

September 6, 2005

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
ANNEXATION COMMITTEE
Municipal Complex, Room 103**

Present: Joe McKeown, Chair, Thomasena Stokes-Marshall, Kruger Smith

Staff: Mac Burdette, Allen Young, Joel Ford, Kent Prause, Christiane Farrell

4. Request to annex and zone RTH, Residential Town House, a 2.0 acre portion of a parcel identified by TMS#580-00-00-021, and to rezone from ED, Economic Development, to RTH, Residential Town House, a 4.2 acre parcel of land identified by TMS# 598-00-00-030 located on the east side of Gregorie Ferry Road.

Ms. Farrell said that there were two requests. She said that the property that was closer to Carol Oaks, which she said everyone was familiar with, requested rezoning, which is all ready in the Town of Mount Pleasant and zoned ED. She said that the applicant is requesting to annex a two-acre portion of adjacent property to do a Townhouse development. She said that he would be coming for annexation zoning requests on the remainder of this property in the near future.

Ms. Farrell said that the Planning Commission reviewed this item and they recommended denial. She suggested it was based upon the request of the densities associated with it, because he was recommending high density Townhouse development, and there were some objections to that. She said that Ivy Hall residents were at the Planning Commission Meeting and objected to the request. She said that the applicant was proposing to do Low Income Townhouse development; however, there were some drainage concerns as well.

Mr. Smith suggested that the economic development consideration with the property is really passed true consideration. He said that he believes that it should not be considered as economic development because it is so small. He said that when the Committee discussed that property sometime ago, everyone came to the conclusion that this property might be the proper location for the higher density homes.

Mr. Smith moved to ask Council to approve this annexation rezoning. Ms. Stokes-Marshall seconded the motion for the purpose of discussion.

Ms. Stokes-Marshall said that as she read the minutes from the Planning Commission, one of the things she focused on was the concerns about the drainage, as well as the comments about low income and the high density. One of the things that the Council members hear is the need for affordable housing. She said that she also looked at all of the objections from the residents that voiced their concerns and she agrees with Mr. Smith in terms of the current designated use of the economic development. She asked that regarding the residential Townhouses, how many parcels does he want to put on that.

Ms. Farrell responded that it was 7.9; she said that it was 46 units. He is requesting high density, which would allow up to 8.6, based on the acreage that he has there it appears

that he can achieve a 7.9, which was about 46 – 47 units.

Mr. Smith said that the drainage problems are going to have to be addressed when the project is developed and presented to the Town. He said that it is difficult for him to speculate ahead of time that we might have some drainage problems if we turn them down. He said that if we get this changed and the person starts to work on it and finds out that they cannot solve the drainage problem, they cannot build it. He said that he is not concerned with the drainage problems out there.

Ms. Stokes-Marshall said that she understands his concerns and she agrees with him. She said that for the record, they discussed the need for affordable housing and there are opportunities that are presented to us, and for one reason or another, we ultimately do not support it. She said that for the record, the Council members need to look at giving considerations to fulfilling that void that does exist in our community and at the same time conform to our land use.

Mr. Smith said that he believes that this butts up to a lot of commercial stuff as well.

Ms. Farrell said that the proximity onto looking again, as she said that he indicated that when he comes he is going to request commercial zoning for the remainder. She said that to answer his question, yes.

Mr. Smith asked Ms. Farrell if this would be proper transition type housing, between commercial and residential.

Ms. Farrell said that it was going to a low-density recommendation that has not changed.

Mr. McKeown said that looking at this request, the Planning Commission voted unanimously to deny the request. He said that the Planning Commission had some issues that are not consistent with express use, major drainage issue, which was noted earlier, that the Town could halt building, the project is too dense, not in keeping with the Comprehensive Plan, negative traffic impact, and although he agrees with Ms. Stokes-Marshall that the Town needs affordable housing, he is not too sure this property is the place for it.

