I. APPROVAL OF MINUTES:

1. Approval of minutes from meeting on March 18, 2019.

II. PUBLIC HEARINGS: (public hearing signs posted beginning on 3.29.19 with notice in Post & Courier on 3.31.19)

1. Proposed amendments to the Town Code, Chapter 32, Zoning, Article V, Special Use Permits to include Section 32-313, Conditional Use Permits for Halfway Houses. (Town Council gave first reading at their meeting on March 14, 2019.)

2. Petition by W.D. Phillips to annex Berkeley County TMS# 232-00-02-051 (approximately 1.66 acres) located at 1107 through 1111 N. Main Street, currently zoned GC General Commercial in Berkeley County and will be zoned B-3 General Business upon annexation into the Town of Summerville’s municipal limits. (Council District 2, Town Council gave first reading at their meeting on March 20, 2019.)

3. Request to amend the PUD for Palmetto Place, owned by NVR, Inc., located off of Gahagan Road and Grand Palm Lane. Amendments include but may not be limited to the following: allow model homes which may be used as a sales office for the marketing and sales of the townhome units. Parcels affected by this request include: TMS# 379-00-00-300 through 379-00-00-365, 379-00-00-065, and 379-00-00-171 through 379-00-00-189, approximately 18.77 acres. (Council District 3)

III. OLD BUSINESS:

IV. NEW BUSINESS:

1. New Street Names (as needed)
2. Proposed amendments to the Town Code, Chapter 32, Zoning, Article V, Special Use Permits to include Section 32-313, Conditional Use Permits for Halfway Houses. (*Town Council gave first reading at their meeting on March 14, 2019.*)

3. Petition by W.D. Phillips to annex Berkeley County TMS# 232-00-02-051 (approximately 1.66 acres) located at 1107 through 1111 N. Main Street, currently zoned GC General Commercial in Berkeley County and will be zoned B-3 General Business upon annexation into the Town of Summerville’s municipal limits. (*Council District 2, Town Council gave first reading at their meeting on March 20, 2019.*)

4. Request to amend the PUD for Palmetto Place, owned by NVR, Inc., located off of Gahagan Road and Grand Palm Lane. Amendments include but may not be limited to the following: allow model homes which may be used as a sales office for the marketing and sales of the townhome units. Parcels affected by this request include: TMS# 379-00-00-300 through 379-00-00-365, 379-00-00-065, and 379-00-00-171 through 379-00-00-189, approximately 18.77 acres. (*Council District 3*)

V. MISCELLANEOUS:

1. Comprehensive Plan & Master Transportation Plan update

VI. ADJOURNMENT:

____________________________________
Chairman or Vice Chairman

Posted April 8, 2019
This meeting of the Town of Summerville Planning Commission was attended by Commission Members, Jim Reaves, Chairman; Elaine Segelken, Vice Chairman; Sarah Bares; Tom Hart; Betty Profit; Jonathan Lee; and Kevin Carroll. Staff in attendance included Jessi Shuler, AICP, Director of Planning and Meredith Detsch, Town Planner.

Jim Reaves, Chairman, called the meeting to order at 4:00 PM.

Approval of Minutes:
The Chairman asked if there were any edits or additions to the minutes from the meeting on February 25, 2019. Hearing none, the Chairman declared the minutes accepted as presented.

Public Hearings:
The first public hearing opened at 4:01 PM and was for the request to rezone TMS# 145-00-00-014, at Gahagan Road and Garbon Road, approximately 2.15 acres, and owned by Wesley R. Cherry from PUD, Planned Development District, to R-3, Single-Family Residential (attached buildings). Mr. Reaves introduced the request. Chad Priest, the realtor representing the owner, Wesley Cherry, stated that the current zoning only allowed for single-family detached, which was not economically feasible due to the shape and access of the property, so they were requesting rezoning to allow townhomes. He also pointed out that townhomes are a common use in the vicinity of the property. The Commission members had several questions regarding access to the property, sale of the property, the number of townhomes, and the location of the property. Mr. Cherry stated that the access was not yet determined, nor was the sale of the property. Mr. Priest noted that the number of townhomes was limited by the zoning district. Ms. Shuler confirmed that the R-3 zoning allowed eight units per acre, and explained the location of the property using the mapping exhibit.

Hearing no other public comment this hearing was closed at 4:06 PM.

Old Business
There were no items under Old Business.

New Business:
The first item under New Business was New Street Names (as applicable). Ms. Shuler stated that staff had no street names for approval.

The second item under New Business was the request to rezone TMS# 145-00-00-014, at Gahagan Road and Garbon Road, approximately 2.15 acres, and owned by Wesley R. Cherry from PUD, Planned Development District, to R-3, Single-Family Residential (attached buildings). Mr. Reaves introduced the request. Mr. Hart made a motion to recommend approval to Town Council, and Mr. Lee made the second. Dr. Bares stated the she appreciated the staff report addressing spot zoning, as she was concerned about that possibility, but she agreed that townhomes fit the area. Mr. Lee added that he hoped an affordable housing element would be considered. Following the discussion, the motion passed unanimously.

