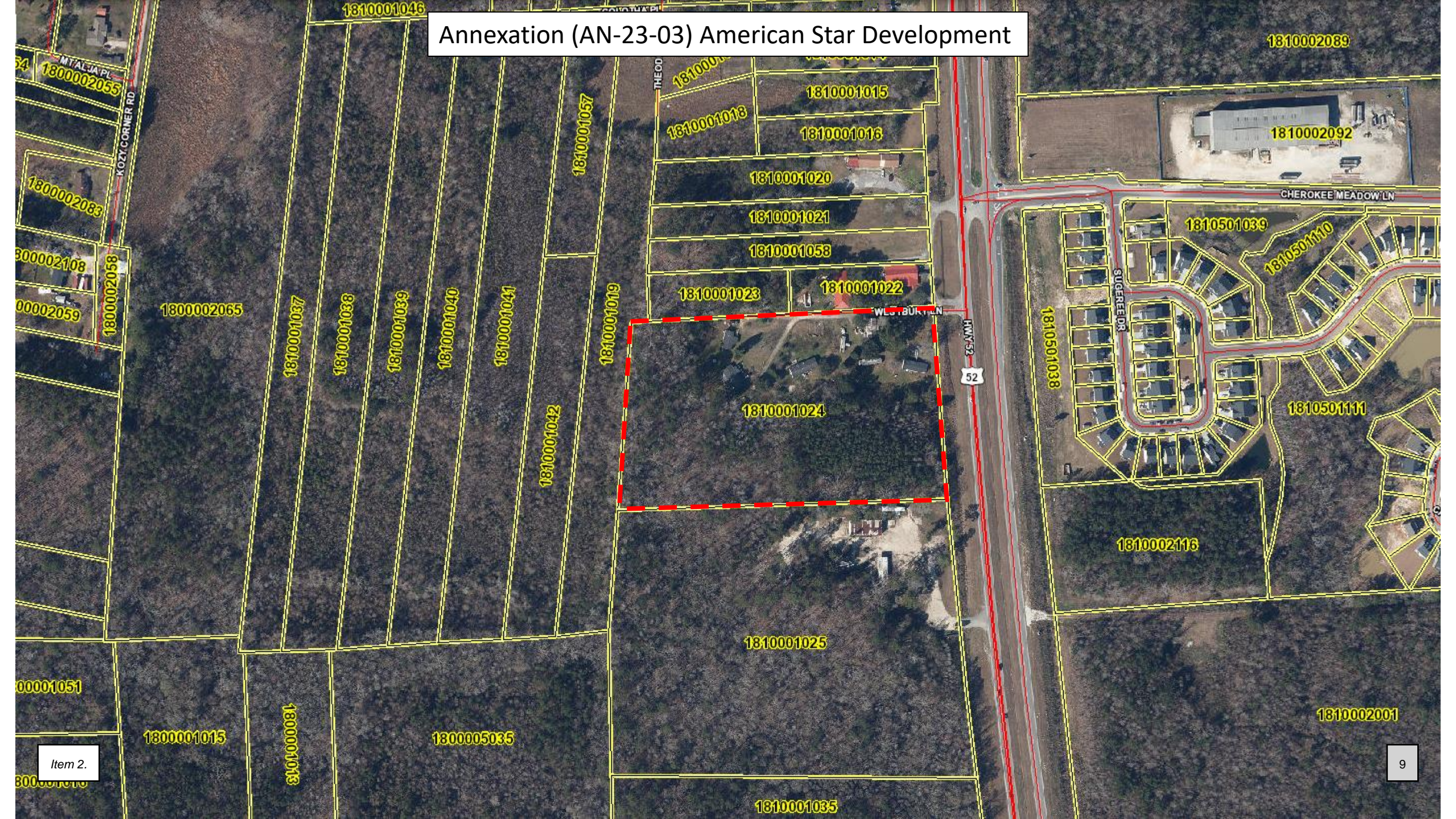
Staff also have concerns regarding the Comprehensive Plan, particularly the lack of density immediately surrounding this tract, as well as the County's designation for the property for their long-range growth expectations. This project appears to be out of place along US Hwy 52, not adjacent to any community or regional network systems, such as parks, sidewalks, amenities, or shopping. Staff is also concerned with the minimal lot for commercial, and questions how much of a benefit would the townhomes see from such a small site, as certainly a desired use for a dense community, such as a grocery store or restaurant seems implausible.

Staff Recommendation: Staff recommends denial of the requested **Planned Development (PD)** zoning district designation for the subject parcel. Staff has reached this recommendation due to the request for additional density in an otherwise existing rural area, with little to no additional connectivity from the proposed development to other Town amenities, existing neighborhood centers or commercial development.