Ms. Stokes-Marshall said that based on the comments that he read from the Planning Commission minutes, she agrees with both Mr. Smith and Mr. McKeown completely. Again, for the record, she wanted to note that when the Town is looking at affordable housing, how could we work to bring that about.

Mr. McKeown said that for the record he would affirm it and we need to get better at it, and he is not too sure this is the place for it, but Ms. Stokes-Marshall is “right on” that we do. He said that 4.2 acres that could be a class “A” park if it is commercial behind it. On this location, he is more comfortable denying this request.

Mr. Prause said that in the past, the Committee looked at and noted the Town’s sewer

annexation ordinance. He said that it states that if the annexation of a property was denied upon a formal petition or the form of a motion, your own motion, in the absence of a formal annexation petition, then the property may get sewer and remain in the County. He said that it does not say it will get sewer, but then what you would be looking at is whether it meets the Town's Comprehensive Plan recommendations and will Waterworks utilize that to deny them service. He said that if the Committee denies them the annexation, and he believes the property is zoned commercial in the County, so if it is zoned commercial in the County and the Town denied the applicant annexation, they may be able to develop it as a commercial property in the County, with sewer. He suggested that the Committee consider that.

Mr. Burdette said that obviously the people that showed up in opposition to the proposal at the Planning Commission meeting had various reasons for that, such as devaluation of property, criminal elements, etc. He asked if there were anything that could be done in terms of the approval process, for example, fences to be built, deed restricted, and such. He said that if someone could afford to purchase a Townhouse, at approximately \$140,000 to \$160,000, he does not believe that there are criminals purchasing property.

Ms. Farrell noted that a fence is required for a buffer.

Mr. McKeown said that ten years ago the \$300,000 houses that most of us own were \$150,000.

Mr. Burdette said that more than likely, if this could go through and if the Townhouses could be sold within that range, the people living there would probably be firefighters, police officers, teachers, and empty nesters.

Mr. McKeown said that the deed restrictions, there has been hesitancy before in doing that because of the Town's ability to enforce them later, and he believes that there were conversations in the Planning Commission discussion about the restriction, so as to prevent someone from purchase a unit and "flipping" it a year later, and someone had concerns about the Town's ability to enforce that, and asked if staff could speak to that.

Ms. Farrell said that currently the Town does not currently; within the low-income housing ordinance have anything that would prevent someone for purchasing a unit and then "flipping" it. She said that was the reason that there was discussion regarding the deed restrictions and Mr. Gibbs, the property owner has offered. She said that there was questions about enforcement, how long a period of time, should it be allowed for the deed restrictions. She said that she believes that there are some things in there concerning affidavits, to be approved by the Town attorney, the unit have to be owner occupied, so rentals would not necessarily be a concern, so the Town would have some type of document already, according to the ordinance, our Town attorney is responsible for, in terms of assurance that they do remain owner occupied. She said that this might be an area where there might be an exception or a need, or even a modification to the ordinance.

Mr. Burdette asked if most of the opposition was because it was multi-families, or because it was low-income housing?

Ms. Farrell responded that there was mention of low-income, but they did not dwell on it.

Mr. Ford said that many comments were about drainage.

Ms. Farrell concurred and said that there were comments about density. She said that the people that were in opposition were Ivy Hall residents, and they were comparing their density to Carol Oaks, which is patio homes, which is medium density.

Mr. Smith asked if there were a buffer in between Carol Oaks and this project.

Mr. Ford responded transition of land uses.

Mr. Smith said that he does not how the Town could be any type of restriction with respect to private property ownership. He said that the Town could be in deed restrictions in that requires that it always remain a Townhouse, or that a fence has to be put up, etc.

Mr. McKeown said that he agrees with Mr. Smith.

Mr. Smith said to try to control whether it is rented, owned, or sold, he does not believe that the Town has a chance of doing something like that legally.

Ms. Stokes-Marshall asked if the Habitat for Humanity does some thing like that.

Mr. Burdette responded that they have their own self-imposed restrictions.

Mr. Smith said that the Town does not do that, that it is a sub division covenant.