Miscellaneous:
Ms. Shuler stated that the Comprehensive Plan Community Workshop would be April 1, 2019 from 6:00 – 7:30 p.m. at the Alston-Bailey Elementary Cafeteria, and the Business Workshop would be April 2, 2019
from 8:00 – 9:30 a.m. at the Cuthbert Community Center. She thanked the Commission members for their recommendations for the stakeholder interviews, and explained that she was still working to get all of those scheduled, but they would be on April 2 and 3, 2019. Mr. Hart asked how the workshops were being advertised, and Ms. Shuler explained that the workshops would be advertised in the newspapers, on social media, on the website, electronic bulletin boards in Town Hall, and emails notifications would also be shared.

Dr. Bares stated that she had heard that the BCDCOG was considering changing the end of the proposed Bus Rapid Transit (BRT) route to end at Nexton rather than Downtown Summerville, and she wanted to make sure that our planning included the terminus Downtown. Ms. Shuler stated that the Town’s intentions certainly included the terminus of the BRT being Downtown, not at Nexton, and that would be stressed at any planning meetings for the BRT and in the Comprehensive Plan.

Adjourn
With no further business for the Commission, Ms. Segelken made a motion to adjourn with Mr. Hart making the second, and Mr. Reaves adjourned the meeting at 4:21 PM.

Respectfully Submitted,

Jessi Shuler, AICP
Director of Planning

Date: ________________________________

Approved: ________________________________________
Jim Reaves, Chairman or Elaine Segelken, Vice Chairman
Request: Proposed amendments to the Town Code, Chapter 32, Zoning, Article V, Special Use Permits to include Section 32-313, Conditional Use Permits for Halfway Houses

At the request of the Mayor and Council, this amendment has been sent to the Planning Commission to hold a public hearing and make a recommendation. Town Council gave first reading to this amendment at their meeting on March 14, 2019. This amendment was drafted to address the zoning ordinance’s lack of a definition regarding “halfway houses” and where and how they are permitted within Town limits. However, staff is concerned that the current draft includes some inconsistencies and overly burdensome requirements. Staff has provided a couple of options for edits/changes to the draft that would address these concerns.

TMS#: 232-00-02-051
Location: 1107 – 1111 N. Main Street
Description: one lot totaling approximately 1.66 acres
Request: Annexation and Zoning to B-3

The property owner is requesting that the above referenced parcel be annexed into the Town from Berkeley County. The existing zoning in Berkeley County is GC, General Commercial.

This property is an existing doughnut hole in the Town limits, and is included in the Town’s ‘Gateway Mixed Use’ district as identified within the Town’s 2009-2011 Comprehensive Plan and Update as well as on the accompanying Future Land Use Map. This is an existing strip shopping center, and the proposed B-3 zoning as stated on the application for this site falls within the description of land uses included in the identified district. In addition, the B-3 zoning is the Town’s closest equivalent to Berkeley County’s GC zoning, which is the current zoning for the site. Based on these findings this request is interpreted by staff to be in conformance with the Town’s Comprehensive Plan and is recommended for approval.

TMS#: 379-00-00-300 through 379-00-00-365; 379-00-00-665; and 379-00-00-171 through 379-00-00-189
Location: Palmetto Place/Palmetto Row (Gahagan Road and Grand Palm Lane)
Description: approximately 18.77 acres
Request: PUD amendment to allow model home(s) and sales office

The applicant is requesting that the Palmetto Place PUD be amended to allow model homes which may be used as a sales office for the marketing and sales of the townhome units. Additional minor PUD amendments that have previously been approved by staff are also being incorporated into the document.

This property is included in the Town’s ‘Neighborhood Mixed Use’ district as identified within the Town’s 2009-2011 Comprehensive Plan and Update as well as on the accompanying Future Land Use Map. The ‘Neighborhood Mixed Use’ District is intended to encourage the integration of commercial and residential land uses. Most of the newer PUDs in the town currently include the allowance for model homes/sales centers; however, this PUD was originally approved as R-4 in 2005, prior to the town’s PUD ordinance being adopted. Staff recommends approval of this amendment based on these findings.
Sec. 32-213. - Conditional use permits for halfway houses

For purposes of this section, “halfway house” means any residence or facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, state or local government including without limitation post-correctional facilities, addiction treatment facilities, temporary detention facilities, or any residence or facility housing more than two unrelated individuals receiving outpatient treatment for substance abuse, sexual addiction or dysfunction, or any other psychological or psychiatric outpatient treatment. All residents of a halfway house shall use that residence’s address for either a South Carolina driver’s license or South Carolina identification card, and for their legal address for any vehicle or personal property taxes, for any voter registration, and for any mandated federal, state or local governmental oversight including but not limited to registration with any probation or parole agencies and any registration as a sex offender. Any conditional use permit issued for a halfway house shall only be restricted to those residences or facilities situated on a lot or parcel zoned mixed residential (R-5), general business (B-3), or limited industrial (I-1) (“the specified zones”). The following standards shall be considered minimum requirements and no conditional use permit shall be issued for use as a halfway house except within the specified zones and only when these standards are met:

a. A statement setting forth complete information on the operation of the use of the site including, but not limited to, the number of staff and volunteers to be located at the facility, the number of residents to be served, the geographic origination of the residents and the specific services to be provided on the site in addition to providing living quarters. A current list of all residents must be made available for inspection by the zoning officer immediately upon request.