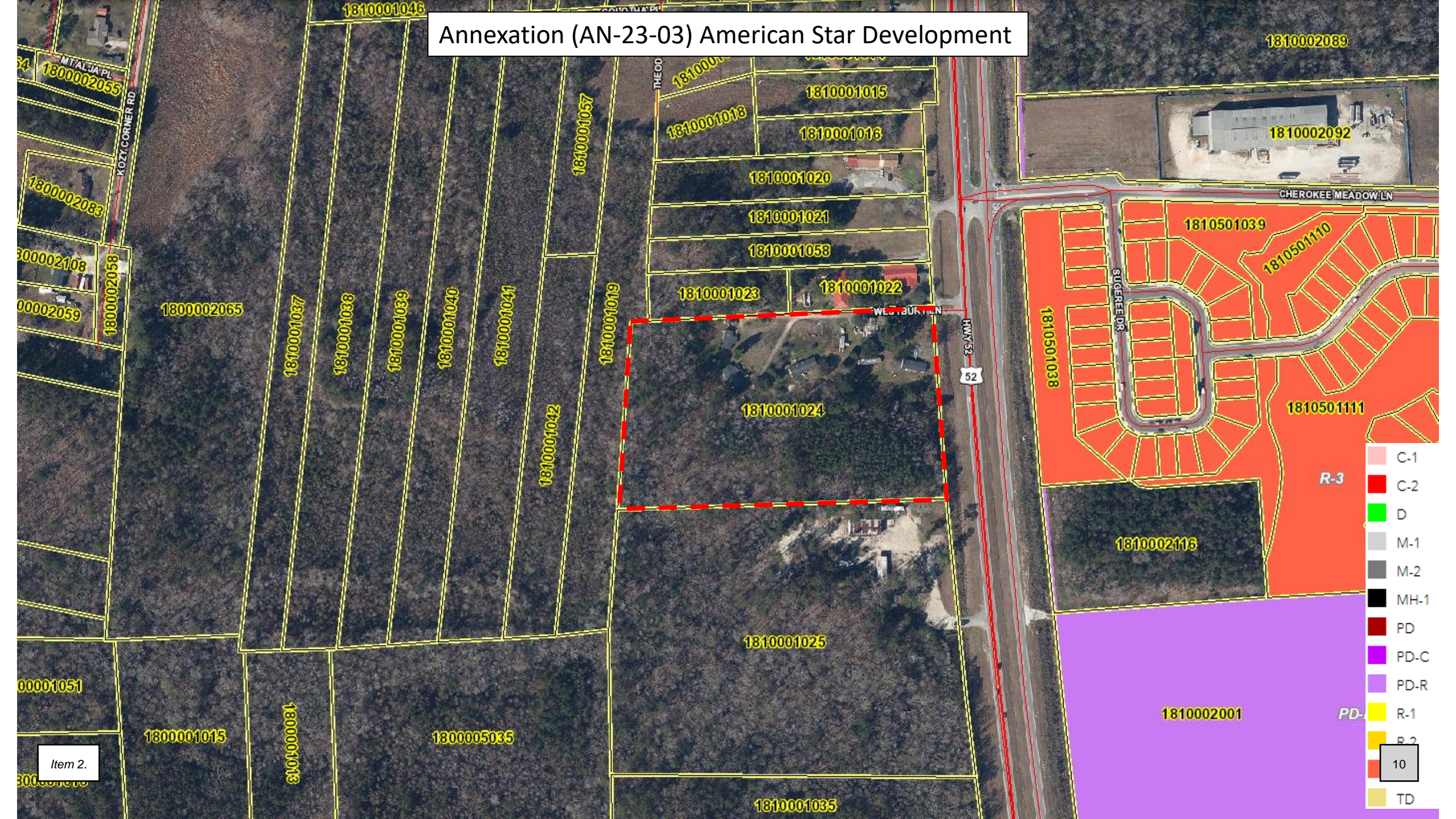
Staff requests the Planning Board consider the application and request and provide a recommendation to the Town Council.

*Attachments: Location Maps (Aerial, Zoning, Future Land Use Plan)
 SIGNED - Application (Anna Blakely)(20231017)
 PD Document (20231017)*

Annexation (AN-23-03) American Star Development



Annexation (AN-23-03) American Star Development



Item 2.

Annexation (AN-23-03) American Star Development



Proposed Future Land Use (FLU) Areas

- HD Residential Nodes
- Recreation Node
- Commercial Nodes
- Mixed Use Node
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Corner Renaissance
- Commercial
- Employment
- Public/Institutional
- Recreation/Open Space
- Proposed Employment
- Proposed High Density Residential
- Proposed Recreation/Open Space

Berkeley County Future Land Use

- Conservation/Recreation
- Constrained Residential Growth
- Employment
- Low Density Suburban
- Moderate Density Suburban

Item 2.



100% Annexation Petition

Home / Government / Community Development / 100% Annexation Petition

Error: Your application is not valid, please fix the errors!

Applicant Information

Name *

American Star Development

Street Address *

PO Box 211

Apartment, suite, etc

City

Sullivan's Island, SC 29482

Email Address *

pierce211@aol.com

Phone *

803-289-0028

Property Owner Information

If different than applicant

Name *

Anna C. Blakely

Street Address *

927 Westbury Lane

Justin

Communit

843-719-7'

Rebec

Business I

843-719-7'

Bobbi

Permitting

843-719-7'

Tim Sr

Chief Builc

843-259-0'

Rezor

Applicat

form

Tree I

Applicat

form

Zonin

Verificat

online form

Public

licat

form

Apartment, suite, etc

City

Email Address *

Phone *

TO THE MAYOR AND COUNCIL OF THE TOWN OF MONCK'S CORNER:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City/Town by ordinance effective as soon hereafter as possible, pursuant to South Carolina Code Section 5-3-150(3).

The territory to be annexed is described as follows. Description may be attached.

Insert description of territory. The description may be taken from deeds or may be drawn to cover multiple parcels using known landmarks. It should be definitive enough to accurately fix the location.