Ms. Stokes-Marshall said that she understood the concept of the covenant, but what she is saying is that as the Town looks toward fulfilling the requirement of affordable housing and she understands the idea of deed restriction flipping over, etc., but is the Town prohibited from looking at doing something like that.

Mr. Smith said that he would believe it is. He said how could the Town legislate the price of a house.

Mr. Burdette said that staff would have to ask Mr. Young, that under the Town's current allocation system if we establish that if you give certain benefits if they can guarantee that the price of a home, house, condominium, townhouse, is under a certain amount, could you secure perpetual.

Mr. Smith said that he doubted that that could be done.

Ms. Stokes-Marshall said that the point that she wants to make is that there are other

municipalities that is dealing with the whole idea and concept of low-income housing. The fact is that there are people, decent people that even though they live in low-income housing, which does not mean that, they are criminals. She said that there a decent, law abiding, hard working citizens with families that need affordable housing.

Mr. Burdette said that if we were in Goose Creek, this would not be considered to be very low –income housing.

Ms. Stokes-Marshall said that the only reason that she is pushing on this subject is because she believes that it is time that the Town recognizes there is a need for low-income housing in Mount Pleasant. She said that not everyone in Mount Pleasant is affluent. She said that as leaders of the Town, at some point we should be looking at how the Town of Mount Pleasant is going to address that idea and concept. She said that there are other municipalities through the country that are doing that.

Mr. Smith said that the City of Charleston and North Charleston have their own Housing Authority where they own and manage the buildings, and they can then maintain the low-income concept, even though, if they were to sell it, they would gain great financial rewards. He said that his point is that we, the Town can legislate itself to do it, but he does not believe that the Town has the authority to legislate someone else to do it.

Ms. Stokes-Marshall said that she is just pointing out that there is a need, and the Town should not be “burying their heads in the sand”, and should be looking for other alternatives and ways to address the issue.

Mr. Burdette said that the Committee could task staff to ask Mr. Young to speak to this issue. He said that the Committee could ask Council to defer action on this annexation until Mr. Young can answer those questions, which could be done at the next Council meeting, whichever way the Committee desires to approach it.

Mr. Ford said that he had a point, which goes back to what Mr. Prause said earlier and wants the Committee to be aware of. If the Committee has a problem with the land use that was proposed, that is fine, and is a zoning or land issue. However, he does feel that the Committee is putting the Town policy in jeopardy if the Committee recommends denial of the annexation. He said that it is zoned commercial in Charleston County and they can go to the County, and anyone could image what they could do zoning. He said that they could build an apartment complex in the County under that type of zoning. If we write a letter saying that it is compliant with the Comprehensive Plan, they would get sewers. He said that if the Committee does not have a problem with the zoning or land use, he suggested voting accordingly. As it is currently zoned in Charleston County, it is compliant with our Comprehensive Plan; therefore, they will receive sewer service.

Ms. Stokes-Marshall said that staff’s recommendation was that the Committee moves to annex it, and would be in the best interest of the Town.

Mr. Burdette said that it is a difficult situation, given the concerns to the residents, the

draining has to be worked out at the staff level with there engineers. It is cannot be worked out, he suggested that they would be looking fore lower density.

Mr. Smith withdrew his motion. Ms. Stokes-Marshall withdrew her seconded.

Mr. Smith moved to recommend to Council that we annex the property as presented. Ms. Stokes-Marshall seconded the motion.

Mr. Burdette said that staff would make sure that in the future the word “zoned” would not be on the Committee’s agenda.

All present were in favor.

Mr. Smith suggested that the Committee take no position on zoning.

Mr. Ford said that it is not an impact assessment. He said that some Planning Commissioner had a problem with that and forty-nine units, fifty units require an impact assessment. He said that the Planning Committee would be considering this at their meeting.

Mr. Burdette said that on the Planning Commission for this month, extending our planning area boundary is on their agenda.

There being no further business the meeting adjourned at 11:10 a.m.