b. The proposed operator of a halfway house must be by an entity, whether non-profit or for-profit, registered and authorized to do business in South Carolina. A copy of the entity’s charter or articles of incorporation shall be filed with the zoning officer. If the entity is organized as not-for-profit corporation, a copy of the entity’s by-laws and copies of the entity’s IRS Form 990 for the prior three years shall be filed with the zoning officer and shall be updated annually.

c. The proposed use as a halfway house shall not adversely affect the safety or the general welfare of neighboring properties. The use shall be accommodated by existing structures and the design of any ancillary structures erected in connection shall be in keeping with the general character of the area and shall observe all applicable setback, height and impervious surface restrictions included in the existing zoning classification (R-5, B-3 or I-1) and all exterior additions or alterations shall be
considered by and subject to the requirements of either the CDRB or BAR as applicable. All building code requirements for a commercial group home shall be met as certified to by town staff. There shall be exterior indication that the property is being used as a halfway house in the form of signage which conforms to all applicable sign ordinances and which is approved by both the town staff and either the CDRB or BAR as applicable. There shall be sufficient landscaping, including trees, shrubs and lawn provided to serve as a buffer between such use and adjoining properties to ensure an attractive appearance for both the neighboring properties and the halfway house which shall meet the following requirements:

1. Permitted uses.
   (i) One-family detached dwellings,
   (ii) Servants’ quarters, guest cottages, garage apartments and private stables.

2. Accessory uses. Accessory uses are as follows:
   (i) Noncommercial garages and carports.
   (ii) Mandatory fencing of entire perimeter of property as approved by CDRB or BAR as applicable.
   (iii) Storage buildings and workshops.

3. Area and setback requirements. Area and setback requirements within the specified zones are as follows:
   (i) Minimum lot size, 25,000 square feet
   (ii) Minimum lot frontage, 80 feet
   (iii) Front yard setback, 60 feet (same for accessory buildings)
   (iv) Side yard setback, 30 feet (same for accessory buildings)
   (v) Back yard setback, 60 feet (same for accessory buildings).
   (vi) No permit shall be issued for a halfway house if any portion of the lot or parcel upon which the halfway is situated is within 2,000 feet of the nearest property line of the premises of a public or private school, kindergarten, pre-school, daycare center for more than three pre-school or nine school-age children, or any park, playground, swimming pool, tennis or basketball court or other recreational facility which is publicly-owned or privately-owned by a non-profit entity for use by its members or by the public.

4. Signs. Mandatory signage consistent with regulations found in article VI of this chapter as approved either by the CDRB or BAR as applicable.

5. Parking requirements. Parking requirements are found in article VII of this chapter.

6. Building design and site plan review. Building design and site plan review are as follows:
(i) Maximum building height, 35 feet for main structure. Accessory buildings can be no higher than the main structure but in no event shall any accessory building be higher than 20 feet regardless of the height of the main structure.

(ii) Maximum impervious surface area, 20 percent.

(iv) See article VIII of this chapter for site plan review requirements.

d. All off-street parking within 60 feet of any property line shall be adequately screened from adjacent properties.

e. The required buffer shall be a minimum of a class 2 planting area. A 15-foot area not to be used for any type of construction, that is planted with a minimum of four canopy trees, six under story trees and eight evergreen shrubs for each 100 linear feet of property line and a six to eight-foot fence constructed of wood, brick or masonry.

f. Application process: Applications for halfway house permits shall be notarized and include the location and owner of the property, a site plan of the lot or parcel showing the location of the halfway house and the location of the required off-street parking spaces, and a photograph or photographs of the current principal view or views of the structure where the proposed halfway house is to be located. The applicant shall also provide proof of written notification of all property owners within 2,000 feet of any property line of the subject property.

(i) Upon receiving a complete application and prior to the issuance of a conditional use permit, the zoning administrator or designee shall post signage at all corners of the subject property for 15 consecutive days providing notice that the applicant has applied for a conditional use permit to establish a halfway house at the location and supplying a phone number to call for further information.

(ii) If the proposed halfway house is zoned “general business“ (B-3) or “limited industrial“ (I-1), outdoor activities shall be permitted provided that the following requirements are met: plans for holding any outdoor activities are included in the written notification to surrounding property owners within 2,000 feet of any property line, all guest parking shall be contained on the property; noise levels shall not exceed those levels addressed in the town’s noise ordinance enforceable by the town’s police department; all site lighting shall be directed down and in towards the site at all times; all outdoor activities shall terminate by 11:00 pm. No outdoor activities of any kind shall
be permitted if the proposed halfway house is in a specified zone which is residential.