The property is designated as follows on the County tax maps: *

**** A plat or map of the area should be attached. A tax map may be adequate ****

Upload file *


Choose File Westbury - Senior Living Planned Development Document.pdf

It is requested that the property be zoned as follows: *

Consent *

I (we) certify that I (we) are the free holder(s) of the property(s) involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning.

Applicants Signature *



Date *

Submit Application

Services

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- ✓ [Facility Rental](#)
- ✓ [Sanitation](#)

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- ✓ [Economic Development](#)
- ✓ [Careers](#)

Westbury Acres Senior Living

Planned Development Guidelines

1. **Planned Development Name**

Westbury Acres – Senior Living

2. **Statement of Objectives**

The subject properties are located off Westbury Lane in the Monks Corner area of Berkeley County, South Carolina. The proposed development contains one parcel of land equaling 9.99 acres. The parcel is currently zoned Flex1 Zoning District in Berkeley County. The intent of this application is to create a Planned Development for the entire 9.99 acre project, giving the developer flexible areas for residential and commercial development.

Current Condition:

9.99 Acres (Zoned Flex1 Berkeley County)
TMS: 181-00-01-024 (927 Westbury Lane)

Proposed Condition:

9.99 Acres (Zoned PD)
TMS: 181-00-01-024 (927 Westbury Lane)

PD Zoned project proposes a maximum of 70 Age Restricted dwelling units on 9.99. This PD will also include a minimum of 1.05 acres of commercial property with the ability to develop the whole parcel as a commercial property. The PD also preserves 2.50 Acres of wetlands on the property

The minimum age set for the residential units will be 55 years or older.

3. **Intent and Results**

The proposed residential use is consistent with the area and meets the objectives of the Town of Monks Corner Zoning and Land Development Regulations. This application will provide Senior Living along with much needed Commercial Space, keeping most of the trees on the property, and maintaining a good deal of open space. Town of Monks Corner, Berkeley County and other agencies may provide necessary public services, facilities, and programs to serve this development at the time it is developed. The property is currently mostly undeveloped parcel with trees.

Commercial Description

The commercial portion of the property is made up of a minimum of 1.05 acres but could be used for the entire parcel. The intent is to develop this as commercial/office space which is being eagerly sought in this area. The development will incorporate private drive aisles and parking to service the building, along with a connection to the residential portion to give inter-connectivity. The commercial portions will meet the zoning requirements and development standards of the Town of Monks Corner in section-2 General Commercial District.

Westbury Acres Senior Living

Planned Development Guidelines

Residential Description

The potential senior restricted residential portion of the property is made up of 5.90 acres total. The intent is to develop this as single family attached residential home sites which are being eagerly sought in this area. The development will incorporate residential roads to service the neighborhood, along with open space areas connected with sidewalks. The roads will either be privately owned and maintained by an HOA or offered for acceptance into the public road system (complying with all processes and requirements for such offerings). The intent is to preserve the natural beauty of the land while allowing it to be developed for residential dwellings and an active community positioned in a growing area of the Town. The intent is for townhome development and to meet the Town of Monks Corner Zoning code for R-3 General Residential District. No apartments will be allowed in this area.

Open Space Description

Open Space - Land within or related to a Subdivision or Planned Development that is set aside to conserve natural resource, scenic, cultural, historic, or archeological values, or provide active or passive recreation, or accommodate support facilities related to the Subdivision, and that is restricted from significant Development or intensive use except for approved recreational or support facilities and protected in perpetuity in a substantially undeveloped state.

4. Site Information

Total Acreage = 9.99 Acres

Highland Acreage = 8.34

Wetland Acreage = 1.64*

* USACOE Coordination provided in Appendix.

5. Streets

The subdivision is planned to have 50' private or public right-of-ways that will have curb cuts to service the road system off Westbury Lane.

Sidewalks will be provided within the proposed right-of-way and comply with the requirements of the Town of Monks Corner Zoning Code. Sidewalks will be ADA compliant and provide accessible ramps at intersection of the main driveways.

6. Compliance with other regulations

1. Items not specifically addressed with this Planned Development shall comply with the Town of Monks Corner Zoning and Land Development Regulations for the R-3 Zoning District requirements of the code in effect at the time of subsequent development application submittal.
2. The owner/developer shall proceed with the development in accordance with the

Westbury Acres Senior Living

Planned Development Guidelines

provisions of these zoning regulations, applicable provisions of the Town of Monks Corner Comprehensive Plan, and with such conditions as may be attached to any rezoning to the applicable PD district.

7. **Signs**

Signage for the subdivision will be compliant with the Town of Monks Corner Zoning Code. Signage will be limited in total size to conform with the Town's requirements. The monument signage is to be integrated with landscaping with a preference for uplighting. One (1) monument sign, double sided, to be permitted at each entrance to the development from Westbury Lane. All signage will be landscape lit.

8. **Parking**

Except for as noted parking is to be provided per the Town of Monks Corner Zoning Ordinance current standards at the time of development.

- 2 spaces per unit (*Off-street*)

Note: Single Family residential units to provide 2 spaces per unit onsite. These can be provided in the driveway (*side by side*) or one (1) in the garage and one (1) in the driveway. In all applications pedestrian sidewalks are not to be obstructed due to parking.

9. **Tree Protection**

The proposed Planned Development shall comply with all provisions of the Town of Monks Corner. Removal of grand trees may require a variance from The Town of Monks Corner, unless approved by staff.

10. **Home Owner's Association (HOA)**

A Home Owner's Association (*HOA*) Board of Directors will be created to own, manage, and maintain the residential roads & sidewalk, open space, stormwater system and amenity features. The HOA will be managed by the Developer collecting all fees and handling HOA responsibilities until all lots within the residential development are sold, at which time duties will be turned over to a successor chosen by the HOA. They will also fund any private lighting repairs, landscaping, and buffers maintenance.

The HOA shall fund, own, and maintain the stormwater system components, structures, and shall ensure they are maintained to permitted standards. Stormwater pond constitutes significant percentage of open space calculation. Any modification to permitted pond configuration will require revision to approved comprehensive site drainage plan and issuance of Stormwater permit above staff approvals.

HOA approval is not required prior to submittal of applications for zoning permits.

11. **Additional Guidelines**

Each unit and/or building within this Planned Development will be carefully located so

Westbury Acres Senior Living

Planned Development Guidelines

that each will have a reasonable view and privacy. Consideration will be given to building regarding topography, the protection of existing trees, and/or other aesthetic or environmental conditions.

1. Site Lighting

Site Lighting shall comply with Town of Monks Corner Code.

2. Garbage Disposal

Garbage collection will be handled by private trash pickup of roll out cans. Covenants and restriction from the HOA will dictate requirements for trash can screening in the residential development.

3. Additional Building & Vehicular Limits

Other than occasional deliveries, heavy truck traffic will be prohibited in the development. Overnight parking of eighteen wheel vehicles will be prohibited.

Westbury Acres Senior Living

Planned Development Guidelines

Westbury Acres Senior Living

Planned Development Guidelines

12. Appendices
 1. Existing Conditions

REFERENCES

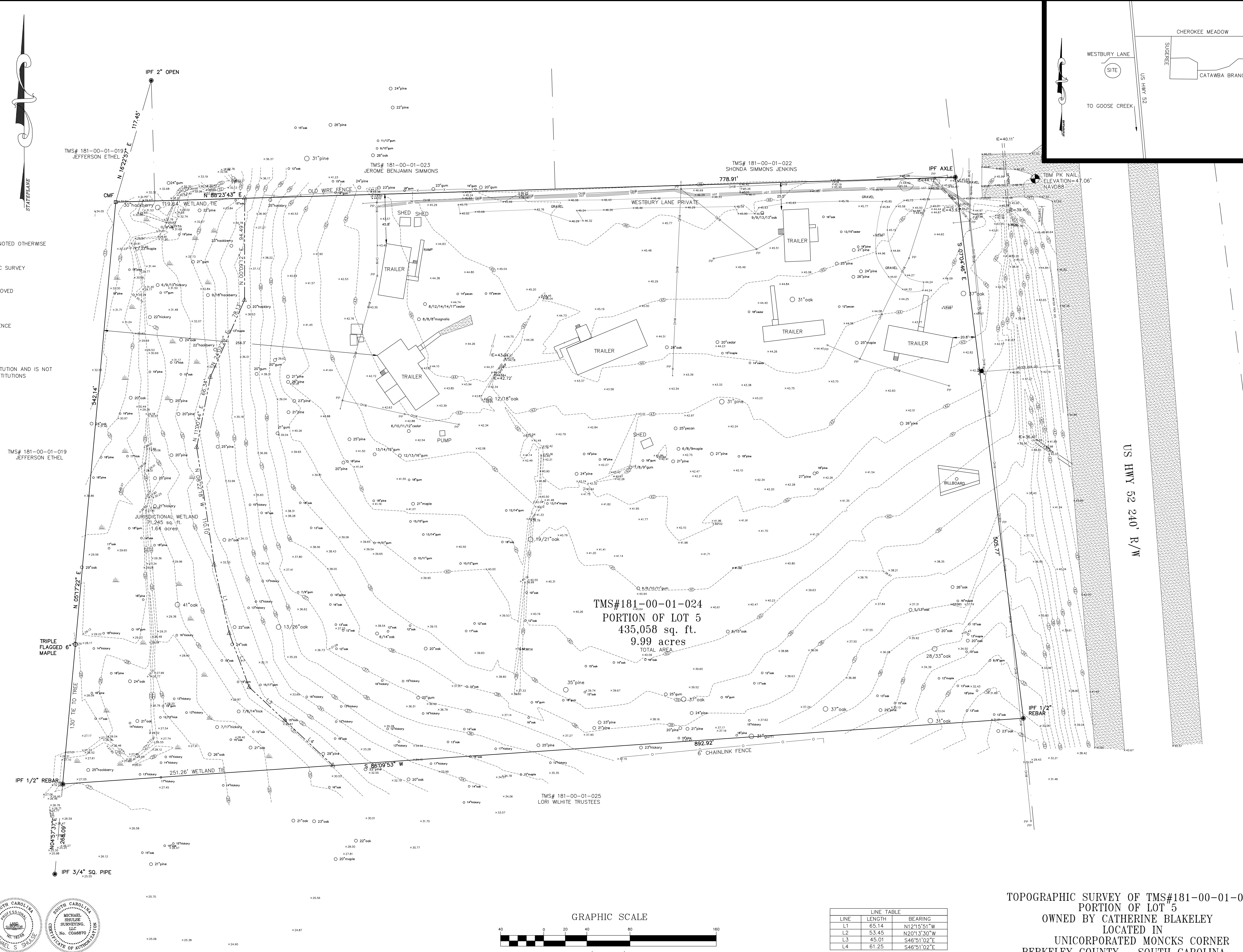
- 1.) PLAT CAB U PAGE 85
DATED 11/11/72
BY SHULER
- 2.) PLAT B PAGE 3
DATED DEC 1918
BY McGRADY BROTHER & CHEVES
- 3.) INSTRUMENT #2021028664
DATED DEC 1, 2020
BY PAUL HAJES (HGBD)
- 4.) PLAT T PAGE 98
OCT 19, 1970
BY EA DENNIS
- 5.) DEED 4049-0026