(iii) Should any citizen of the town or business licensed to operate in the town object in writing to the proposed halfway house, the board of zoning appeals shall hear the appeal to the zoning administrator’s decision per section 32-91 of the zoning ordinance.

g. Approval of a conditional use permit shall be required prior to the issuance of any required certificate of occupancy or a business license for operation.

h. Upon a change of the operator of the halfway house and prior to the issuance of a new business license to allow continuation of an existing permitted halfway house upon said property, the new operator shall be required to recertify compliance of the halfway house use with the zoning administrator by having an application for recertification of the halfway house use notarized, filed with, and approved by the zoning administrator.

i. Should the halfway house fail to meet the requirements under which it was authorized for operating a halfway house or be discontinued for a period of 60 days or more, the conditional permit shall be revoked.

j. All operators of halfway housed permitted under this section shall cooperate fully with the zoning administrator, fire marshal, building code officials and other town staff, including but not limited to providing pertinent information upon request and affording access to the premises used as a halfway house for reasonable site inspections.
ORDINANCE WITH SUGGESTED EDITS FROM STAFF

Sec. 32-213. - Conditional use permits for halfway houses

For purposes of this section, "halfway house" means any residence or facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, state or local government including without limitation post-correctional facilities, addiction treatment facilities, temporary detention facilities, or any residence or facility housing more than two unrelated individuals receiving outpatient treatment for substance abuse, sexual addiction or dysfunction, or any other psychological or psychiatric outpatient treatment. All residents of a halfway house shall use that residence's address for either a South Carolina driver's license or South Carolina identification card, and for their legal address for any vehicle or personal property taxes, for any voter registration, and for any mandated federal, state or local governmental oversight including but not limited to registration with any probation or parole agencies and any registration as a sex offender. Any conditional use permit issued for a halfway house shall only be restricted to those residences or facilities situated on a lot or parcel zoned mixed residential (R-5), general business (B-3), or limited industrial (I-1) ("the specified zones"). The following standards shall be considered minimum requirements and no conditional use permit shall be issued for use as a halfway house except within the specified zones and only when these standards are met:

1. A statement setting forth complete information on the operation of the use of the site including, but not limited to, the number of staff and volunteers to be located at the facility, the number of residents to be served, the geographic origination of the residents, and the specific services to be provided on the site in addition to providing living quarters. A current list of all residents must be made available for inspection by the zoning officer immediately upon request.

2. The proposed operator of a halfway house must be by an entity, whether non-profit or for-profit, registered and authorized to do business in South Carolina. A copy of the entity's charter or articles of incorporation shall be filed with the zoning officer. If the entity is organized as not-for-profit corporation, a copy of the entity's by-laws and copies of the entity's IRS Form 990 for the prior three years shall be filed with the zoning officer and shall be updated annually.

3. The proposed use as a halfway house shall not adversely affect the safety or the general welfare of neighboring properties. The use shall be accommodated by existing structures and the design of any ancillary structures erected in connection shall be in keeping with the general character of the area and shall observe all applicable setback, height and impervious surface restrictions included in the existing zoning classification (R-5, B-3 or I-1), and all exterior additions or...
alterations shall be considered by and subject to the requirements of either the CDRB or BAR as applicable. All building code requirements for a commercial group home shall be met as certified to by town staff. There shall be exterior indication that the property is being used as a halfway house in the form of signage which conforms to all applicable sign ordinances and which is approved by both the town staff and either the CDRB or BAR as applicable. There shall be sufficient landscaping, including trees, shrubs and lawn provided to serve as a buffer between such use and adjoining properties to ensure an attractive appearance for both the neighboring properties and the halfway house which shall meet the following requirements:

**Permitted Uses.**

- One-family detached dwellings,
- Servants’ quarters, guest cottages, garage apartments and private stables.

**Accessory uses.** Accessory uses are as follows:

- Noncommercial garages and carports.
- Mandatory fencing of entire perimeter of property as approved by CDRB or BAR as applicable.
- Storage buildings and workshops.

**Area and setback requirements.** Area and setback requirements within the specified zones are as follows:

- Minimum lot size, 25,000 square feet
- Minimum lot frontage, 80 feet
- Front yard setback, 60 feet (same for accessory buildings)
- Side yard setback, 30 feet (same for accessory buildings)
- Back yard setback, 60 feet (same for accessory buildings).

4. No permit shall be issued for a halfway house if any portion of the lot or parcel upon which the halfway is situated is within 2,000 feet of the nearest property line of the premises of a public or private school, kindergarten, pre-school, daycare center for more than three pre-school or nine school-age children, or any park, playground, swimming pool, tennis or basketball court or other recreational facility which is publicly-owned or privately-owned by a non-profit entity for use by its members or by the public.

**Signs.** Mandatory signage consistent with regulations found in article VI of this chapter as approved either by the CDRB or BAR as applicable.

**Parking requirements.** Parking requirements are found in article VII of this chapter.

**Building design and site plan review.** Building design and site plan review are as follows:

- Maximum building height, 35 feet for main structure. Accessory buildings can be no higher than the main structure but in no...
event shall any accessory building be higher than 20 feet regardless of the height of the main structure.

(ii) Maximum impervious surface area, 20 percent.
See article VIII of this chapter for site plan review requirements.

5. All off-street parking within 60 feet of any property line shall be adequately screened from adjacent properties, and the required buffer shall be a minimum of a Class 2 planting area per Section 32-322, from adjacent properties.

The required buffer shall be a minimum of a class 2 planting area. A 15-foot area not to be used for any type of construction, that is planted with a minimum of four canopy trees, six under story trees and eight evergreen shrubs for each 100 linear feet of property line and a six to eight-foot fence constructed of wood, brick or masonry.

a. Application process: Applications for halfway house permits shall be notarized and include the location and owner of the property, a site plan of the lot or parcel showing the location of the halfway house and the location of the required off-street parking spaces, and a photograph or photographs of the current principal view or views of the structure where the proposed halfway house is to be located. The applicant shall also provide proof of written notification of all property owners within 2,000 feet of any property line of the subject property.