NOTES

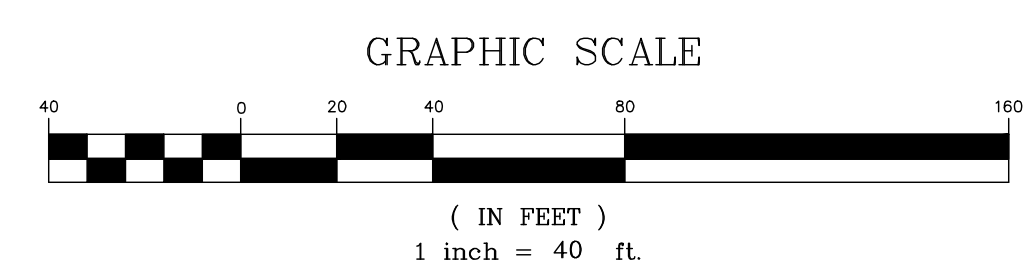
- 1.) PROPERTY CORNERS SET ARE ALL 5/8" REBAR UNLESS NOTED OTHERWISE
- 2.) AREA CALCULATED BY THE COORDINATE METHOD.
- 3.) BEARINGS SHOWN HEREON ARE STATEPLANE GRID
- 4.) THIS PLAT IS INTENDED ONLY TO SHOW THE TOPOGRAPHIC SURVEY OF LOT 5 AND IS BASED ON FOUND MONUMENTATION, LISTED REFERENCE DATA, AND LINES OF OCCUPATION. NO TITLE RESEARCH WAS DONE.
- 5.) SETBACKS ARE SUBJECT TO CHANGE AND MUST BE APPROVED COUNTY/ CITY OFFICIAL
- 6.) THE SURVEY SHOWS EASEMENTS WHICH ARE OBVIOUS OR APPARENT TO THE SURVEYOR
- 7.) NO SUBSURFACE INVESTIGATION DONE
- 8.) ANY REPRESENTATION OUTSIDE BOUNDARY IS FOR REFERENCE
- 9.) THERE HAS BEEN NO ENVIRONMENTAL INVESTIGATION DONE FOR PARCEL
- 10.) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA; ZONE "X" AS PER F.I.R.M. PANEL #45015C 0395E, DATED DECEMBER 7, 2018
- 11.) THIS SURVEY IS FOR CLIENT AND CURRENT LENDING INSTITUTION AND IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS OR LENDING INSTITUTIONS

LEGEND

- CALCULATED POINT Δ
- CONCRETE MONUMENT FOUND \square
- IRON PIPE FOUND \bullet
- OVERHEAD POWER $-\text{OH}P-$
- COMMUNICATION LINE $-\text{W}T-$
- SPOT ELEVATION \times
- CONTOUR $---$



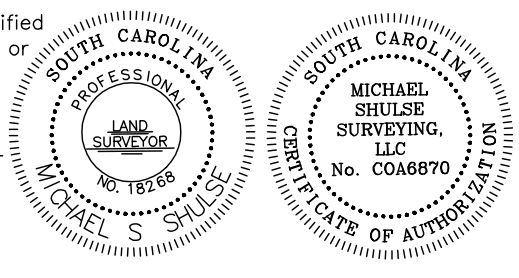
TMS#181-00-01-024
PORTION OF LOT 5
435,058 sq. ft.
9.99 acres
TOTAL AREA



LINE	LENGTH	BEARING
L1	65.14	N12°15'51"W
L2	53.45	N20°13'30"W
L3	45.01	S46°51'02"E
L4	61.25	S46°51'02"E

I, hereby state that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein, also certifying no encroachments, projections, or setbacks affecting the property other than those shown.

Michael S. Shulse
 9/18/2023
 MICHAEL S. SHULSE, S.C. P.L.S. No.18268
 1210 RIVERS REACH DR.
 WANDO, S.C. 29492
 PHONE: (843) 296-1607



MSHULSE01@YAHOO.COM
 MICHAEL SHULSE SURVEYING, LLC

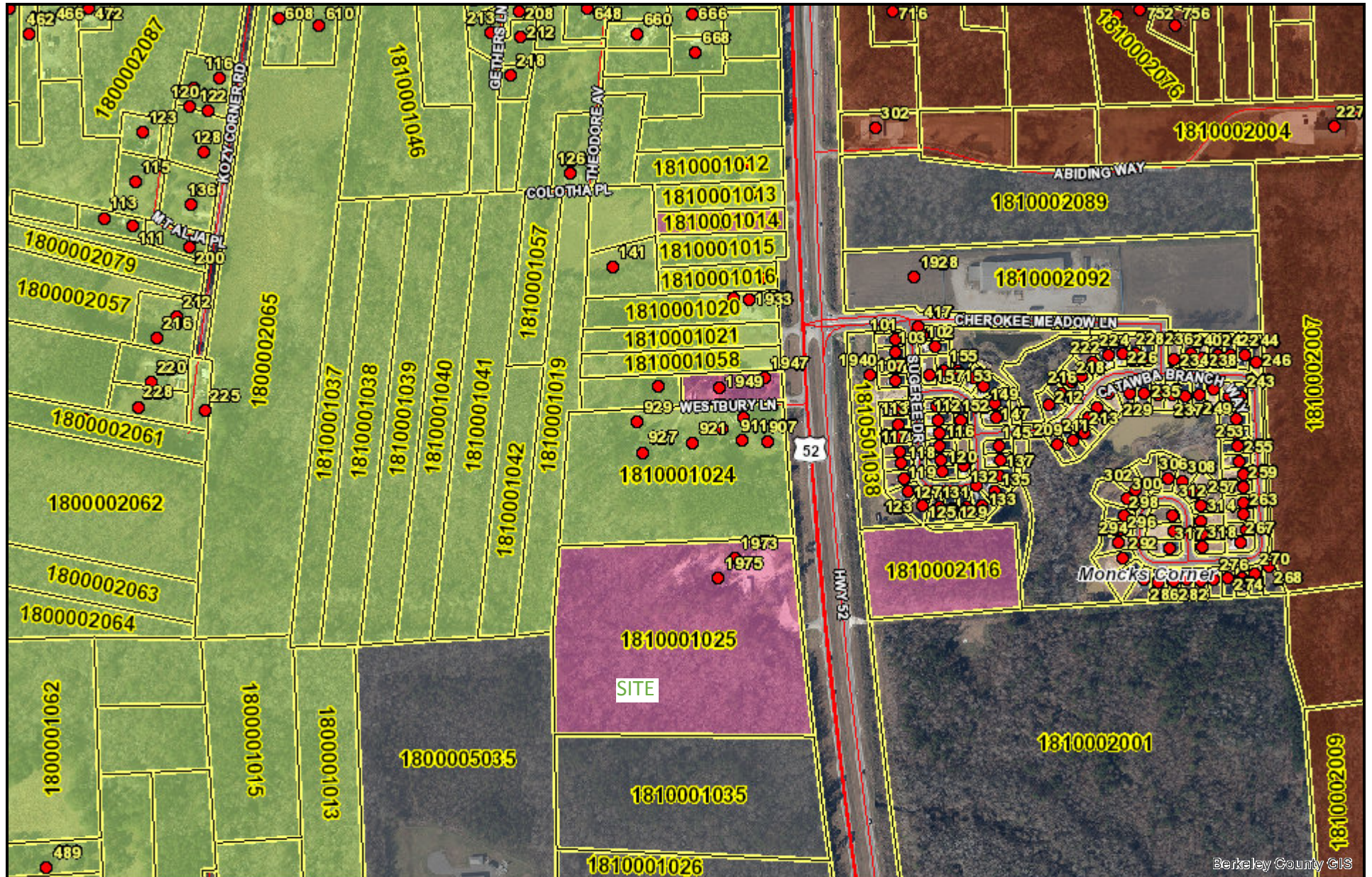
TOPOGRAPHIC SURVEY OF TMS#181-00-01-024
PORTION OF LOT 5
OWNED BY CATHERINE BLAKELEY
LOCATED IN
UNINCORPORATED MONCK'S CORNER
BERKELEY COUNTY SOUTH CAROLINA
DATE SURVEYED: SEPTEMBER 10, 2023

Westbury Acres Senior Living

Planned Development Guidelines

2. Current Berkeley County Zoning Map (Flex 1)

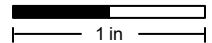
Berkeley County GIS Online Mapping



Berkeley County GIS



1 inch = 500 feet



Date: 10/16/2023
Berkeley County GIS



The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.

Westbury Acres Senior Living

Planned Development Guidelines

3. Current Town of Monks Corner Zoning Map

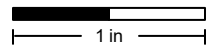
Berkeley County GIS Online Mapping



Berkeley County GIS



1 inch = 500 feet



Date: 10/16/2023
Berkeley County GIS



The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.