(i) Upon receiving a complete application and prior to the issuance of a conditional use permit, the zoning administrator or designee shall post signage at all corners of the subject property for 15 consecutive days providing notice that the applicant has applied for a conditional use permit to establish a halfway house at the location and supplying a phone number to call for further information.

(ii) If the proposed halfway house is zoned “general business” (B-3) or “limited industrial” (I-1), outdoor activities shall be permitted provided that the following requirements are met: plans for holding any outdoor activities are included in the written notification to surrounding property owners within 2,000 feet of any property line, all guest parking shall be contained on the property; noise levels shall not exceed those levels addressed in the town’s noise ordinance enforceable by the town’s police department; all site lighting shall be directed down and in towards the site at all times; all outdoor activities shall terminate by 11:00 pm. No outdoor activities of any kind shall
be permitted if the proposed halfway house is in a specified zone which is residential.

(ii) b. Should any citizen of the town or business licensed to operate in the town object in writing to the proposed halfway house, the board of zoning appeals shall hear the appeal to the zoning administrator’s decision per section 32-91 of the zoning ordinance.

7. Approval of a conditional use permit shall be required prior to the issuance of any required certificate of occupancy or a business license for operation.

b. 8. Upon a change of the operator of the halfway house and prior to the issuance of a new business license to allow continuation of an existing permitted halfway house upon said property, the new operator shall be required to recertify compliance of the halfway house use with the zoning administrator by having an application for recertification of the halfway house use notarized, filed with, and approved by the zoning administrator.

c. 9. Should the halfway house fail to meet the requirements under which it was authorized for operating a halfway house or be discontinued for a period of 60 days or more, the conditional permit shall be revoked.

d. 10. All operators of halfway houses permitted under this section shall cooperate fully with the zoning administrator, fire marshal, building code officials and other town staff, including but not limited to providing pertinent information upon request and affording access to the premises used as a halfway house for reasonable site inspections.
Annexation Exhibit showing
TMS 232-00-02-051, 1107-1111 N Main St.
B-3, General Business

Legend
Road Centerlines
Berkeley County
Parcels
Proposed Annexation(s)
232-00-02-051
Summerville Zoning
B-3

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, the Town of Summerville disclaims all representation and liability for the use of this map.

March 19, 2019
1. **OWNER INFORMATION:** Please complete the following application to request that your property be incorporated into the municipal limits of the Town of Summerville. Phone numbers will not be published. All owners of the property sign page two and submit it to the Planning Department.

   *Property Owner(s):* W.D. Phillips

   *Mailing Address:* 314 Ayers Circle  
   *Telephone:* 843-873-1925

   *City:* Summerville  
   *State:* SC  
   *Zip:* 29483  
   *Email:* Wdpbph@aol.com

2. **PROPERTY INFORMATION:** Municipalities must provide the U.S. Justice Department with the population demographics and the land use of each property added to the Town. Write "None" if the property is vacant. Population data is used to create voting districts and does not impact the decision to approve your annexation.

   *Property Address:* 107-111 N. Main St  
   *Tax Map Number:* 232-0002051

   *Number of Current Residents:* 1 (Rental)  
   *Race of Current Residents:* White

   Current Land Use: Strip Center Retail  
   Future Land Use: Same

   (i.e. home, bank, carwash, etc.)

   Current County Zoning Classification: Berkeley GC General Commercial

   Requested Zoning Classification: B-3 General Business

3. **SUBMIT APPLICATION:** Please submit signed* application and a copy of the recorded plat and recorded deed to:

   **MAIL:** Town of Summerville, 200 S. Main Street, Planning Department

   **PICKUP:** Call the Planning Department at 843.851.5200

   **FAX:** 843.871.6954
STATE OF SOUTH CAROLINA  )
COUNTY OF Berkeley  )

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND TOWN COUNCIL OF SUMMERVILLE

WHEREAS, SECTION 5-3-150 (3) Code of laws of South Carolina provides for the annexation of an area or property which is contiguous to a Town by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation, and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation, and

WHEREAS, the area requesting annexation is described as follows, to wit:

SAID PROPERTY, located at 1107-1111 N. Main St (approximately 1.66 acres) to be annexed is identified by the Berkeley County Assessor’s Office as Property Identification Number: TMS # 232.000.2051 to include, if necessary to establish contiguity, any road, waterway, easement, railroad track, marshland or utility line that intervenes between this property and the municipal limits of the Town of Summerville.

NOW, THEREFORE, the undersigned petition the Town Council of Summerville to annex the above described area into the municipal limits of the Town of Summerville.

Dated this 7th day of March, 2019

FREEHOLDERS (OWNERS) SIGNED

Brenda Phillips (wife)
(Signature)

(Date)

W.D. Phillips
(Print Name)

(Date)

DATE OF SIGNATURE

3/1/2019
(Date)

(Signature)

(Please provide another signature)

(Print Name)
I, WILLIAM DELBERT PHILLIPS, Principal, residing in the County of Dorchester, State of South Carolina, do hereby constitute and appoint BRENDA CARLENE PHILLIPS, also residing in the County of Dorchester, State of South Carolina, as my true and lawful Attorney-in-Fact and in my name and stead to use, ask, demand, sue for, levy, recover and receive all such sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever which are or should be due, owing or payable to me in any manner or ways or means whatsoever.

In addition, I hereby appoint ANGELA MICHELLE PHILLIPS and WILLIAM DREW PHILLIPS, as alternate or stand-by co-attorneys, so long as BRENDA CARLENE PHILLIPS is able and willing to serve. In the event that BRENDA CARLENE PHILLIPS is unable or unwilling to serve then ANGELA MICHELLE PHILLIPS and WILLIAM DREW PHILLIPS, shall succeed to the office as Co-Attorneys-in-Fact.

Giving and granting unto BRENDA CARLENE PHILLIPS, my Attorney-in-Fact, or her successor by these presents, full and whole power to do, execute and perform, as fully, largely and amply, to all intents and purposes as I might or could do if I were personally present including but not limited to executing all documents, notes and necessary papers with respect to the following matters:

(A) real estate transactions;
(B) chattel and goods transactions;
(C) bond, share and commodity transactions;
(D) banking transactions;
(E) business operating transactions;
(F) insurance transactions;
(G) estate transactions;
(H) claims and litigation;
(I) benefits resulting from any retirement plan;
(J) records, reports and statements;
(K) federal and state tax matters;
(L) all other matters.

This instrument is to be construed and interpreted as a Durable and General Power of Attorney. This Durable Power of Attorney shall not be affected by physical disability or mental incompetence of the Principal which renders the Principal incapable of managing his own estate. The enumeration of specific items, rights, acts or powers herein is not intended to, nor does it limit or restrict, and is not to be construed as limiting or restricting, the general powers herein granted to my Attorney-in-Fact.

The rights, powers and authority hereto granted to my Attorney-in-Fact shall commence and be in full force and effect after the date hereof, and such rights, power and authority shall remain in full force and effect thereafter until I, WILLIAM DELEBERT PHILLIPS, give notice in writing that such power is terminated.
AND I, WILLIAM DELBERT PHILLIPS, do hereby ratify and confirm all whatsoever that my Attorney-in-Fact shall do or cause to be done by virtue of this Durable Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 20 day of April, 1994.

WILLIAM DELBERT PHILLIPS
(SEAL)

The foregoing Durable Power of Attorney consisting of three (3) typewritten pages, this included, the preceding two (2) pages thereof bearing on the left hand margin the signature of the Principal, was this 20th day of April, 1994 signed, sealed, published and declared by the Principal as and for his Durable Power of Attorney in the presence of us, who at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witness hereto.

James K. Huyk of Charleston, SC

Lori J. Brown of Goose Creek, SC
PERSONAL Appearance before me the undersigned witness and made oath that (s)he saw the within-named Principal, WILLIAM DELBERT PHILLIPS, sign, seal and as his act execute the within contained Durable Power of Attorney and that deponent with the other witness, witnessed the execution thereof.

[Signature]

SWORN to before me this 20th day of April, 1994.

[Signature]

Notary Public for South Carolina
My Commission expires: 4 April 1996

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

Filed for record this day of 26 April 1994, at 12:00 M and recorded in book 7376, page 239.
State of South Carolina,
COUNTY OF BERKELEY

Date Deed Delivered: July 16, 1981

KNOW ALL MEN BY THESE PRESENTS, THAT

Wm., GRANGE S. CUTHBERT, III, EVERETT A. KNIGHT, RONALD S. BANKS, J.T. TAYLOR, and J. HEYWARD PURMAN, as Trustee for Katherine F. Hatfield and Anne H. Furman,

in the State aforesaid ___________ for and in consideration of the sum of

---SEVENTY-FIVE THOUSAND $75,000.00 DOLLARS, and no/100 ($75,000.00)---

in hand paid at and before the sealing of these presents by W.D. PHILLIPS

in the State aforesaid ___________ the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and

release unto the said W.D. PHILLIPS, the following-described property, to wit:

ALL that certain piece, parcel or lot of land, with the buildings and
improvements thereon, situate, lying and being on the southeastern side of U.S. Highway No. 17-A, in the County of Berkeley, State of South Carolina, shown and designated as Lot No. 4, on a plat entitled "Plat of 5 lots surveyed for G.S. Cuthbert", dated October 17, 1976, made by H.P. Tompkins, RLS, and recorded in Plat Book W, page 217, in the Office of the Clerk of Court for Berkeley County, said
lot having such boundaries, courses, metes and distances as delineated on said plat.

ALSO

ALL that certain piece, parcel or lot of land, situate, lying and being on the southeastern side of U.S. Highway No. 17-A, in the County of Berkeley, State of South Carolina, shown and designated as Lot No. 4, on a plat entitled "Plat of 5 lots surveyed for G.S. Cuthbert", dated December 3, 1970, recorded December 3, 1970, in Book A-232, page 69, in the Office of the Clerk of Court for Berkeley County. And being the
same property which was conveyed to J. Heyward Furman, as Trustee, by
deed of Katherine F. Hatfield, formerly Katherine H. Furman, and Anne H. Furman, recorded April 29, 1970, in Book A-252, page 45, in the Office of the Clerk of Court for Berkeley County. THIS DERIVATION APPLIES TO BOTH PROPERTIES.

GRANTEE'S ADDRESS: 314 Ayers Circle, Summerville, S.C. 29483

T.M.S. No. FORGERY OF T.M.S. No. 232-00-02-048 and T.M.S. No. 065-00-00-044, (Lot 4)
TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said
Premises belonging, or in anywise inhood or appertaining.

... TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said
N.D. PHILLIPS, his

Heirs and Assigns forever.
AND we do hereby bind ourselves and our Heirs, Executors and Administrators, to warrant and forever defend, all and singular the said Premises unto the said W.D. PHILLIPS

Heirs and Assigns, against us, and our Heirs, and all persons whatsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand and Seal, this 30th day of June

is the year of our Lord one thousand nine hundred and eighty-one and in the two hundred and fifty-third year of the Sovereignty and Independence of the United States of America.

Katherine P. Hatfield and Anne H. Fursman

The State of South Carolina,

DOCRESTER County,

PERSONALLY appeared before me Pamela S. LaBree

and made oath that she is the within named GRANCE S. CUMBERT, III, EVERETT A. KNIGHT, RONALD S. BANKS, N.J.T. TAYLOR and J. HEYMARD FURMAN, as Trustees for Katherine P. Hatfield and Anne H. Furman, as Trustees, and that she will William J. Bargmann, Jr.

witnessed the execution thereof.

Sworn to before me, this 10th day of June, A.D. 19.82

Pamela S. Labree

Notary Public of South Carolina

My Commission Expires 4-24-82

The State of South Carolina,

DOCRESTER County,

I, Pamela S. LaBree, Notary Public of South Carolina, do hereby certify unto all whom it may concern, that Mrs. PRISCILLA D. CUMBERT, the wife of the within named GRANCE S. CUMBERT, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, threat or fear of any person or persons whatsoever, release and forever relinquish unto the within named W.D. PHILLIPS, his Heirs and Assigns, all her interest and estate, and also all her right and claim of dower, of in or to all and singular the premises within mentioned and released.

Sworn to before me this 20th day of June, A.D. 19.82

PRISCILLA D. CUMBERT

Notary Public of South Carolina

My Commission Expires 11-27-82
STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

I, Pamela S. Labree,
a Notary Public for the State of South Carolina, do hereby certify unto all
whom it may concern that Mrs. PATRICIA I. BANKS,
the wife of the within named RONALD S. BANKS,
did this day appear before me and upon being privately and separately examined
by me, did declare that she does freely, voluntarily, and without any compul-
sion, threat or fear of any person or persons whatsoever, renounce, release and
forever relinquish unto the within named W.D. PHILLIPS, his heirs
and assigns, all her interest and
estate, and also her right and claim of power of, in or to all and singular,
the premises within mentioned and released

SWORN to before me this
30th day of June 1981.

Pamela S. Labree (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 11-27-89
STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

RENUNCIATION OF DOWER

I, Susan E. LaBree

a Notary Public for the State of South Carolina, do hereby certify unto all whom it may concern that Mrs. Susan W. Taylor, the wife of the within named J.T. Taylor, did this day appear before me and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whatsoever, renounce, release and forever relinquish unto the within named W.D. Phillips, his heirs and Assigns, all her interest and estate, and also her right and claim of dower of, in or to all and singular, the lands within mentioned and released

Susan W. Taylor

SHOWN to before me this

30th day of June 1981.

[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 11-27-89
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, the Town of Summerville disclaims all representation and liability for the use of this map.
DEVELOPMENT OUTLINE
AMENDMENT

PALMETTO PLACE
(Formerly Planters Retreat)

Town of Summerville, South Carolina

for

NVR, Inc.
501 Wando Park Blvd., Suite 100
Mt. Pleasant, SC 29464
843-936-2992

March 2019

Prepared by

Hussey Gay Bell
474 Wando Park Blvd., Suite 201
Mt. Pleasant, SC 29464
(843) 849-7500
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- Site Plan
- Architectural Drawings
- Town of Summerville PUD Modifications Letter
PROJECT SUMMARY

Project Description
Master-planned community consisting of 86 upscale residential units (townhomes) with single and double car garages which will be front loaded from the street. The townhomes will consist of a mix of two and three bedroom layouts, with a minimum heated square footage of 1,500 SF.

Location
Summerville, South Carolina near the intersection of Gahagan Road and Berlin G. Myers Parkway. Property is located in Charleston County. See enclosed aerial.

Project Acreage
18.77 Acres

TMS
379-00-00-300 thru 379-00-00-365
379-00-00-065
379-00-00-171 thru 379-00-00-189

Current Zoning
R-4 Planned Residential Development

Gross Density
4.21 dwelling units per acre. The net density is 6.17 dwelling units per acre which is calculated by subtracting building and paving areas.
**Project Developer**
NVR, Inc. - Frank Finlaw

**Project Builder**
NVR Homes

**Phases**
Two Phase Project: Phase I – 63 Units; Phase II – 23 Units

**Completion**
Infrastructure was completed 4th quarter of 2005.

**Target Market**
Empty nesters and semi-retired individuals and/or couples.

**Construction**
Exterior construction will be of cementitious siding. See attached plans.

**Maintenance**
A property owners association will be formed to maintain all of the grounds of the project to include the entrance as well as the front and rear yards of the units. This will maintain a consistent look of the community and appeal to the target market looking for this type of product and lifestyle. Professional third party management will be retained to oversee the maintenance and enforcement of the covenants in the community.
Signage
There will be a low monument style sign built in the median of the entrance. This will be heavily landscaped with the sign being lit from the ground at night.

Street Lighting
Street lighting will be by SCE&G.

Mail Receptacles
Mail receptacles will be as required by US Postal Service.

Street Design
All streets will be public with 50’ rights-of-way. Roads and drainage will be constructed per the Town of Summerville requirements for public streets.

Connectivity
Palmetto Place will provide connectivity to the adjoining development on the Holcombe Tract.

Sidewalks
Sidewalks will be constructed on each side of the street. Single loaded streets will have sidewalks on only one side. Sidewalks will be constructed adjacent to back of curb.

Off-Street Parking
All units will have either a one-car or two-car garage and shall have adequate off-street parking for a minimum of two cars per unit.
Lot Size
Lots will vary in size with the minimum lot size being 1,700 SF. The smallest depth of a lot is proposed at 85’.

Open Space
Open space will be provided as wetlands and wetland buffers. Trails within the development are not required, but may be constructed at the developer’s option to connect to existing off-site trails adjacent to the property. The Developer will coordinate with the Fieldview Subdivision HOA to clean-up and provide continued maintenance of the existing trail which connects to the Town’s trail system. Signage will be added to the base of the trail.

Building Setbacks
18’ Average front building setback*
18’ Average rear building setback*
15’ Between buildings

All garage openings shall be setback minimum of 20’ from the right-of-way to accommodate required parking.

* Calculations of Average Setbacks

Front
The closest distance from the front of each individual unit within a building to the front property line shall be measured, then added together and divided by the total number of units in the building to determine the average front setback.

Rear
The closest distance from the rear of each individual unit within a building to the rear property line shall be measured, then added together and divided by the total number of units in the building to determine the average rear setback.
Individual units within a building may exceed the 18’ setback in the front or rear; however the cumulative average of the front or rear setback of a building shall not exceed 18’. All requests for building permits shall include an exhibit of the entire building that clearly shows the setbacks for both the front and rear setbacks of each unit, and the corresponding average setback calculation for the building.

**Model Homes and Sales Office**
The Developer/Home Builder will be allowed to construct Model Homes on the property which may be used as a Sales Office for the marketing and sales of the Palmetto Place Townhome Units. These Model Homes may be sold to individuals, and the Developer may lease back the Model Unit from the Purchaser as the Sales Office until the last units are sold in the development.
DEVELOPMENT OBJECTIVES

Palmetto Place seeks to fill a gap in the marketplace which caters to the empty nester and semi-retired individual and/or couple. This portion of the population is generally considered to be 50-65 years old. The baby boomers are redefining what it means to age. On one hand, they are a generation of people with the greatest accumulation of wealth in history, but their hearts and souls are rooted in rock ‘n rolling, war protesting, and perennially hip 1960’s. The result is a demographic group that is determined to stay active, independent and stylish as they get older and have the means to finance their life’s journey. This project will afford them that opportunity.

With two and three bedroom designs that allow for a flexible lifestyle and low maintenance, this product will afford some in the community to downsize their residence and still maintain a presence in town. This product will have attractive features such as ground floor master suites. These individuals want to live on one level and think about the future when they might have a hard time climbing stairs, but still be able to accommodate guests in the upper quarters.

With empty nesters being the focus of this project as well as the property being located in Charleston County, there will be no impact on Dorchester County schools as a result of this development. Traffic impact will be minimal as some of the individuals in the community will be retired and thus not be commuting to and from work at peak travel times.
TOWNHOME CONSTRUCTION OVERVIEW

• NVR Homes
• Architectural Elevations are included
• Units will have a minimum heated square footage of 1,500 SF
• All units have a minimum of a single car garage
• Siding – cementitious siding
• Roof – Asphalt shingle with metal roof detail as shown
• Trim – Combination of treated wood and composite materials
• Soffits – Vinyl
• Garage Door – Coated metal (carriage style). The intent is to use a carriage style door that de-emphasizes the garage as part of the building façade and makes it appear more integral to the overall building design.

• Architectural Changes – The builder would like to reserve the right to make changes to these elevations which would result in modifications of no more that 10% of the overall design intent. This would be submitted to and handled by staff at the Town of Summerville.
April 26, 2018

Mr. Russ Cornette
Ms. Jessi Shuler
Town of Summerville
200 S. Main Street
Summerville, SC 29483

Re: Palmetto Place
PUD Minor Modifications

Dear Russ & Jessi:

Palmetto Place Developers, Inc., the developer for Palmetto Place in Summerville requests the following minor modifications to the referenced PUD with the Town of Summerville, SC:

1. The Minimum Heated Square Footage of all proposed units shall be 1,500 square feet.

2. The Minimum Lot Size of all proposed lots shall be 1,700 square feet.

3. The proposed Building Elevations shall be in accordance with the attached drawing for NVR.

4. Trails within the development are not required, but may be constructed at the developer’s option to connect to existing off-site trails adjacent to the property.

Please accept these modifications to replace their respective guidelines in the original PUD.

If you have any questions, please call.

Sincerely,

HUSSEY GAY BELL

[Signature]

Richard V. Bailey
Principal
(Representative for Palmetto Place Developers, Inc.)