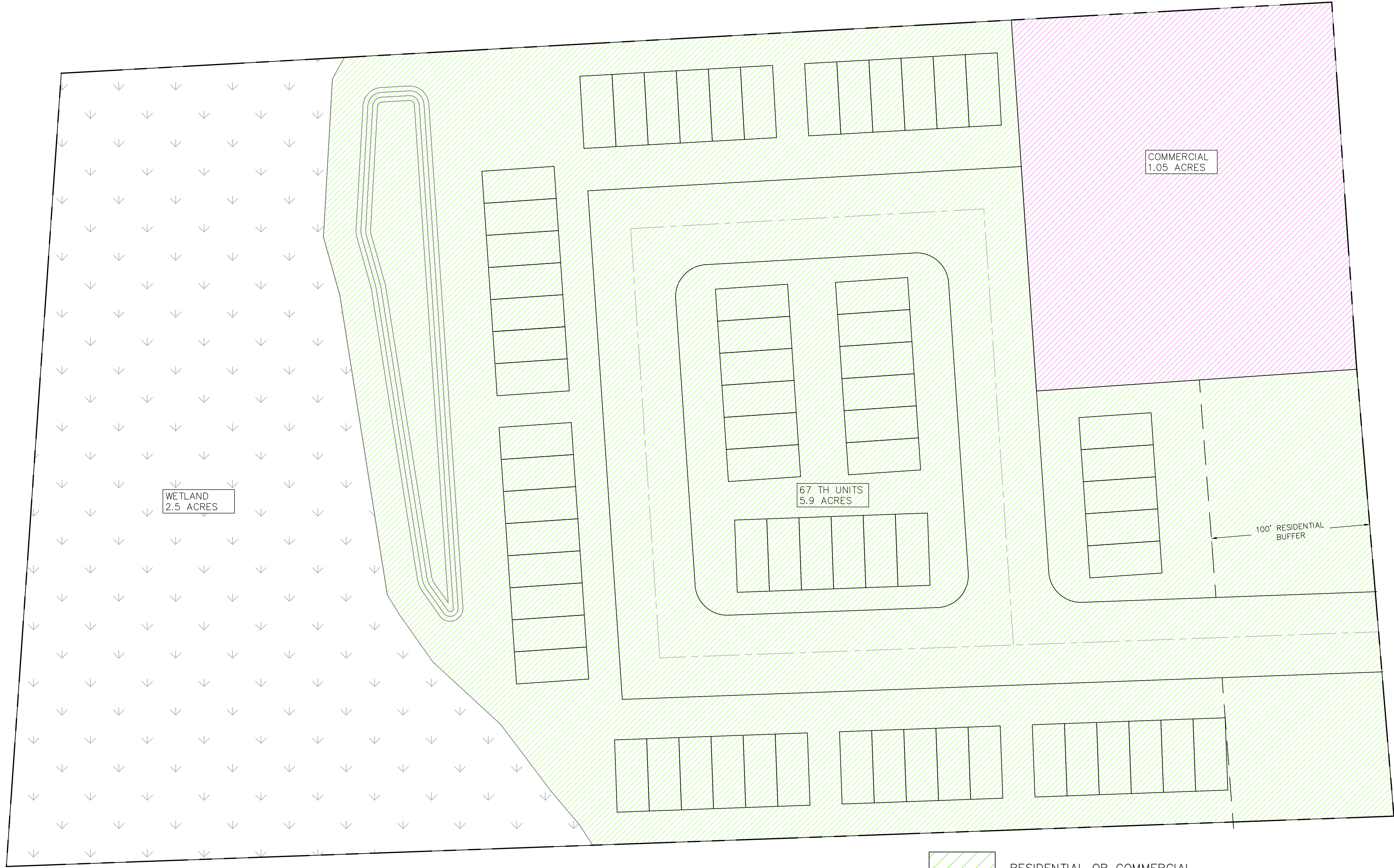
Westbury Acres Senior Living

Planned Development Guidelines

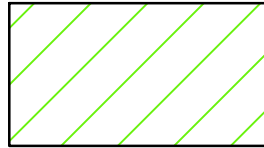
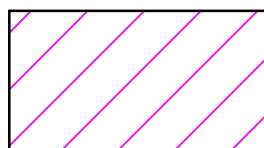
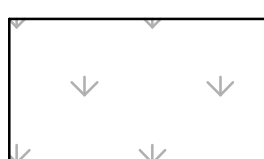
4. Conceptual USE Plan

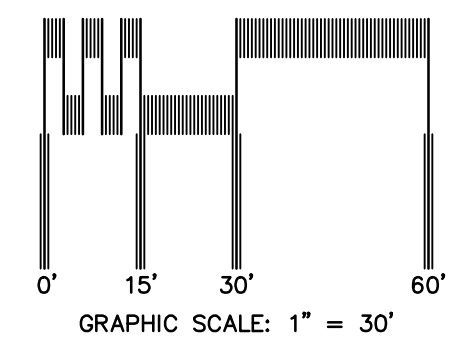
THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.

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US HWY 52

-  RESIDENTIAL OR COMMERCIAL
-  COMMERCIAL ONLY
-  WETLANDS



NO.	DATE	REVISION NOTES



WESTBURY
BERKELEY COUNTY
SCHEMATIC DESIGN SUBMITTAL

PRELIMINARY

DRAWN BY: JAC/CDD
CHECKED BY: JAC/CDD

PROJECT: TBD
DATE: 8.28.23



USE PLAN
SHT

Westbury Acres Senior Living

Planned Development Guidelines

5. SU Army Corps of Engineers Coordination



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

September 22, 2023

Regulatory Division

Mr. Pierce Cauthen
PO Box 211
Sullivan's Island, South Carolina 29482
pierce211@aol.com

Dear Mr. Cauthen:

This is in response to your request for a preliminary jurisdictional determination (PJD) that is part of an overall project known as Westbury Lane Tract. Based on information submitted to the U.S. Army Corps of Engineers (Corps) we have determined there may be waters of the United States, including wetlands on your parcel located at the following:

Project Number:	SAC-2023-00880
County:	Berkeley County
Project/Site Size:	9.4 acres
Latitude:	33.1422°
Longitude:	-80.0342°
Project/Site Location:	US HWY 52, Moncks Corner, South Carolina
Waters (Acreage/Linear Feet):	1.2 acres of wetland, 585 linear feet of tributary

A copy of the PJD form and the map dated June 30, 2023, and titled "Approximate Wetlands" is enclosed. Please carefully read this form, then sign and return a copy to the project manager at the following Brittany.a.fournet@usace.army.mil within 30 days from the date of this notification.

Please be advised a Department of the Army permit will be required for regulated work in all areas which may be waters of the United States, as indicated in this PJD. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all waters and wetlands, which would be affected in any way by the permitted activity on the site, as if they are jurisdictional waters of the United States. Should you desire an approved Corps determination, one will be issued upon request.

You are cautioned that work performed in areas which may be waters of the United States, as indicated in the PJD, without a Department of the Army permit could subject you to enforcement action.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you submit a permit application as a result of this PJD, include a copy of this letter and the depiction as part of the application. Not submitting the letter and depiction will cause a delay while we confirm a PJD was performed for the proposed permit project area. Note that some or all of these areas may be regulated by other state or local government entities, and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water and/or Office of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

In all future correspondence, please refer to file number SAC-2023-00880. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Brittany Fournet, Project Manager, at 843-329-8046, or by email at brittany.a.fournet@usace.army.mil.

Sincerely,

Kristin Andrade
Acting Chief South Branch

Enclosures:
Preliminary Jurisdictional Determination Form
Notification of Appeal Options
"Approximate Wetlands"

Copies Furnished:

Mr. Hunter Lee
Sabine & Waters
311 N Magnolia St.
Summerville, South Carolina 29483
hlee@sabinc.net

SC DHEC - Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201
WQCWetlands@dhec.sc.gov

SC DHEC - OCRM
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405
OCRMPermitting@dhec.sc.gov

THE APPROXIMATE WETLAND BOUNDARIES DEPICTED ON THIS MAP ARE NOT FINAL AND ARE SUBJECT TO CHANGE BY THE U.S. ARMY CORPS OF ENGINEERS.

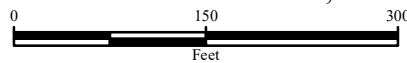


EXTERNAL SOURCES: NAIP 2021 TRUE COLOR AERIAL, U.S. CENSUS, BERKELEY COUNTY GIS PARCEL

Created By: Stephen Bennett	Sabine & Waters, Inc.
Date Created: June 28, 2023	Environmental Land Management Consultants
Copyright 2023 Sabine & Waters, Inc.	P.O. Box 1072 Summerville, SC 29484
R:\cussdat\cauthen\westbury lane\maping\issc\approx_wet.mxd	843.871.5383 (phone) 843.871.2050 (fax)
	http://www.sabine.net

Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Sabine & Waters, Inc. disclaims all responsibility and liability for the use of this map.

**APPROXIMATE WETLANDS
CAUTHEN - WESTBURY LANE TRACT
BERKELEY COUNTY, SC**



	LEGEND	
	<ul style="list-style-type: none"> PROPERTY BOUNDARY: +/- 9.4 AC APPROXIMATE WETLANDS: +/- 1.2 AC TRIBUTARY: +/- 585 LF PHOTO DIRECTION DATA POINTS ROADS 	Long: -80.03431 Lat: 33.142277

Item 2.

REVISION: 6/30/2023

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: June 30, 2023

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Applicant:

Mr. Pierce Cauthen
 PO Box 211
 Sullivan's Island, South Carolina 29482
 pierce211@aol.com

Consultant:

Mr. Hunter Lee
 Sabine & Waters
 311 N Magnolia St.
 Summerville, South Carolina 29483
 hlee@sabinc.net

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC-2023-00880 Westbury Lane Tract

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project is located on HWY 52 in Moncks Corner, Berkeley County, South Carolina

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: South Carolina County: Berkeley County

City: Moncks Corner

Center coordinates of site (lat/long in degree decimal format):

Lat.: 33.1422 ° Long.: -80.0342°

Universal Transverse Mercator: 17

Name of nearest waterbody: Molly Branch

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: September 21, 2023

Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland 1	33.1421	-80.0352	1.2 acres	Wetland	Section 404

Tributary 1	33.1421	-80.0355	585 linear feet	Non-wetland water	Section 404
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- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant’s acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there “*may be*” waters of the U.S. and/or that there “*may be*” navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Report provided by Sabine and Waters

Map: "Approximate Wetlands Map" dated June 30, 2023.

- Data sheets prepared/submitted by or on behalf of the PJD requestor.
- Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report. Rationale:

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data. USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: "Topographic Map – Moncks Corner Quadrangle" submitted as part of the JD request dated June 30, 2023.

Natural Resources Conservation Service Soil Survey. Citation: "Mapped Soils" submitted as part of JD request dated June 30, 2023.

National wetlands inventory map(s). Cite name: "NWI Map" submitted as part of JD request dated June 30, 2023.

State/local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): "Approximate Wetlands" map submitted as part of the JD request dated June 30, 2023.

Other (Name & Date): site photographs submitted as part of the JD request dated June 30, 2023.

Previous determination(s). File no. and date of response letter:

Other information (please specify): "National Hydrography Dataset", "USA Soils Hydric Class", "LiDAR" maps as part of Corp review September 11, 2023.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 9/22/2023

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining the
signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number: SAC-	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
	APPROVED JURISDICTIONAL DETERMINATION	E
	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision, you may contact the Corps project manager who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Mr. Philip Shannin, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number: