CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Shahid

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation recognizing National Donate Life Month

2. Proclamation honoring Ted Valentine (Requested by Councilmember Harry Griffin)

3. Proclamation recognizing Municipal Clerks’ Week

E. Public Hearings

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum.

Please use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 27th:

1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

1. An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to the Development Agreement with HPH Properties, LP, dated August 1, 2015, pertaining to lands located in the West Ashley area of the City comprising approximately 299 acres and bearing Charleston County TMS Nos 301-00-00-033, 301-00-00-042, 301-00-00-043, 301-00-00-054, 301-00-00-057, and 301-00-00-114.
2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 0.83 acre) (TMS# 460-08-02-111, 114, 118 through 121 and a portion of TMS# 460-08-02-015, 109, 110, 112, 117 and 122) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The properties are owned by Evening Post Industries.

3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 1.9 acre) (TMS# 460-08-02-011 through 013, 113 and a portion of TMS# 460-08-02-010, 015, 109, 110, 112 and 117) (Council District 4), be rezoned General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The properties are owned by Evening Post Industries.

4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 334 Folly Road (James Island) (approximately 0.49 acre) (TMS #424-05-00-028) (Council District 11), be rezoned from Limited Business (LB) classification to General Business (GB) classification. The property is owned by Refuel.

5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 254 Coming Street (Peninsula) (approximately 0.03 acre) (TMS #460-08-02-062) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by Francis J. Iwanicki and Caroline Von Asten.

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 860 Morrison Drive (Peninsula) (approximately 1.76 acres) (TMS #459-02-00-002 and 005) (Council District 4), be rezoned to be included within the Accommodations Overlay. The property is owned by John Ritter.

7. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 30 and 30C F Street (Peninsula) (approximately 0.16 acre) (TMS #463-16-03-049 and 050) (Council District 4), be rezoned from Diverse Residential (DR-1) classification to Diverse Residential (DR-2F) classification. The property is owned by ELP Properties.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. April 13, 2021

H. Citizens Participation Period

Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum.
Please use one of the following methods to request to speak at the meeting or provide comments for City Council. If requesting to speak, you must join by telephone using the conference call number listed at the top of the agenda. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 27th:

1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Sign-up to speak or leave comments for City Council by completing the form at http://innovate.charleston-sc.gov/comments/ by Tuesday, April 27th at 12:00 p.m.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

I. Petitions and Communications:

1. Appointment of Code Enforcement Officers:
   Tory Parish – City Architect – Preservation
   Frances Pinto – Senior Preservation Planner

2. Report from the Resiliency and Sustainability Advisory Committee – Katie McKain, Director of Sustainability

3. Report from the Health and Wellness Advisory Committee – Councilmember Mike Seekings

4. Presentation from Isaac Cramer, Executive Director of the Charleston County Board of Elections and Voter Registration, regarding 2021 Municipal Election logistics.

5. Approval to direct Legal Counsel to draft a resolution and/or ordinance related to the date of the 2021 Municipal Election

6. Update on the City’s response to COVID-19 - Mayor John J. Tecklenburg, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief Innovation Officer

J. Council Communications:

1. Discussion regarding in-person Council meetings. Action may or may not be taken. (Requested by Councilmember Keith Waring)

K. Council Committee Reports:

1. Committee on Public Safety: (Meeting was held Monday, April 26, 2021 at 1:30 p.m.)
   a. Report on Civil Sidewalks Ordinance
   b. Agreement between CPD and Dignity Best Practices in support of the development of a proposal to enhance CPD’s behavioral health crisis response practices and in furtherance of the overall goal of the 2020 Justice Assistance Grant which aims to
improve CPD’s response to individuals experiencing mental illness, substance use disorder, and/or homelessness through a calls for service analysis. (Information Only)

c. Submission of a letter of support for FAVOR Lowcountry’s funding proposal to DAODAS to support the Certified Peer Support Specialist Lowcountry Staffing Initiative to increase access to Peer Support services in the Lowcountry. This supports the goals of the Charleston County Addiction Crisis Task Force in equipping law enforcement agencies with the expertise of SUD support services. (Information Only)

d. Review of Emergency Ordinance 2021-055. Action may or may not be taken.

e. Executive Session pursuant to Section 30-4-70(a)(3) of the South Carolina Code for discussion regarding the development of security personnel or devices.

2. Committee on Public Works and Utilities: (Meeting was held Monday, April 26, 2021 at 5:30 p.m.)

a. Public Service Updates:

   (i) Discussion and Consideration of Amendments to the Street Tree Manual

b. Stormwater Management Department Updates:

   (i) Stormwater Manual Taskforce Update

c. Executive Session pursuant to Section 30-4-70(a)(2) of the South Carolina Code, to receive legal advice regarding the barricading of portions of Frampton Street and Fairway Drive within the Country Club 2 subdivision. Upon returning from executive session, the Committee may or may not take action to recommend a resolution to set a public hearing before City Council to return one or both of these rights-of-way to their original condition.

3. Committee on Recreation: (Meeting was held Tuesday, April 27, 2021 at 3:30 p.m.)

   - Update: Parks and Recreation Master Plan;
   - Update: the Reverend Alma Dungee Community Center renovation;
   - Update on signage for “Brenda Scott Way” at the corner of President and Fishburne Streets (Recommended by Arthur Lawrence and Burke High School Class of 1967);
   - Status of the ongoing Cultural Planning Process;
   - Status of City Festivals and Exhibitions for 2021;
   - Update on W.L. Stephens Pool
   - Update on Stoney Field
   - Carr Richardson Park

4. Committee on Ways and Means:

   (Bids and Purchases
   (Parks-Capital Projects: Approval of the 2021 Park and Recreation Development (PARD) Grant Acceptance to expand the playground equipment at Johns Island Park,
including new play structures, safety surfacing, and site work for installation. Requested funding is $35,850.74 with a 20% City Match of $7,170.15. City Match of $7,170.15 from 523000-52435 Maintenance, Playground Equipment.

(Parks Department: Approval to accept the Arbor Day Foundation Grant in the amount of $22,125 for the 2021 West Rock Community Tree Recovery Planting in Martin Park. No City match is required.

(Traffic and Transportation: Approval of the annual Traffic Signal Maintenance Agreement with the South Carolina Department of Transportation for the initial term April 1, 2021 to March 31, 2022, which will renew for two additional terms that will run from April 1, 2022 through March 31, 2023 and April 1, 2023 through March 31, 2024, provided that terms and conditions of the agreement remain the same.

(Office of Cultural Affairs: Approval to apply for $25,000 from the Asphalt Art Initiative of Bloomberg Philanthropies, to support a temporary public art project in partnership with Redux Contemporary Art Center in 2022. No City match required. (To be sent under separate cover by the Office of Cultural Affairs)

(Office of Cultural Affairs: Approval to apply for a grant in the amount of $1,750 from South Arts to support fees for visiting artists for Free Verse Festival in October 2021. A 1:1 City match is required. Matching funds from private donations.

(Planning Preservation and Sustainability: Approval to accept a Federal Grant Award from the Economic Development Administration in the amount of $100,000 to develop business development and technical assistance programming for minority-owned businesses. The grant period of performance is from April 7, 2021 to April 7, 2023. The City has committed an in-kind match of $25,000 based on Minority Business Enterprise Manager’s staff time spent working on the grant project.

(Housing and Community Development: Approval of a grant request in the amount of $100,000 from the 2021 AARP Community Challenge. The grant when received would allow the City to select 10 homeowners to receive $20,000 each to support the development of an affordable Accessory Dwelling Unit on their property. Homeowners selected would need to demonstrate a positive impact to low-and-moderate income residents and/or elderly and disabled person who may want to “age in place” living close to family members or caregivers while also in compliance with the Fair Housing Act. A match is not required for this grant. However, to incentivize the use of Accessory Dwelling units, staff also proposes utilizing $100,000 from Fee-In-Lieu to leverage the AARP funds and maximize the total number of beneficiaries of the program. This is an after-the-fact approval.

(Request approval of a new Lease Agreement with the Beach Company & Pastime Amusement Co. for the City’s new lease of three parcels for inclusion in City’s Market-Horlbeck Municipal Parking Lot. 2-year lease, no extensions. Rent to be a base amount of $25,000 and a percentage of net revenue. (Former 40-year lease expired December 31, 2020, with interim extensions since.) (131 Broad Street; TMS# 457-08-02-113 (Pastime); TMS# 457-08-02-111 (Beach); TMS# 457-08-02-012 (Beach). The property is owned by the City of Charleston.

(Request approval a new Lease Agreement with GoHoBe, LLC for the City’s new lease of its parcel for inclusion in the City’s Market-Horlbeck Municipal Parking Lot. 2-year lease, no extensions. Rent to be a base amount of $1,500/month, City reimburses property tax cost, City provides 3 free parking cards; no percentage of net revenue. (Former 40-year lease Expired December 31, 2020, with interim extensions since.) (131 Meeting Street; TMS# 457-08-02-112). The property is owned by GoHoBe, LLC. (To be sent under separate cover by the Real Estate Department)

(An ordinance amending ordinance No. 2019-129, adopted December 3, 2019, by authorizing the Mayor to execute, on behalf of the City of Charleston, all necessary documents to enter into that certain Third Amendment to Option to Lease and that
certain Amended Ground Lease by and among the City of Charleston, as Landlord; and Flat Iron Partners, LLC and Classic Development Company, LLC, as tenants, under which (1) the Ground Lease is amended to include language required by lender(s) for the development of the James Lewis, Jr. Apartment site; and (2) the tenants’ option to enter into the Ground Lease, as amended, is extended to August 31, 2021.

(Consider the following annexations:
-- 807 Savage Road (0.193 acre) (TMS# 309-15-00-053), West Ashley, (District 7). The property is owned by Andrew Dufresne and Grace Dufresne
-- Clements Ferry Road (0.15 acre) (TMS# 271-00-02-153), Cainhoy, Berkeley County, (District 1). The property is owned by Sweetwater Apts SC PH II, LLC.

(Executive Session pursuant to Section 30-4-70(a)(2) of the South Carolina Code, to receive legal advice to discuss potential sale of property located in Grace Bridge area.

Give first reading to the following bills from Ways and Means:

An ordinance amending Ordinance No. 2019-129, adopted December 3, 2019, by authorizing the Mayor to execute, on behalf of the City of Charleston, all necessary documents to enter into that certain Third Amendment to Option to Lease and that certain Amended Ground Lease by and among the City of Charleston, as Landlord; and Flatiron Partners, LLC and Classic Development Company, LLC, as Tenants, under which (1) the Ground Lease is amended to include language required by lender(s) for the development of the James Lewis, Jr. apartment site; and (2) the Tenants’ option to enter into the Ground Lease, as amended, is extended to August 31, 2021.

An ordinance to provide for the annexation of property known as 807 Savage Road (0.193 acre) (TMS# 309-15-00-053), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by Andrew Dufresne and Grace Dufresne.

An ordinance to provide for the annexation of property known as Clements Ferry Road (0.15 acre) (TMS# 271-00-02-153), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1. The property is owned by Sweewater Apts SC PH II LLC.

L. Bills up for Second Reading:

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

1. An ordinance providing for the issuance and sale of a not exceeding $19,000,000 Special Obligation Redevelopment Bond (Horizon Redevelopment Project Area), Series 2021, of the City of Charleston, South Carolina, and other matters relating thereto.

2. An ordinance to provide for the issuance and sale of not exceeding $20,000,000 General Obligation Bonds of 2021 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.

3. An ordinance to provide for the annexation of property known as 3919 Savannah Highway (1.83 acres) (TMS# 285-00-00-205), West Ashley, Charleston County, to the
City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Lillie and Carl Smalls.

4. An ordinance to amend Division 1 of Article II (City Council) of Chapter 2 (Administration) of the Code of the City of Charleston by adding a new Sec. 2-29 (Code of Conduct), applicable to members of City Council (AS AMENDED).

5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add Utility-Scale Battery Storage Facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial Zoning Districts. (DEFERRED) (Expires March 23, 2022)

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 114 Magnolia Road (West Ashley) (approximately 0.20 acre) (TMS #418-13-00-166) (Council District 3), pending annexation into the City of Charleston, be zoned Single-Family Residential (SR-2) classification. The property is owned by Matt Prendergast. (DEFERRED) (Expires March 23, 2022)

7. An ordinance to provide for the annexation of property known as 114 Magnolia Road (0.20 acre) (TMS# 418-13-00-166), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Matt Prendergast. (DEFERRED)

8. An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings. (DEFERRED)

9. An ordinance to provide for the annexation of property known as 3338 Maybank Highway (approx. 1.1 acre) (TMS# 279-00-00-035), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Consultants, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

10. An ordinance to provide for the annexation of property known as 3328 Maybank Highway (approx. 4.588 acre) (TMS# 279-00-00-031), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Kulick Properties, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

11. An ordinance to provide for the annexation of property known as 3320 Maybank Highway (approx. 2.278 acre) (TMS# 279-00-00-029), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by 1108 St Gregory St, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

12. An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)

13. An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the “Homestead Exemption” in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which
contain certain findings associated with the adoption of the “Homestead Exemption” with respect to Stormwater Utility Fees; and to provide that the elimination of the “Homestead Exemption” in Sec. 27-140(a) shall not apply until January 1, 2020. (DEFERRED FOR PUBLIC HEARING)

M. Bills up for First Reading:

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines (originally adopted by Ordinance #2015-078 and last amended by Ordinance #2018-095) located off Clements Ferry Road (Cainhoy) (approximately 36.09 acres) (original TMS# 267-00-004, 005, 010, 050 through 057, 069 and 071) and by changing the Zone Map to include property located on Clements Ferry Road (Cainhoy) (Berkeley County) (approximately 0.15 acre) (TMS# 271-00-02-153) (Council District 1), in the PUD. The property is owned by Marshes at Cooper River Homeowners Association et al.

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, May 11, 2021 at 5:00 p.m.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
PROCLAMATION

WHEREAS, one of the most meaningful gifts that a human being can bestow upon another is the Gift of Life through organ, eye and tissue donation; and

WHEREAS, more than 108,000 children and adults are currently awaiting lifesaving transplants, more than 1,300 of which are South Carolina residents; and

WHEREAS, in 2020, for the first time ever, more than 200 South Carolinians said “Yes” to organ donation, saving the lives of 514 people awaiting their second chance at life; and

WHEREAS, every 10 minutes, another name is added to the national transplant waiting list, and, on average, 20 lives are lost each day due to the lack of organs available for transplantation; and

WHEREAS, according to national research conducted by Donate Life America, more than 90 percent of Americans support donations and more than 54 percent of South Carolinians have registered as donors at the Department of Motor Vehicles; and

WHEREAS, the decision to become an organ donor can save up to eight lives and tissue donation can enhance many more -- men, women, and children who depend on the generosity and sacrifice of others to receive a second chance at life; and

WHEREAS, in order to support this life saving effort, citizens are encouraged to learn more about organ, eye and tissue donation, make their families aware of their own wishes related to donation, and register online at www.DonateLifeSC.org or in person at the Department of Motor Vehicles.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim the month of April as:

DONATE LIFE MONTH

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 13th day of April in the year of 2021.

John J. Tecklenburg, Mayor
PROCLAMATION

WHEREAS, the City of Charleston wishes to recognize one of its most dedicated ambassadors and sons of the Holy City, TED VALENTINE; and

WHEREAS, TED VALENTINE grew up in Moundsville, West Virginia, where he attended John Marshall High School and excelled in baseball; and

WHEREAS, TED VALENTINE graduated from Glenville State College in 1980, where he majored in physical education and was eventually inducted into the school’s Hall of Fame; and

WHEREAS, TED VALENTINE later returned to John Marshall High School, becoming a physical education and driver’s education teacher, as well as an athletic coach. In 1985, he served as an assistant coach for the John Marshall High School baseball team, which won the West Virginia Class AAA State Championship; and

WHEREAS, while he excelled as a coach, TED VALENTINE knew that he wanted to referee college basketball and began that pursuit in 1981. He worked his first NCAA Division I basketball game in 1981 at the former Baptist College, now Charleston Southern University. It was there that he fell in love with Charleston, SC; and

WHEREAS, this was the beginning of TED VALENTINE’S illustrious career in college basketball officiating history. Over a career spanning 39 Division I seasons, he has refereed four NCAA championships, 10 Final Fours and 28 NCAA tournaments. In 2005, he won the Naismith College Official of the Year. He has worked predominately in the Big Ten Conference and the Atlantic Coast Conference, and has worked several important conference matchups; and

WHEREAS, TED VALENTINE spends his off-seasons in Charleston, where he calls home, and has volunteered at various recreation departments teaching the game of basketball and the responsibility of officiating; and

WHEREAS, the City of Charleston would like to thank TED VALENTINE for his outstanding contributions to the community through his countless hours of volunteer officiating, his love for basketball and his dedication to our beloved city and state.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim April 27, 2021 as:

TED VALENTINE DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 27th day of April in the year of 2021.

John J. Tecklenburg, Mayor
PROCLAMATION

WHEREAS, the Office of the Professional Municipal Clerk is a time honored and vital component of local governments around the world; and

WHEREAS, the Office of the Professional Municipal Clerk serves as the professional link between citizens, local governing bodies and agencies of government at other levels; and

WHEREAS, in their work, Professional Municipal Clerks have pledged to maintain neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Professional Municipal Clerk serves as the information center on functions of local government and communities; and

WHEREAS, Professional Municipal Clerks continually strive to improve their services through participation in education programs, seminars, workshops and annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the many remarkable accomplishments of the Office of the Professional Municipal Clerk and the integral role they play in communities around the world.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby recognize the week of May 2 through May 8, 2021 as Professional Municipal Clerks Week, and further extend appreciation to our Clerk of Council staff and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

PROFESSIONAL MUNICIPAL CLERKS WEEK

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 27th day of April in the year of 2021.

John J. Tecklenburg, Mayor
NOTICE OF PUBLIC HEARING
AMENDMENT TO DEVELOPMENT AGREEMENT
CITY OF CHARLESTON, SOUTH CAROLINA

Notice is hereby given that the City Council of the City of Charleston, South Carolina will conduct a public hearing on a proposed First Amendment to Development Agreement between the City of Charleston and HPH Properties, LP pertaining to property in the West Ashley area of the City and consisting of approximately 291.11 acres of highland and approximately 7.89 acres of marsh, wetlands or critical area, bearing Charleston County Tax Map Nos. 301-00-00-033, 301-00-00-042, 301-00-00-043, 301-00-00-054, 301-00-00-057, and 301-00-00-114.

The hearing will be held on April 27, 2021 commencing at 5:00 p.m. The hearing will be held virtually via Conference Call #1-929-205-6096; Access Code: 912 096 416.

The property subject to the Development Agreement contains approximately 299 acres, is owned by HPH Properties, LP, is located in the West Ashley area of the City and lies generally between Bees Ferry Road, Savannah Highway and Ashley River Road, as is more fully described in the Development Agreement.

Development uses for the property include mixed use, residential (single family and multifamily), retail, commercial, and civic. The original Development Agreement was executed on August 1, 2015. The proposed First Amendment would extend the term of the Development Agreement for an additional five (5) years and amend the provisions related to storm water management and parks.

Copies of the 2015 Development Agreement and proposed First Amendment may be obtained online at https://www.charleston-sc.gov/2514/HPH-Dev-Agreement or from the City of Charleston Department of Planning, Preservation and Sustainability, 2 George Street, 3rd Floor, Charleston, South Carolina 29401, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m.

The public may participate using one of the following options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 27th:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;
2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

Jennifer Cook
Clerk of Council

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AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH HPH PROPERTIES, LP, DATED AUGUST 1, 2015, PERTAINING TO LANDS LOCATED IN THE WEST ASHLEY AREA OF THE CITY COMPRISING APPROXIMATELY 299 ACRES AND BEARING CHARLESTON COUNTY TAX MAP NUMBERS 301-00-00-033, 301-00-00-042, 301-00-00-043, 301-00-00-054, 301-00-00-057, AND 301-00-00-114.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Mayor is hereby authorized to execute on behalf of the City a First Amendment to the Development Agreement dated August 1, 2015 with HPH Properties, LP, pertaining to lands located in the West Ashley area of the City comprising approximately 299 acres and bearing Charleston County Tax Map Nos. 301-00-00-033, 301-00-00-042, 301-00-00-043, 301-00-00-054, 301-00-00-057, and 301-00-00-114, a copy of said First Amendment being attached to this Ordinance as Exhibit A and made a part hereof.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this____ day of
_________ in the Year of Our Lord, 2021, in the
____ Year of Independence of the United States of America.

By: ____________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

______________________________
Jennifer Cook
Clerk of Council
STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  

FIRST AMENDMENT TO THE LONG SAVANNAH HPH DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CHARLESTON, SOUTH CAROLINA AND HPH PROPERTIES, LP

THIS FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (together with the recitals and exhibits attached hereto, the “First Amendment”) is entered into by and between the City of Charleston, a South Carolina municipality (the “City”), and HPH Properties, LP, a South Carolina limited partnership (the “Developer”). The City and the Developer are collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, on August 1, 2015 (the “Effective Date”), the Parties entered into a Development Agreement (the “Agreement”) governing the use and development of approximately 299 gross acres of land located in the West Ashley area of the City, as more fully described in Section 3.1 of the Agreement, (the “Property”);

WHEREAS, on December 3, 2015, Developer recorded the Agreement in Deed Book 0521 at Page 146 in the RMC Office (now the Register of Deeds Office) for Charleston County, South Carolina, which is incorporated herein by reference;

WHEREAS, Section 3.6.A of the Agreement provides that the Agreement shall expire on the fifth (5th) anniversary of the Effective Date;

WHEREAS, pursuant to Section 3.6.C of the Agreement, the Parties agreed to consider an extension, renewal, or a new agreement no later than six (6) months prior to the expiration of the Agreement;

WHEREAS, Section 3.7.A of the Agreement permits the Parties to amend the Agreement in whole or in part by mutual consent of the Parties in writing;

WHEREAS, the Parties desire to amend the Agreement as further set forth herein; and

WHEREAS, on ____________________, 2021, City Council adopted Ordinance No. 2021-____, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, authorizing this First Amendment after complying with all notice and hearing requirements.

NOW, THEREFORE, in consideration of the mutual promises herein and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, City and Developer hereby amend the Agreement, as follows:

1. The following new Section 2.4 is inserted into the Agreement:
2.4 On __________, 2021, in accordance with the Act and Charleston City Code, City Council adopted Ordinance No. 2021-____, and determined that the First Amendment is consistent with the Act and the Charleston City Code. A copy of Ordinance No. 2021-____ is attached hereto and incorporated herein by reference as Exhibit V-1.

2. Exhibit A to this First Amendment is hereby attached to the Agreement and incorporated therein by reference as Exhibit V-1.

3. Article 3, Section 3.6 of the Agreement is deleted and replaced with the following:

   **Section 3.6 Duration of Agreement**

   A. This Agreement shall expire on August 1, 2025. Developer represents and warrants that the Property contains 25 acres or more of highland as of the Effective Date.

   B. The Parties agree to consider an extension, renewal, or a new agreement no later than March 1, 2025.

4. Article 5, Section 5.5 of the Agreement is deleted and replaced with the following:

   **5.5 Storm Water Management**

   Development of the Property shall be subject to the City’s current Stormwater Regulations in effect at the time of submission of a complete construction activity application. If Development occurs in phases, each phase of development of the Property shall be subject to the City’s current Stormwater Regulations in effect at the time of submission of a complete construction activity application for that phase.

   Developer shall construct a 17.5-acre Stormwater Retention Pond (the “SRP”) on the Property to serve the Property. The SRP shall be constructed as a part of the first phase of the development of the property. The design of the SRP including location, shape, erosion control landscaping, point(s) of access, and point(s) of discharge shall be subject to the approval of the City’s Design Review Committee. The general location of the Stormwater Retention Pond is shown and depicted on Exhibit W to the Agreement.

5. Article 10, Section 10.2 of the Agreement is deleted and replaced with the following:

   **10.2 Parks**

   A. **Park Property.** Developer has reserved up to fifteen (15) acres on the Property, developable as athletic fields and other active public park uses (the “Park Property”), which the City may or may not elect to purchase in accordance with Section 10.2(C) and (D) herein. The Park Property shall be
conveyed as one (1) 15-acre parcel or two (2) separate 10- and 5- acre parcels. At least one parcel of Park Property shall be located adjacent to the Developer’s 17.5-acre Stormwater Retention Pond on the Property. The Developer will work together with the City’s Department of Parks and Department of Planning, Preservation and Sustainability to create a plan depicting the general location of the Park Property, which plan shall be attached to and incorporated into the Agreement as Exhibit X. The specific design, shape and location of the Park Property shall be approved by the City’s Design Review Committee, which approval shall not be unreasonably withheld. The Park Property shall be contiguous, developable highland acres suitable for athletic fields. Prior to conveyance to the City in accordance with Section 10.2(C) herein, the Developer shall construct permanent road access to the Park Property.

If the City chooses to purchase the Park Property but does not have a need for the Park Property as a park, and instead proposes to use the Park Property or a portion thereof for an alternative City use(s), the alternative use(s) must first be approved by Developer, which permission for such alternative use(s) will not be unreasonably withheld, provided the proposed City use(s) is compatible with the surrounding neighborhood uses. Notwithstanding the foregoing, Developer hereby consents to the use by the City of some or all of the Park Property for drainage purposes, including but not limited to conveyance systems and stormwater ponds.

B. Authority. Unless otherwise specifically provided herein, the Mayor or a member of City staff designated in writing by the Mayor (the Mayor or such designee hereinafter referred to herein as the “Mayor”) shall have authority to take action with respect to any decisions required by the City under this Section 10.2 of the Agreement without further action by City Council. Notwithstanding the foregoing, the Mayor shall not be permitted to increase funding toward any City project contemplated under this Agreement without prior approval by City Council.

C. Conveyance. If the City elects to purchase the Park Property, the conveyance shall occur on or after the recording date of a final subdivision plat(s) for a neighborhood which is adjacent to and provides public access for the Park Property; provided, however, a complete application for such final plat shall be submitted to the City on or before the date on which the Developer has obtained building permits for 250 residential units on the Property. The conveyance to the City shall be by limited warranty deed. If the City does not elect to purchase the Park Property within three (3) years from the recording date of the final subdivision plat(s) as described in this paragraph, the City’s option to purchase the Park Property shall expire, unless the parties agree to extend the time period for conveyance.
D. **Purchase Price.** The parties acknowledge that the highest and best use of the Park Property is for a "residential" development. The parties hereby agree that the Developer will convey the Park Property to the City at a discounted purchase price as determined by an appraisal based on a "park" being deemed the highest and best use of the Park Property for purposes of the appraisal. A "residential" use appraisal shall be paid for by the Developer. A "park" use appraisal shall be paid for by the City. The appraisal date shall be the date on which a complete application for a final plat of the Park Property is submitted to the City for review and approval. The appraisers shall be selected by the responsible party and approved in writing by the other party, which approval shall not be unreasonably withheld. If the City decides to use the Park Property for an alternative City use(s), as described in Paragraph A, the purchase price shall be determined by an appraisal based on the alternative use(s) instead of the park use.

E. **Easements.** The conveyance of the Park Property shall be subject to all matters of record and necessary easements in favor of Developer for access to other sites within the Project, utilities serving the Project, including, but not limited to, water, sanitary sewer, electric, natural gas, telephone, cable television, internet, storm drainage, bicycle paths, pedestrian paths, and sidewalks. The funding for any improvements that are constructed within the easements referenced above and any maintenance or repairs for such improvements shall be the responsibility of Developer. The form of the easements and recorded restrictions shall be subject to the approval of the City’s Corporation Counsel and the City’s Director of Parks, which approvals shall not be unreasonably withheld.

At the time of conveyance of the Park Property in accordance with Section 10.2(C) herein, Developer shall also convey easements in favor of City for access and recreational use on, in, and around the Developer’s 17.5-acre Stormwater Retention Pond for recreational activities including, but not limited to, fishing, boating, and use of walking trails around the pond.

6. **Exhibit B** to this First Amendment shall be attached to and incorporated into the Agreement as **Exhibit W.**

7. **Exhibit C** to this First Amendment shall be attached to and incorporated into the Agreement as **Exhibit X.**

8. The recitals and exhibits to this First Amendment are incorporated herein by reference.

9. Unless otherwise defined herein or required by the context, the terms and phrases used herein shall be defined as set forth in the Agreement.
10. Except as expressly modified herein, all other terms, conditions, and provisions of the Agreement shall remain in full force and effect.

11. The effective date of this First Amendment shall be August 1, 2020.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE PAGES TO FOLLOW]
IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the day and year first written above.

Witness: 

__________________________________________

CITY OF CHARLESTON

By: ________________________________________
John J. Tecklenburg
Mayor

STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON   )

PERSONALLY appeared before me the undersigned witness who, being duly sworn, deposes and says that (s)he saw the within named City of Charleston, by John J. Tecklenburg, its Mayor, sign and seal the within written First Amendment to Development Agreement, and as the act and deed of the City of Charleston deliver the same, and that (s)he with the other witness subscribed above witnessed the execution thereof:

__________________________________________

SWORN to before me this
_____ day of ____________, 2021

__________________________________________
Notary Public for South Carolina
My Commission Expires: ________
IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the day and year first written above.

Witness: ____________________________

_______________________________

_______________________________

HPH PROPERTIES, LP

By: _____________________________

Name: ___________________________

Its: _____________________________

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness who, being duly sworn, deposes and says that (s)he saw the within named HPH Properties, LP, by ___________________, its __________________, sign and seal the within written First Amendment to Development Agreement, and as the act and deed of HPH Properties, LP, deliver the same, and that (s)he with the other witness subscribed above witnessed the execution thereof.

_______________________________

SWORN to before me this
____ day of ____________, 2021

Notary Public for South Carolina
My Commission Expires: ________
EXHIBIT A

[ORDINANCE NO. 2021-___]
EXHIBIT B

[GENERAL LOCATION OF STORMWATER RETENTION POND – ATTACH SEAMON WHITESIDE DRAWING TITLED "BULOW COUNTY PARK, LONG SAVANNAH AND VILLAGE GREEN," SHEET 16, DATED 6/18/2019]
EXHIBIT C

[GENERAL LOCATION OF PARK PROPERTY TO BE AGREED UPON BY THE PARTIES]
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, April 27, 2021 beginning at 5:00 p.m., via Conference Call # 1-829-205-6099, Access Code 912 096 416, on the request that the Zoning Ordinance of the City of Charleston be changed in the below respects. The public may participate using one of the following options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 27th:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-577-6313. If requesting to speak, please provide your name and telephone number;
2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/;
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

REZONINGS

1. To rezone the subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Cannonborough-Elliottborough – Peninsula) (Approx. 0.83 acre) (TMS# 460-08-02-111, 114, 118 through 121 and a portion of TMS# 460-08-02-015, 109, 110, 112, 117 and 122) from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification.
2. To rezone the subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Cannonborough-Elliottborough – Peninsula) (Approx. 1.9 acre) (TMS# 460-08-02-011 through 013, 113 and a portion of TMS# 460-08-02-010, 015, 109, 110, 112 and 117) from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification.
3. To rezone 334 Folly Road (James Island) (Approx. 0.49 acre) (TMS # 424-05-00-028) from Limited Business (LB) classification to General Business (GB) classification.
4. To rezone 254 Coming Street (Cannonborough-Elliottborough – Peninsula) (Approx. 0.03 acre) (TMS # 460-08-02-062) from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification.
5. To rezone 860 Morrison Drive (Peninsula) (Approx. 1.76 acres) (TMS # 459-02-00-002 & 003) to be included within the Accommodations Overlay classification.
6. To rezone 30 and 30C F Street (North Central – Peninsula) (Approx. 0.16 acre) (TMS # 463-16-03-049 and 050) from Diverse Residential (DR-1) classification to Diverse Residential (DR-2F) classification.

JENNIFER COOK
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email schumacherj@charleston-sc.gov three business days prior to the meeting.
**City of Charleston**  
**Planning Commission**

**Meeting of March 17, 2021**

**Rezonings**

1. Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula) TMS# 4600802111, 114, 118 through 121 and a portion of TMS# 4600802015, 109, 110, 112, 117 and 122 — approx. 0.83 acre. Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-1/WH).

2. Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula) TMS# 4600802011 through 013, 113 and a portion of TMS# 4600802010, 015, 109, 110, 112 and 117 — approx. 1.9 acre. Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

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3. 334 Folly Rd (James Island) a portion of TMS # 4240500028 — approx. 0.49 acre. Request rezoning of a portion of the subject property from Limited Business (LB) to General Business (GB).

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4. 254 Coming St (Cannonborough-Elliotitborough – Peninsula) TMS # 4600802062 – approx. 0.03 acre. Request rezoning of the subject property from Diverse Residential (DR-2F) to Commercial Transitional (CT).

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1st: JACOBS  2nd: HARRISON

5. 860 Morrison Dr (Peninsula) TMS # 4590200002 & 005 – approx. 1.76 acres. Request rezoning of the subject property to be included within the Accommodations Overlay. Zoned Upper Peninsula (UP).

Motion APPROVAL (9-0)

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1st: JOHNSON  2nd: LESESNE

6. 30 and 30.5 F St (Westside – Peninsula) TMS # 4631603049 and 050 – approx. 0.16 acre. Request rezoning of subject property from Diverse Residential (DR-1) to Diverse Residential (DR-2F).

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1st: JACOBS  2nd: LEMPESIS
ORDINANCE AMENDMENT

1. To amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to sec. 54-120 of the Zoning Ordinance.

Motion APPROVAL (9-0)  
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2. To amend Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required workforce housing units onsite.

Motion APPROVAL (8-0)  
1st: BAILEY  2nd: LESESNE

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SUBDIVISION

1. Oakville Plantation Rd (American Star – Johns Island) TMS# 3170000011, 055 & 089 – approx. 201.6 ac. 205 lots. Request one (1) year extension of subdivision concept plan approval. Zoned Rural Residential (RR-1) and Light Industrial (LI).

Motion APPROVAL (7-0)  
1st: LESESNE  2nd: LEMPEES

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Zonings

1. 2138 Golfview Dr (Riverland Golfview – James Island) TMS # 3430600013 – approx. 0.22 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion APPROVAL (9-0) 1st: BAILEY 2nd: BRYANT-JENKINS

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PLANNING COMMISSION MEETING OF MARCH 17, 2021

MEETING VOTING RECORD PAGE 4
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT SUBJECT PROPERTIES ON ST. PHILIP STREET, LINE STREET, KING STREET AND ACKERMANS COURT (PENINSULA) (APPROXIMATELY 0.83 ACRE) (TMS# 460-08-02-111, 114, 118 THROUGH 121 AND A PORTION OF TMS# 460-08-02-015, 109, 110, 112, 117 AND 122) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTIES ARE OWNED BY EVENING POST INDUSTRIES.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the properties described in Section 2 hereof by changing the zoning designation from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification.

Section 2. The properties to be rezoned are described as follows:

subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 0.83 acre) (TMS# 460-08-02-111, 114, 118 through 121 and a portion of TMS# 460-08-02-015, 109, 110, 112, 117 and 122)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____day of
______________, in the Year of Our Lord
______________, in the_____ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 1

properties on St. Philip St, Line St, King St and Ackermans Ct
(Cannonborough-Elliottborough — Peninsula)

TMS# 4600802111, 114, 118 through 121 and a portion of
TMS# 4600802015, 109, 110, 112, 117 and 122

approx. 0.83 acre

Request rezoning of the subject properties from
General Business (GB) to Mixed-Use/Workforce
Housing (MU-1/WH).

Owner: Evening Post Industries
Applicant: LS3P

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov 2 George St, Charleston, SC 29401 843.724.3765
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT SUBJECT PROPERTIES ON ST. PHILIP STREET, LINE STREET, KING STREET AND ACKERMANS COURT (PENINSULA) (APPROXIMATELY 1.9 ACRE) (TMS# 460-08-02-011 THROUGH 013, 113 AND A PORTION OF TMS# 460-08-02-010, 015, 109, 110, 112 AND 117) (COUNCIL DISTRICT 4), BE REZONED GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTIES ARE OWNED BY EVENING POST INDUSTRIES.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the properties described in Section 2 hereof by changing the zoning designation from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification.

Section 2. The properties to be rezoned are described as follows:

properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 1.9 acre) (TMS# 460-08-02-011 through 013, 113 and a portion of TMS# 460-08-02-010, 015, 109, 110, 112 and 117)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of
_______, in the ______ Year of Our Lord
_______, in the ______ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 2

properties on St. Philip St, Line St, King St and Ackermans Ct
(Cannonborough-Elliottborough – Peninsula)

TMS# 4600802011 through 013, 113 and a portion of
TMS# 4600802010, 015, 109, 110, 112 and 117

approx. 1.9 acre

Request rezoning of the subject properties from
General Business (GB) to Mixed-Use/Workforce
Housing (MU-2/WH).

Owner: Evening Post Industries
Applicant: LS3P
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE
MAP, WHICH IS A PART THEREOF, SO THAT 334 FOLLY ROAD (JAMES ISLAND) (APPROXIMATELY
0.49 ACRE) (TMS #424-05-00-028) (COUNCIL DISTRICT 11), BE REZONED FROM LIMITED BUSINESS
(LB) CLASSIFICATION TO GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED
BY REFUEL.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL
ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is
amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by
changing the zoning designation from Limited Business (LB) classification to General Business (GB)
classification.

Section 2. The property to be rezoned is described as follows:
334 Folly Road (James Island) (approximately 0.49 acre) (TMS #424-05-00-028)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of
__________________ , in the Year of Our Lord
__________________, in the ______ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 3

334 Folly Rd (James Island)
a portion of TMS # 4240500028
approx. 0.49 acre

Request rezoning of a portion of the subject property from Limited Business (LB) to General Business (GB).

Owner: Refuel
Applicant: Edmund Watkins
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 254 COMING STREET (PENINSULA) (APPROXIMATELY 0.03 ACRE) (TMS #460-08-02-062) (COUNCIL DISTRICT 3), BE REZONED FROM DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION TO COMMERCIAL TRANSITIONAL (CT) CLASSIFICATION. THE PROPERTY IS OWNED BY FRANCIS J IWANICKI AND CAROLINE VON ASTEN.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification.

Section 2. The property to be rezoned is described as follows:
254 Coming Street (Peninsula) (approximately 0.03 acre) (TMS #460-08-02-062)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of ______________________ in the Year of Our Lord ____________, in the ______ Year of Independence of the United States of America.

By:

________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

________________________
Jennifer Cook
Clerk of Council
REZONING 4

254 Coming St (Cannonborough-Elliottborough – Peninsula)

TMS # 4600802062

approx. 0.03 acre

Request rezoning of the subject property from Diverse Residential (DR-2F) to Commercial Transitional (CT).

Owner: Francia J Iwanicki and Caroline Von Asten
Applicant: Same as owner
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE
MAP, WHICH IS A PART THEREOF, SO THAT 860 MORRISON DRIVE (PENINSULA) (APPROXIMATELY
1.76 ACRES) (TMS #459-02-00-002 AND 005) (COUNCIL DISTRICT 4), BE REZONED TO BE INCLUDED
WITHIN THE ACCOMMODATIONS OVERLAY. THE PROPERTY IS OWNED BY JOHN RITTER.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL
ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is
amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof to
be included within the Accommodations Overlay.

Section 2. The property to be rezoned is described as follows:
860 Morrison Drive (Peninsula) (approximately 1.76 acres) (TMS #459-02-00-002 and 005)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____day of
____________, in the Year of Our Lord
____________, in the _________ Year of Independence
of the United States of America.

By: _____________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest: ___________________________
Jennifer Cook
Clerk of Council
REZONING 5

860 Morrison Dr (Peninsula)

TMS # 4590200002 & 005

approx. 1.76 acres

Request rezoning of the subject property to be included within the Accommodations Overlay. Zoned Upper Peninsula (UP).

Owner: John Ritter
Applicant: Origin Development Partners LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 30 AND 30C F STREET (PENINSULA) (APPROXIMATELY 0.16 ACRE) (TMS #463-16-03-049 AND 050) (COUNCIL DISTRICT 4), BE REZONED FROM DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION. THE PROPERTY IS OWNED BY ELP PROPERTIES.

BE IT ORDAINED BY THE MAYOR AND COUNCilmEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Diverse Residential (DR-1) classification to Diverse Residential (DR-2F) classification.

Section 2. The property to be rezoned is described as follows:
30 and 30C F Street (Peninsula) (approximately 0.16 acre) (TMS #463-16-03-049 and 050)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of __________________________, in the Year of Our Lord __________________________, in the __________ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 6

30 and 30C St (Westside – Peninsula)

TMS # 4631603049 and 050

approx. 0.16 acre.

Request rezoning of subject property from Diverse Residential (DR-1) to Diverse Residential (DR-2F).

Owner: ELP Properties
Applicant: Same as owner
To: Jennifer Cook  
From: Julia P. Copeland  
RE: Code Enforcement Officer Appointments  
Date: April 19, 2021

Mandi Herring from Planning and Preservation & Sustainability endorses and requests that Mayor and Council endorse and appoint two staff members from the Department to act as Code Enforcement Officers. The following staff members are:

Tory Parish, City Architect-Preservation  
Frances “Frankie” Pinto, Senior Preservation Planner
TO: The Mayor and City Council
FROM: Legal Department
DATE: April 19, 2021
RE: Proposed Amendments to Street Tree Manual

1) Updated layout, font, imagery – ease of reproduction and ability to copy required text directly in word format for required notes to be inserted into cad documents.

2) There is more discussion about planting trees in and around sidewalks. This includes subsurface treatment under sidewalks and desired spacing from hardscape, etc.

3) The street tree species list has been updated. The list for commonly approved, conditionally approved, and unapproved street trees has been revised.

4) Tree planting details have been improved and updated. The details will now be required to be incorporated into plan documents rather than getting some generalized tree planting detail we always see. Details include various tree planting scenarios for instance, palms in tree wells, canopy trees in tree wells, trees in planting strips, staking details, paving details with trees, tree protection, etc.

5) The street tree banking and bonding has been updated to reflect how BFRC and Public Service would like the bonds to be handled. There is more information on how the bonding process works. Included now are fillable forms received from legal that consultants can use to submit bonding paperwork. Process flow charts have been updated as well.

6) Mitigation Rates and Process have changed. Instead of looking at a simple mitigation rate of $295 per 2.5” inch tree (or $118/inch), the new manual looks at a rate of $275 per 1” DBH but also incorporates mitigation deductions based on tree location, species, structure, and health. This means that the City is not looking at all trees the same. It provides a bit more scrutiny and return for nice trees and bit more leniency for trees not so desirable in the ROW. This rate has been tested on numerous occasions and appears to work out very nicely. Examples have been provided in the document (page 6).
Furthermore, all determinations are based on arborist review from the client/developer so there is no question on where the City is generating its fees.

The current mitigation rate is determined by the cost of replacement based on market pricing of trees…not on the quality, condition, location of a tree. While that approach is fine for functionality over a broad base…it misses something in the equation—a 2-inch tree is not the same as a 42-inch tree in value. Trees are replaceable, but a low valuation makes the relatively low cost of mitigation become the ‘cost of doing business’ to remove trees. A higher dollar amount could drive a better decision-making process when applicants are considering the removal trees. Equally important—the higher dollar amount is appropriately offset to the user by allowing deductions that make the asset more appropriately valued (based on technical matters judged by technical professionals). This is seen daily with Grand trees in Planning. The result with these proposed changes - trees are valued higher with a consistent path to relief based on the tree’s actual risk, location and health. Trees under power lines, trees with structural defects, trees with health issue will all be reduced appropriately in mitigation value. These changes will provide cost benefits to saving trees rather than removing them simply because they are in the way.

**Comparable fee structures to neighboring communities:**

**Summerville**—Tree mitigation values are based on market value for replacement trees.

**Charleston County**—Tree mitigation values are based on current market value for 2-3 inch caliper trees installed. Based on at least two landscaping quotes for the number of trees to meet the mitigation inches. The trees quoted should be like species of what was removed. We usually end up averaging the quotes the applicant provides to determine the mitigation rate.

**City of North Charleston** – Tree mitigation values are $435 per 2-inches or around $217 per inch.

**Town of Mt. Pleasant** – Tree mitigation is based upon 150% of wholesale price of a 4” caliper tree. So currently it is $675/4” or 168.50/inch.
“Someone’s sitting in the shade today because someone planted a tree a long time ago.”
— Warren Buffett

The planting of trees means improved water quality, resulting in less runoff and erosion. This allows more recharging of the ground water supply. Wooded areas help prevent the transport of sediment and chemicals into streams.
- USDA Forest Service

One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is enough to meet the annual needs of 18 people.
- U.S. Department of Agriculture

Having large trees in yards along streets increases a home’s value from 3 percent to 15 percent.

There are about 60- to 200-million spaces along our city streets where trees could be planted. This translates to the potential to absorb 33 million more tons of CO2 every year, and saving $4 billion in energy costs.
- National Wildlife Federation

Trees properly placed around buildings can reduce air conditioning needs by 30 percent and can save 20-50 percent in energy used for heating.
- USDA Forest Service

One mature tree can store 50 to 100 gallons of water during a storm.
- Trees To Offset Stormwater Case Study 04: Charleston, South Carolina, 2018

During an average high volume rainfall (a 10-year storm) in the City of Charleston, over 24 hours the city’s trees uptake an average of 569 million gallons of water. That’s enough water to fill nearly 861 Olympic-size swimming pools!
- Trees To Offset Stormwater Case Study 04: Charleston, South Carolina, 2018

https://www.charleston-sc.gov/1567/ Trees-to-Offset-Stormwater

Mayor Tecklenburg and City of Charleston employees planting a new Street Tree.
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Charleston Street Tree planting from the 1890's.
Resident and visitors of Charleston have enjoyed its streets lined with majestic trees for centuries. Indeed, Charleston’s stately street trees are as much a part of Charleston’s proud heritage as the historic streets and public spaces they shade. All trees proposed and growing within public places are considered to be city Street Trees.

Trees offer many practical advantages by their biological processes. All trees, young and old, process carbon dioxide and other pollutants, and then release oxygen into the atmosphere. Trees consume large amounts of water daily, helping to lessen the burden on our stormwater drainage systems. Trees cool the built environment, especially in urban contexts.

Street Trees that are well-planned and properly planted contribute immeasurably to the health and well-being of Charleston’s public spaces, while also improving the local ecosystem, and reducing energy use. To ensure the positive effects, it is essential to account for the mature size and shape of the tree in the layout of the streetscape and follow installation guidelines. Smart decisions early on ensure the health and viability of a tree as it matures.

Trees create a sense of place and character for our public spaces and streets. Healthy trees are aesthetically pleasing and increase property values. Well-maintained trees reflect both the health of the urban forest and the quality of life in Charleston. Mature trees, especially, have a measurable dollar value. All neighborhoods, parks, and commercial properties benefit from the existence of well-planned and maintained trees.

This manual is designed for developers, consultants, tree service providers, contractors, residential property owners, and others who are planning to work on, near, or around Street Trees. This manual is for accompaniment and clarification purposes as an applicant navigates the TRC process and does not override any directive provided by the City of Charleston Technical Review Committee Procedure Manual.
GENERAL OVERVIEW OF REGULATIONS

The management of street trees is handled through the City of Charleston Department of Parks (“Parks”). Parks administers the street tree program and performs other vital street tree related activities such as: permitting the planting, removal, cutting, pruning, protection and planning of trees within the public realm and rights-of-way. Through its participation in the technical review process with the City of Charleston Technical Review Committee, Parks addresses the design, development, construction, and installation of street trees. Sole authority to regulate the removal, location, species selection, and implementation of Street Trees rests with Parks.

RELEVANT ORDINANCES

CODE OF ORDINANCES:
Sec. 22-51. Permit required to plant Street Trees.
No shade or ornamental tree or shrub shall be planted in any of the public right-of-ways or easements of the city until such tree or shrub shall have been first approved by the director of the Department of Parks and a permit therefore be granted by the Director of the Department of Parks.

Sec. 22-52. Street Tree permit approvals.
Approved and permitted shade trees, ornamental trees, and shrubs shall be planted at the permittee’s expense and approvals shall be based upon the species and cultivar of the tree, the structure of the tree to be planted, the distance apart, and the distance from the edge of pavement, asphalt, or sidewalk as set forth in the City of Charleston’s Street Tree Manual.

Sec. 22-53. Permit required to remove, cut, or prune tree.
No person shall, without written permission of the director of the Department of Parks, cut, prune, break, climb, injure, or remove any tree or ornamental shrub located in a public right-of-way or easement of the city or on public property. For trees removed unlawfully, without approval, the Director of the Department of Parks is authorized to grant after-the-fact approval, and require mitigation in accordance with the City of Charleston’s Street Tree Manual.

Sec. 22-54. Permit required to remove devices protecting trees.
No person shall, without written permission of the Director of the Department of Parks, injure, misuse, or remove any device placed to protect a tree located in a public right-of-way or easement of the city or on public property.

Sec. 22-55. Permit required to place stones impeding passage of water to trees.
No person shall, without the written permission of the Director of the Department of Parks, place or maintain upon the ground in a public right-of-way or easement of the city or on public property, stone, cement, or other substance which shall impede the free passage of water and air to the roots of any tree located in the public right-of-way or easement of the city or on public property.

Sec. 22-56. Protection of trees during building construction.
In the erection or repair of any building or structure the owner thereof shall place such guards around all the nearby trees in the public right-of-way and easements of the city and on public property as shall effectually prevent injury, as directed by the Director of the Department of Parks.
ZONING ORDINANCE:
Sec. 54-831e. Street Trees.
Within all new developments or subdivisions, all new thoroughfares, excluding alleys, shall be planted with Street Trees in accordance with the following requirements:

1. Street Tree species selection, size, location, and spacing shall require approval of the Department of Parks, pursuant to the City of Charleston Street Tree Manual.

2. Street Trees to be planted within streets rights-of-way shall be shown on Street Tree plans and specifications submitted with road construction documents and site plans. The plans and specifications shall satisfy the requirements of the City of Charleston Street Tree Manual.

3. Extensions of existing public rights-of-way with Street Trees shall require the planting of Street Trees.
STREET TREE REMOVAL AND REPLACEMENT

Street Trees provide numerous benefits to Charleston including, but not limited to, filtering air pollution, increasing dust filtration, reducing noise, heat and glare, preventing soil erosion, reducing storm runoff, improving surface drainage, and adding beauty and history to the surrounding landscape. It is for these reasons that the City of Charleston promotes the protection of existing trees.

A Street Tree must be protected and preserved through the technical review plan review process, unless Parks has specifically approved its removal. The removal of existing Street Trees requires mitigation. This mitigation is also required for all trees within the right-of-way. Parks, in its sole discretion, may provide relief from mitigation requirements based on the following circumstances: (1) the tree is dead; (2) the tree is deemed unhealthy; (3) the tree is deemed an unwarranted species; (4) the tree is located underneath a power line or an unfit location. On any given occasion a tree is proposed for removal, Parks may require an ISA Certified Arborist Report to support the need for removal.

Street Trees that are removed must be replaced with the same species, or another species that provides comparable or greater canopy coverage at maturity, provided the planting location can support the replacement. Removal of a Street Tree without a permit or without replacement is a violation of City ordinance and subject to penalties.

Mitigation for Approved and Unapproved Tree Removals

The City of Charleston has time and money invested in our large Street Tree population. Street Trees that are under review for removal will be subject to mitigation costs in most circumstances. In addition to mitigation costs, Parks may assess the cost for removal and stump grinding to the party requesting removal.

Mitigation Calculation: Diameter Breast Height (inches) (DBH) x $275.00 = Mitigation Cost

Diameter breast height is 4.5 ft above the ground. This mitigation cost is based on the cost of replacement taking into account planting, soil prep, watering, mulching, and maintenance.

Mitigation Deductions: The table below shows how mitigation deductions are calculated based on tree location, health, structure, and species. Numbers indicated are percentage deductions of the final monetary contribution of mitigation. Additional consideration is given for trees under overhead utility lines. A tree that has no defects or deductions will pay the full mitigation cost if the removal is permitted.

MITIGATION TABLE

<table>
<thead>
<tr>
<th>TREE CONDITION</th>
<th>LOCATION</th>
<th>SPECIES</th>
<th>STRUCTURE</th>
<th>HEALTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOOD</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>FAIR</td>
<td>15</td>
<td>15</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>POOR</td>
<td>30*</td>
<td>30</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

*OVERHEAD UTILITY 10% Additional Deduction for Overhead Utility Impacted Trees

*The overhead utility line reduction only counts for large and medium maturing trees (not for small or understory trees (i.e. Crape Myrtles). No deductions can end in amounts over 100% mitigation.

The mitigation table is set up so property owners, developers, consultants, arborists, and city staff can adequately and fairly determine the conditions of a tree proposed for removal.
Mitigation Factors:

Location: The location of a Street Tree is critical for its projected growth. Does a tree have adequate room for growth? Are there man-made conflicts that adversely affect tree performance? Does the tree sit under water during a rain event? Is its canopy in a power line?

Species: This factor focuses on whether or not the tree itself is appropriate. Is the tree an invasive species? Is the tree prone to blight? Does this tree tend to be messy? Is it a large maturing tree under an overhead utility line?

Structure: The structure of a Street Tree refers to the architecture of a tree. Will the tree tear itself apart in a wind storm? Does it have included bark? Is the canopy lop-sided? Does it have a dominant leader?

Health: This mitigation factor relates to the biological development of a tree. Does it have a quality leaf set? Does it have fungi or cankers? Does it have poor leaf density. Health not only looks at a tree's current conditions, but what it's projected conditions are going to be. Will the construction of a tall building block out all the light? Will construction eventually damage a tree? Will branches grow to a point where they will need to be pruned?

Example Mitigation Scenarios

Example A:

12” LIVE OAK
This tree has no major defects, is in good health, has no overhead utility conflicts, has fair structure, and has a good site location.

DEDUCTIONS
- Location: 0%
- Species: 0%
- Structure 10%
- Health: 0%
- Overhead Utility Conflict: 0%

TOTAL DEDUCTION = 10%

MITIGATION
- 12” X $275 = $3,300
- $3,300 X .10 = $330 Deduction
- $3,300 - $330 = $2970

TOTAL MITIGATION = $2970.00
Example B:

20” WATER OAK
This tree has some structural defects, is in poor health, has evident overhead utility conflicts, has fair structure, and has a fair site location.

DEDUCTIONS
Location: 15%
Species: 30%
Structure 10%
Health: 20%
Overhead Utility Conflict: 10%

TOTAL DEDUCTION = 85%

MITIGATION
20” X $275 = $5,500
$5,500 X .85 = $4,675 Deduction
$5,500 - $4,675 = $825

TOTAL MITIGATION = $825.00

Tree Protection and Preservation

Unless otherwise specifically approved, all Street Trees shall be preserved and protected from incidental impacts, injury, and damage by permitted or non-permitted construction activities in the right-of-way. All protection of Street Trees shall follow the same guidelines as set forth in Section 54-330 of the City of Charleston Zoning Ordinance.

Each Street Tree within a work zone that is to be preserved shall be barricaded, including all unpaved areas of the critical root zone to prevent compaction, grading, or other disturbance. The detailing of Street Tree protection barricades shall be consistent with Section 54-330 of the City of Charleston Zoning Ordinance. See Appendix at the end of this manual for tree protection barricade detail. All tree barricades must be in place prior to any approved demolition or construction activities. Street Trees with open planting strips and all unpaved areas within a Street Tree drip line shall be enclosed with the required protection fencing.

Removal and Replacement of Pavement or Sidewalk

A number of development projects require the removal of existing sidewalks. Especially in the historic districts of Charleston, these sidewalks surround well established Street Trees. Removal of existing pavement over tree roots is often necessary within the critical root zone of a Street Tree. In any case of construction activity within the root zone of a Street Tree, the exposed roots shall be protected from injury. This is achieved through careful removal of pavement.

Once pavement is broken into manageable pieces it can be carefully removed. All equipment must remain on undisturbed pavement and off exposed roots. All base material around roots shall remain intact prior to determining root pruning strategies. These strategies must be determined by Parks in consultation with the on-site arborist of record. In dry and hot conditions, apply untreated wood chips, burlap or other
means of moisture control over the exposed roots within one hour, and keep the area moist until overlay surface is applied. See Required Notes, page 16.

**Promote Longevity of Trees and Pavement**

Charleston is accustomed to the effects of significant root growth and its impacts on sidewalks, walls, streets, and buildings. As new development arises, the chance of conflict between trees and surrounding pavement is ever greater. It is imperative to loosen soils to promote deep rooting and find ways to maximize available soil volume for healthy root development.

When there is oxygen, water, and space under sidewalk pavement, tree roots will grow. The growth of roots under pavement result in lifting or cracking of the pavement. When pavement lifting is excessive, a pedestrian tripping hazard is created. It then becomes a challenge to preserve the tree while continuing to allow pedestrian use of the sidewalk.

The best opportunity of dealing with sidewalk lifting problems is at the time of tree planting or concrete installation. Tree species can be selected to fit the available space. If space is limited, small maturing trees or species known not to damage pavement should be planted. Alternatively, modifications can be made under or next to the pavement to reduce root growth. Modifications that will extend the useful life of sidewalk pavement include installation of root barriers alongside the pavement or installing a root-excluding base beneath the concrete. Root barriers must be at least 18 inches deep and the top must be above the soil and mulch surface to be effective. Base layers that successfully exclude roots include washed coarse gravel (1-1.5 inches diameter, with no fines) and foam insulation boards. A gravel base at least 4 inches is recommended, thicker is better. Gravel is only effective in well drained soils. Foam boards are commonly available from 1 to 2 inches thick. Two 2-inch thick boards can be glued together to provide a 4 inch base for the greatest protection from root growth damage.

The City of Charleston has adopted a standard detail for proposed Street Trees with a surrounding landscape application. This detail shall be utilized in the right-of-way for all Street Tree applications. See Appendix at the end of this manual.
The Street Tree population in Charleston is as historic and diverse as its citizens. All Street Trees provide specific aesthetic, human health, environmental and economic benefits. The Street Tree population in Charleston has evolved by cycles of planting, growth, death, removal, and replacement.

Charleston streets are known for fabulous Live Oak canopies, tall Palmettos and colorful Crape Myrtles. These Street Trees have proven their effectiveness, ability to adapt to harsh conditions and survive years of impact from nature and man. Just beyond the city urban limits are forests of tree species that over time have adapted (via aid from nature or man) for suitable use in local streetscapes. For a number of reasons, diversity in Street Trees is important to the survivability of all Street Trees. As Charleston continues to grow, the Street Tree population must adapt to the conditions presented.

In general, no one species should account for more than 10% of the entire population. Further, no one genus should account for more than 20% of the total population. We encourage developers to select species that perform well as Street Trees, yet are underrepresented in the overall Street Tree inventory. Live Oaks, Crape Myrtles, and Palmettos will be allowed, but they should not represent the majority of new streetscape trees.

Street Tree Selection

Parks is willing to consider any species for approval except for those shown on the unapproved Street Tree list. For trees listed on the conditionally approved list, approvals are granted by Parks on a case-by-case basis.

Commonly Approved Street Trees Found in Charleston

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live Oak</td>
<td>Quercus virginiana</td>
</tr>
<tr>
<td>Overcup Oak</td>
<td>Quercus lyrata</td>
</tr>
<tr>
<td>Pin Oak</td>
<td>Quercus palustris</td>
</tr>
<tr>
<td>Nuttall Oak</td>
<td>Quercus texana</td>
</tr>
<tr>
<td>Sawtooth Oak</td>
<td>Quercus acutissima</td>
</tr>
<tr>
<td>Shumard Oak</td>
<td>Quercus shumardii</td>
</tr>
<tr>
<td>Southern Red Oak</td>
<td>Quercus falcata</td>
</tr>
<tr>
<td>Crape Myrtle</td>
<td>Lagerstroemia indica</td>
</tr>
<tr>
<td>Cabbage Palmetto</td>
<td>Sabal Palmetto</td>
</tr>
<tr>
<td>Chinese Pistache</td>
<td>Pistacia chinensis</td>
</tr>
<tr>
<td>Sweetbay Magnolia</td>
<td>Magnolia virginiana</td>
</tr>
<tr>
<td>Blackgum</td>
<td>Nyssa sylvatica</td>
</tr>
<tr>
<td>Chinese Fringetree</td>
<td>Chionanthus retusus</td>
</tr>
<tr>
<td>American Hornbeam</td>
<td>Carpinus caroliniana</td>
</tr>
<tr>
<td>Trident Maple</td>
<td>Acer buergerianum</td>
</tr>
<tr>
<td>Eagleston Holly</td>
<td>Ilex x attenuata ‘Eagleston’</td>
</tr>
<tr>
<td>Dahoon Holly</td>
<td>Ilex cassine</td>
</tr>
<tr>
<td>Savannah Holly</td>
<td>Ilex x ‘Savannah’</td>
</tr>
</tbody>
</table>
### Conditionally Approved List

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulip Poplar</td>
<td>Liriodendron tulipifera</td>
</tr>
<tr>
<td>American Sycamore</td>
<td>Platanus occidentalis</td>
</tr>
<tr>
<td>London Planetree</td>
<td>Platanus x acerifolia</td>
</tr>
<tr>
<td>Bald Cypress</td>
<td>Taxodium distichum</td>
</tr>
<tr>
<td>Chinese Elm</td>
<td>Ulmus parvifolia</td>
</tr>
</tbody>
</table>

### Unapproved List

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bradford Pear</td>
<td>Pyrus calleryana 'Bradford'</td>
</tr>
<tr>
<td>Popcorn Tree</td>
<td>Carya illinoinsensis</td>
</tr>
<tr>
<td>Pine</td>
<td>Pinus sp.</td>
</tr>
<tr>
<td>Red Maple</td>
<td>Acer rubrum</td>
</tr>
<tr>
<td>Sweet Gum (fruited or fruitless)</td>
<td>Liquidambar styraciflua</td>
</tr>
<tr>
<td>Water Oak</td>
<td>Quercus nigra</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
</tr>
</tbody>
</table>

Pruning of Street Trees under power line.
STREET TREE SPACING AND PLANTING GUIDANCE

Street Tree species selection must take into account existing and proposed utilities, hardscape elements, as well as the minimum planting space necessary for each species. Street trees shall be selected and planted appropriately in order to minimize conflict in public spaces.

Spacing of Street Trees is determined on a number of circumstances and there is no set required vertical and lateral clearance. In light of this, there are some typical clearances that might be applied to the decision regarding the approved location of Street Trees.

**Vertical Clearances: Tree Canopy Above Surfaces**

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Standard Clearance (Distance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk</td>
<td>Any horizontal projection over a surface</td>
<td>6 - 8 Feet</td>
</tr>
<tr>
<td>Roadway</td>
<td>Tree limbs</td>
<td>12 - 14 Feet</td>
</tr>
<tr>
<td>Bike Path</td>
<td>Any horizontal projection over a surface</td>
<td>8 - 10 Feet</td>
</tr>
</tbody>
</table>

Trees with a mature height of greater than 15' are prohibited from planting under distribution power lines. No large canopy tree should ever be planted under an overhead utility line.

**Lateral Clearances: Tree Planting Adjacent To Other Infrastructure**

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Standard Clearance (Distance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Centerline</td>
<td>Face of curb</td>
<td>3 - 4 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Sidewalk or sidewalk landing</td>
<td>2 - 3 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Driveway edge</td>
<td>6 - 7 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Edge of decorative streetlight pole</td>
<td>15 - 20 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Edge of fire hydrants</td>
<td>5 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Edge of utility poles</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Underground utilities</td>
<td>3 - 5 Feet</td>
</tr>
<tr>
<td>Tree Centerline</td>
<td>Roadway edge where no curb exists</td>
<td>10 Feet</td>
</tr>
</tbody>
</table>

**Street Tree Spacing**

Tree spacing is based largely on crown spread, understanding tree species growth habits, and surrounding items located within the planting area.

**General Spacing by Canopy Size**

<table>
<thead>
<tr>
<th>Large Tree</th>
<th>40’+ Canopy</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>30’ Minimum</td>
<td>60’ Maximum</td>
<td>45’ Preferred</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Medium Tree</th>
<th>15’ to 40’ Canopy</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15’ Minimum</td>
<td>40’ Maximum</td>
<td>30’ Preferred</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Small Tree</th>
<th>Less than 15’ Canopy</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15’ Minimum</td>
<td>25’ Maximum</td>
<td>15’ Preferred</td>
</tr>
</tbody>
</table>

Small and columnar trees should be planted only if the space is limited. Spacing for columnar varieties may be spaced more closely upon approval by Parks.

City of Charleston Street Tree Manual
Planting Stock and Material

All trees approved for the right-of-way shall meet ANLA Nursery Stock Standards, to provide root and canopy development to support healthy, vigorous growth with natural resistance against disease and/or pest infestation. Trees with broken or inappropriately pruned tops, injured trunks, or branch damage that cannot be corrected by minor pruning are not suitable as Street Trees. For more information on industry standards, and how to select quality trees from local suppliers, see the additional resources links at the end of this manual.

Soil amendments such as compost or other soil conditioners are typically included as a standard for construction projects that construct new planting strips. Soil amendment is not required nor recommended for Street Tree installations in existing planting strips with well-developed soil and appropriate site and soil properties for drainage. Soil amendments in the backfill do not reduce the watering requirements.

Standard tree planting pits should be excavated to a depth equal to the depth of the rootball with diameter of planting hole a minimum of 24 inches greater than the root ball diameter. Excavated native soil should be placed as backfill free of debris, weeds, sod and rocks larger than 1 inch.

Trees should be handled to ensure protection and full support under the root ball, placed with the root crown two inches above adjacent curb and sidewalk surfaces, and oriented to align structural branches for optimum compatibility with buildings and adjacent street/sidewalk clearances. It is imperative that twine, burlap and wire baskets be removed to expose the top 2/3 of the root ball. Full removal of twine, burlap and wire baskets is preferred. Lack of this removal/treatment will result in automatic replacement of tree by developer or contractor.

All other containers, grow bags and materials used in the commercial production of nursery stock must be removed entirely from the root ball. Roots should be pruned, loosened and/or straightened to ensure proper growth and establishment.

2”-3” Premium Dyed Brown Shredded Pine Bark mulch (City of Charleston Parks Department standard) should be placed on top of root ball. Mulch shall not cover the root flare and keep 6” away from the base of any/all tree trunks. The final product should be a uniform coverage and thickness. Any mulch “volcanoes” or excessively placed mulch will not be accepted. The minimum diameter of any mulch ring shall be 4’ if possible. NOTE: Proper installation and ongoing management of mulch topdressing is necessary to retain soil moisture and protect trees from damage by lawn maintenance equipment.

Correctly planted trees do not require staking. If staking is deemed to be necessary, the staking shall only remain for one year following installation. All stakes must be removed by the developer after one year. See the additional detailing for approved staking methods at the end of this manual.
Place backfill soil around root ball, lightly compacting the soil with pole or shovel handle to eliminate voids. Construct a watering ring (soil berm at 3”-4”; height x 4” diameter) and water thoroughly to ensure settlement of the backfill material. See Appendix at the end of this manual.

After Planting Care and Establishment

Watering is necessary for the establishment and survival of new Street Trees. Newly planted trees, including drought tolerant species, are dependent upon supplemental irrigation until established, typically for two to three years. Monitor and water trees weekly during summer months and especially during drought conditions to ensure adequate watering frequency suited to the tree species and soil conditions. Trees shall be watered at time of installation and throughout the warranty period.

It should be noted that trees are often irrigated up to twenty-one times per week at the nursery. Live Oaks (2.5” caliper) take 12 months to establish roots in the landscape when watered regularly 2-3 times per week. Larger trees take longer. For bare minimum survival, a 2.5” caliper Live Oak planted in the spring needs water twice weekly for approximately 10 weeks, then can survive with average rainfall. You cannot make up for lack of frequency with larger volumes less often. It is better to apply water frequently in the weeks and months immediately after planting, than to apply the same volume over a longer period.

Periods of extreme heat, wind or drought may require more or less water than recommended here. The method and amount that is applied may vary depending upon soil composition, heat, wind, planted in turf or ground cover, periods of abnormal rainfall or in poorly drained soils.

Recommended Watering Schedule

<table>
<thead>
<tr>
<th>Caliper</th>
<th>Watering Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;2” Caliper</td>
<td>2-3 gallons per inch of caliper every day for 1-2 weeks&lt;br&gt;2-3 gallons per inch of caliper every other day for 1-2 months&lt;br&gt;2-3 gallons per inch of caliper weekly for two months&lt;br&gt;Additional watering as needed throughout the first year</td>
</tr>
<tr>
<td>&lt;2-4” Caliper</td>
<td>2-3 gallons per inch of caliper every day for 1 month&lt;br&gt;2-3 gallons per inch of caliper every other day for 2-3 months&lt;br&gt;2-3 gallons per inch of caliper weekly for two months&lt;br&gt;Additional watering as needed throughout the first year</td>
</tr>
</tbody>
</table>
### 4" Caliper

- 2-3 gallons per inch of caliper every day for 6 weeks
- 2-3 gallons per inch of caliper every other day for 5 months
- 2-3 gallons per inch of caliper weekly until established
- Additional watering as needed throughout the first year

### Palmettos

Watering is based on the average daily temperatures and soil type at the location. Water trees by flooding saucer and allowing water to perk in and then flood again, or put a hose on slow drip and saturate soil completely.

### Temperature

<table>
<thead>
<tr>
<th>Temperature Range</th>
<th>Watering Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-55 = no watering needed</td>
<td>55-70 = water one (1) time per week</td>
</tr>
<tr>
<td>70-85 = water two (2) times per week</td>
<td>85 - up = water four (4) times per week</td>
</tr>
</tbody>
</table>

Plans for automated irrigation systems shall be submitted at the time of the Technical Review Committee review for approval. Irrigation systems in the right-of-way must receive an encroachment permit from the City of Charleston Public Service Department. Typically, irrigation systems decrease room for root growth in tree wells. For other obvious reasons, irrigation systems within the public right-of-way may create unnecessary maintenance and infrastructure conflicts.
Projects with proposed Street Trees must provide the following information on landscape plans in order to receive TRC Approval from Parks:

1. Guarantee Statement
   - Trees 2-3.5” caliper require a one (1) year warranty
   - Trees 4-6” caliper require a two (2) year warranty
   - Trees 6”+ caliper require a three (3) year warranty
   - Palmettos require a two (2) year warranty
   - Warranty period begins at written acceptance of street tree installation by Parks

2. Watering Schedule (See Previous Pages)

3. List of Proposed Street Trees (Street Tree Plant Schedule)
The list should be separated from the planting list for private areas. The proposed Street Tree list should include common name, botanical name, quantities, caliper, and other specifications such as: minimum height/spread, root ball type, mulch requirements, remarks, etc.

4. Note - Language must appear exactly as stated below:
   "Trees planted in the right-of-way must meet ANLA Nursery Stock Standards, and species selection must be approved by the Department of Parks. The City of Charleston Department of Parks reserves the right to reject any Street Tree deemed to be unacceptable."

5. Street Tree Planting Detail
The Street Tree planting detail for canopy trees located in the back of this manual shall be included on landscape plans.
Street Tree Bank

The Street Tree Bank is an account established specifically for Street Tree requirements. Should the developer choose to utilize this instrument; a tree bank analysis shall be submitted for review/approval. Please refer to contact information at the end of this manual. The developer shall pay Parks 100% of the approved estimated cost as determined in the tree bank analysis, at which time, the Street Tree requirements are considered satisfied. The City will then utilize the deposited funds to pay for the Street Tree installation and establishment per the approved plans after the adjacent building construction is completed. Projects will be planted in full blocks when possible, and all projects will be planted within five (5) years of acceptance of the right-of-way regardless of the status of adjacent construction. Parks reserves the right to change Street Tree species depending on the final building product or current information. Changes will be made in consultation with the developer when possible.

Street Tree Bank Analysis
A tree bank analysis is 100% of the estimated cost of the trees, installation, watering, mulching, and staking, if necessary. The analysis shall be based on current market rates for tree species and installation. Parks has the right to request a contractor estimate to back up pricing. The tree bank analysis shall be submitted to Parks for review and approval prior to submitting for a final plat for recording. Please refer to contact information at the end of this manual. Please include the approved Street Tree layout plan with the bank analysis. This plan should include street names, be full size, and drawn to a standard engineering scale. Please allow two (2) weeks for approval. Once approved, a copy of the bank analysis will be sent back to the applicant via email. Please keep this copy for your records. A copy of the approved tree bank analysis will be required to be submitted to the City of Charleston’s Engineering Division when submitting your final plat for recording. Payment in full must be received by Parks prior to final plat recording.

Street Tree Bonding

If Street Trees are not installed through the Tree Banking process, projects (or project phases) with 10 or more trees must be bonded at 150% of the estimated cost. This cost shall include the price of the trees, installation of the trees, approved watering method, mulching, and staking, if necessary. Smaller bonds may be considered based on market conditions.

Bonds shall be issued for 24 months (730 days) initially and renewed for up to three (3) additional 12 month periods, as necessary. Street Trees shall be planted during the appropriate season to increase survivability. Trees shall not be planted from April through September. Palmettos may be planted throughout the year, pending appropriate watering methods are performed.

Street Tree Bond Analysis
A Street Tree bond analysis is 150% of the estimated cost of the trees, installation, watering, mulching, and staking. The Street Tree bond analysis shall be submitted by the developer or developer’s representative to Parks for review and approval prior to submitting a final plat for recording. Please include the approved Street Tree layout plan with the bond analysis. This plan should include Street Tree names, be full size, and drawn to an appropriate engineering scale. Allow two (2) weeks for approval. Once approved, a copy of the bond analysis will be sent back to the applicant via mail, hand delivery, or electronic mail. Please keep a copy for your records. A copy of the approved bond analysis will be required to be submit-
ted to the City of Charleston’s Public Service Department when submitting your final plat of recording.

**Street Tree Performance Bond Agreement**
The developer or developer’s representative brings the Street Tree Performance Bond Agreement and Bonding Instrument to for verification against the Street Tree Bond Analysis. Upon approval, the Street Tree Performance Bond Agreement is signed and given back to the Developer. Parks will keep a copy of the Street Tree Performance Bond Agreement and Bonding Instrument for their records. Please allow at least two (2) weeks for this process.

**Public Dedication Process**
If the developer plans to pursue the public dedication process, then they will bring the executed Street Tree Performance Bond Agreement and Bonding Instrument with them to the City of Charleston Public Service Department, who will submit as a single package to City of Charleston Budget, Finance, Revenue, and Collections (BFRC) for recording upon completion of the dedication process detailed in the Appendix of the Manual. Developers will be provided a copy of the bond paperwork for their records.

**No Public Dedication Process**
In the event a particular project is required to provide Street Trees but does not require plat dedication, the developer or developer’s representative brings the Street Tree Performance Bond Agreement and Bonding Instrument to Parks for verification against the Street Tree Bond Analysis. Upon approval, the Street Tree Performance Bond Agreement is signed and submitted as a single package directly to BFRC for recording upon completion of the dedication process detailed in the Appendix of the Manual. Parks will keep a copy of the Street Tree Bond Agreement and bonding instrument for their records. Another copy will be sent back to the applicant via mail, hand delivery, or electronic mail. Please allow at least two (2) weeks for this process.

**Bonding Instrument**
A bonding instrument is considered a letter of credit, performance bond, cashier’s check, or other financial instrument deemed acceptable to the City of Charleston’s Corporation Counsel and BFRC.

**Release of Performance Bond**
Once the required Street Trees have been installed and the developer or the developer’s representative is ready for a formal inspection, Parks must be contacted to conduct a field inspection. A field inspection will be scheduled within two (2) weeks upon notification.

Upon final inspection and acceptance, Parks will notify Legal and BFRC staff that the applicant’s obligations have been met. At this time, the bond may be released and the warranty period for the Street Trees will begin. **A Street Tree Warranty Bond must be submitted and approved by Parks prior to the release of the Street Tree Performance Bond.** The developer or the developer’s representative is responsible for contacting Parks to schedule inspections for the release of bonds. **All bonds will be released to the original bond holder.**

**Warranty Bond**
Once the required Street Trees have been approved and the Street Tree Performance Bond has been released, the warranty period shall begin. In order to be placed into the warranty period a Warranty Agreement For Street Trees With Bond is signed and submitted and approved by Parks. A bonding instrument must also be submitted with the warranty agreement. **The bond amount shall be 10% of the bonding analysis subtotal prior to the 150% bond.** A bonding instrument is considered a letter of credit, performance bond, cashier’s check, or other financial instrument deemed acceptable to the City of Charleston’s Corporation Counsel and BFRC. Upon approval, the Warranty Agreement For Street Trees With Bond is...
signed and submitted as a single package directly to BFRC for recording upon completion of the dedication process detailed in the APPENDIX of the Manual. Parks will keep a copy of the Warranty Agreement For Street Trees With Bond and bonding instrument for their records. Another copy will be sent back to the applicant via mail, hand delivery, or electronic mail.

Release of Warranty Bond
Once the required Street Trees have been in the ground for a minimum of one year from initial performance approval, the developer or the developer’s representative is responsible for contacting Parks to schedule a final inspection for the release of the warranty bond.

Upon final warranty inspection and acceptance, Parks will notify Corporation Counsel and BFRC the applicant’s obligations have been met. At this time, the warranty bond will be released. All bonds will be released to the original bond holder.

Trees rejected during this inspection will be replaced by the developer and a new warranty bond for the replaced trees will be required.

Please Note: Due to typical slow growth rate at time of planting, palm trees require a 2-year warranty period.

Notice for Inspections of Installation
Please give the Department of Parks at least a two (2) week notice of anticipated installation date. This period will allow for the Department of Parks to review flagging of tree locations and coordinate with tree installers on potential field issues. Trees that are improperly located and were not flagged out for Department of Parks approval may be relocated at the developer’s expense.

Notice of Acceptance or Denial
Parks will notify the developer of acceptance or denial within one (1) week of final inspection. Phases must be complete. If elements of the work are found to be out of compliance with this Street Tree Manual (species, quality, location, etc.) the developer will be notified of the deficiencies in writing. Bonds will not be released until all elements of the work are completed. Upon correction of deficiencies an additional inspection of the work will be required. Partial releases shall be considered if the original bond consists of fifty (50) or more trees. Additionally, entire blocks must be completed for a partial release. No less than 50% of the original bond will be released.

Contact Information:

Rodney H. Porter (Primary)                  F. Clark DeCiantis (Secondary)
Sr. Landscape Architect                    Deputy Director
City of Charleston - Department of Parks    City of Charleston - Department of Parks
823 Meeting Street                          823 Meeting Street
Charleston, SC 29403                        Charleston, SC 29403
porterr@charleston-sc.gov                   deciantisf@charleston-sc.gov
843.724.7322                                  843.724.7148
Street Tree planting in a new Charleston development.

City of Charleston Street Tree Manual
APPENDIX

Standard Details, Forms, Process Flow Charts, And Links

Street Tree Protection Barricade Detail
Street Tree Planting Detail
Street Tree Staking Detail
Cobblestone Tree Well Detail
Palm Tree and Tree Well Detail
Street Tree Well Detail
Street Tree Bank Analysis Flow Chart
Sample Street Tree Banking Analysis Form
Street Tree Bond Analysis Flow Chart
Sample Street Tree Bond Analysis Form
Street Tree Performance Bond Flow Chart
Sample Street Tree Bonding Agreement
Sample Warranty Agreement for Street Trees With Bond

Web Links

American Nursery & Landscape Association (ANLA)
https://www.americanhort.org/page/standards

International Society of Arboriculture
https://www.isa-arbor.com/

City of Charleston Urban Forestry Division
https://www.charleston-sc.gov/269/Urban-Forestry-Division

City of Charleston Street Tree Program
https://www.charleston-sc.gov/271/Street-Tree-Program
CROWN DRIP LINE OR OTHER LIMIT OF TREE PROTECTION AREA. SEE TREE PRESERVATION PLAN FOR FENCE ALIGNMENT.

8.5"x11" LAMINATED SIGN SPACED AROUND PROTECTION

SECTION VIEW

4" THICK LAYER OF DOUBLE GROUND PINE BARK MULCH

TREE PROTECTION FENCE: HIGH DENSITY POLYETHYLENE FENCING WITH 3.5"X1.5" OPENINGS. COLOR - ORANGE.

1" DIA. METAL OR PVC CROSS RAIL SECURED TO POST THROUGH POST CAPS

1" DIA. METAL POST WITH CAPS AT 5' OC

EXISTING GRADE. MAINTAIN EXISTING GRADE WITH THE FENCE PROTECTION UNLESS OTHERWISE APPROVED

NOTES
1. SEE SPECIFICATIONS FOR ADDITIONAL TREE PROTECTION REQUIREMENTS.
2. NO PRUNING SHALL BE PERFORMED WITHOUT SPECIFIC CONSULTATION AND APPROVAL BY THE CITY OF CHARLESTON DEPARTMENT OF PARKS. ALL PRUNING MUST BE PERFORMED BY A CERTIFIED ARBORIST.
3. NO EQUIPMENT SHALL OPERATE INSIDE THE PROTECTIVE FENCING FOR ANY REASON INCLUDING FENCE INSTALL
4. TREE BARRICADES SHALL BE ERECTED AT A MINIMUM DISTANCE FROM THE BASE OF THE PROTECTED TREES AND/OR GRANTS TREES ACCORDING TO THE FOLLOWING STANDARDS:
   - FOR PROTECTED TREES 23" DIAMETER BREAST HEIGHT (DBH) OR LESS, PROTECTIVE BARRICADES SHALL BE PLACED A MINIMUM DISTANCE OF TEN FEET FROM THE BASE OF EACH PROTECTED TREE.
   - FOR PROTECTED TREES GREATER THAN 23" DBH AND GRANTS TREES, PROTECTIVE BARRICADES SHALL PROVIDE A DIAMETER OF PROTECTION AROUND THE TREE EQUAL IN FEET TO THE DBH OF THE TREE (24" DBH TREE = 24" DIA. BARRICADE).
5. BARRICADES MAY BE ADJUSTED TO ADDRESS EXISTING TREE WELLS, SIDEWALKS, OR OTHER ITEMS. ADJUSTMENTS MUST BE MADE UPON STRICT REVIEW AND APPROVAL FROM THE DEPARTMENT OF PARKS.

STREET TREE PROTECTION BARRICADE

<table>
<thead>
<tr>
<th>NO.</th>
<th>REVISED</th>
<th>BY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

City of Charleston
Department of Parks
823 Meeting Street, Charleston, SC 29403

APPROVED
DIRECTOR

DATE:       DETAIL NO.:           PAGE No.: 1
           1 OF 1
**SECTION VIEW**

**ALL TREES SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1)**

**FOR EXAMPLE: CALIBER HEIGHT (RANGE) MAX. HT. MIN. ROOT BALL DIA. MIN. ROOT BALL DEPTH**

- **2"**
  - 12-14" 16" 24" 16"
- **3"**
  - 14-16" 18" 32" 21"

**NOTES**

1. ALL TREES ARE TO BE NURSERY GROWN, CONTAINER GROWN STOCK FOR PREFERRED FOR NARROW PLANTING WELLS AND VEGETATIVE STRIPS. BALL AND BURLAP (B&B) PREFERRED OTHERWISE.
2. REMOVE ALL TREATED OR PLASTIC-COATED BURLAP, STRAPPING, WIRE OR NYLON TWINE FROM ROOT BALL AND CANOPY. AFTER SETTING IN HOLE, CUT AWAY TOP 2/3 OF WIRE BASKET, IF PRESENT, AND TOP 1/3 OF BURLAP, FOLDING OF WIRE BASKET UNDER SOIL WILL NOT BE ACCEPTED.
3. SOAK PLANT BALL AND PIT IMMEDIATELY AFTER INSTALLATION.
4. INSTALL TOP OF PLANT BALL 2" ABOVE Finish GRADE.
5. 4" SAUCER WILL BE OUTSIDE OF BACKFILL.
6. NO BACKFILL ALLOWED ON TOP OF ROOT BALL.
7. STAKING IS REQUIRED FOR ALL TREES.
8. CONTRACTOR SHALL REMOVE ALL STAKES, GUARDING ETC. AT END OF WARRANTY PERIOD.
9. SEE SPECIFICATIONS FOR OTHER REQUIREMENTS.
10. REMOVE EXCESS SOIL FROM SITE AND DISPOSE OF IN A LEGAL MANNER.
11. RE-SEED UNMULCHED, DISTURBED AREAS.
12. MULCH LAYER SHALL BE MAINTAINED DURING ENTIRE WARRANTY PERIOD AND REPLACED UPON NOTIFICATION BY THE DEPARTMENT OF PARKS.

---

**TREE PLANTING DETAIL**

**City of Charleston**

**Department of Parks**

823 Meeting Street, Charleston, SC 29403
TREE STAKING DETAIL - POST OPTION

REMOVE NURSERY STAKE. IF CENTRAL LEADER NEEDS TO BE STRAIGHTENED OR HELD ERECT, IT IS ACCEPTABLE TO ATTACH A 1/2" X 8' BAMBOO POLE TO THE CENTRAL LEADER AND TRUNK.

36" LONG NON-ABRASIVE RUBBER STRAPS

TWO (2) OR THREE (3) INCH LONG LODGE POLE STAKES. INSTALL APPROXIMATELY 2' AWAY FROM THE EDGE OF THE ROOT BALL. STAKE LOCATION SHALL NOT INTERFERE WITH PERMANENT BRANCHES.
URBAN COBBLESTONE TREE WELL DETAIL

NOTES
2. BRICK SHALL BE OLD CAROLINA BRICK. BRICK COLOR SHALL BE SAVANNAH GRAY.
3. MORTAR COLOR SHALL BE IVORY BUFF
4. CONTRACTOR TO REMOVE, AT BACK OF CURB, CONCRETE GRAINTE FOOTING AT NEW TREE WELL LOCATIONS.
5. COBBLESTONES SHALL BE 4"X4"X4" TUMBLED SMOOTH GRAINTE, BUTTED EDGE TO EDGE ON 1' BED OF GRAINTE SCREENINGS, TOPPED WITH ADDITIONAL GRAINTE SCREENINGS TO FILL VOIDS AND COMPACTED.
NOTES
1. 36” minimum paved sidewalk area will be required at all tree wells.
2. Contractor to coordinate proposed tree locations w/ installation of curbing so no joint intersects with tree well.
3. Tree well shall receive premium shredded brown pine mulch at a depth of 3” min.
4. Cross slopes shall not exceed 2% slope on all sidewalks within R.O.W.
5. Fully remove all treated or plastic-coated burlap, strapping, wire or nylon twine from root ball and canopy. Folding of wire basket under soil will not be accepted.
6. Soak plant ball and pit immediately after installation.
7. Install top of plant ball 1” below finish grade.
8. 4” saucer will be outside of backfill.
9. No backfill allowed on top of root ball.
10. Staking is not required for palms but encouraged.
11. Contractor shall remove all stakes, guying etc. at end of warranty period.
12. See specifications for other requirements.
13. Remove excess soil from site and dispose of in a legal manner.
14. Re-seed unmulched, disturbed areas.
15. Mulch layer shall be maintained during entire warranty period and replaced upon notification by the Department of Parks.

URBAN PALM TREE WELL DETAIL

City of Charleston
Department of Parks
823 Meeting Street, Charleston, SC 29403

DRAWN BY: RHP
CHECKED: FCD

APPROVED

DIRECTOR

DATE:

DETAIL NO.: 1
PAGE No.: 1 OF 1
NOTES:
1. 36" MINIMUM PAVED SIDEWALK AREA WILL BE REQUIRED AT ALL TREE WELLS.
2. CONTRACTOR TO COORDINATE PROPOSED TREE LOCATIONS W/ INSTALLATION OF CURBING SO NO JOINT INTERSECTS WITH TREE WELL.
3. TREE WELL SHALL RECEIVE PREMIUM SHREDDED BROWN PINE MULCH AT A DEPTH OF 3" MIN.
4. CROSS SLOPES SHALL NOT EXCEED 2% SLOPE ON ALL SIDEWALKS WITHIN R.O.W.
5. FULLY REMOVE ALL TREATED OR PLASTIC-FOAMED BURLAP, STRAPPING, WIRE OR NYLON TWINE FROM ROOT BALL AND CANOPY. FOLDING OF WIRE BASKET UNDER SOIL WILL NOT BE ACCEPTED.
6. SOAK PLANT BALL AND PIT IMMEDIATELY AFTER INSTALLATION.
7. INSTALL TOP OF PLANT BALL 1" BELOW FINISH GRADE.
8. 4" SAUCER WILL BE OUTSIDE OF BACKFILL.
9. NO BACKFILL ALLOWED ON TOP OF ROOT BALL.
10. STAKING IS NOT REQUIRED FOR PALMS BUT ENCOURAGED.
11. CONTRACTOR SHALL REMOVE ALL STAKES, GUARDING ETC. AT END OF WARRANTY PERIOD.
12. SEE SPECIFICATIONS FOR OTHER REQUIREMENTS.
13. REMOVE EXCESS SOIL FROM SITE AND DISPOSE OF IN A LEGAL MANNER.
14. RE-SEED UNMULCHED, DISTURBED AREAS.
15. MULCH LAYER SHALL BE MAINTAINED DURING ENTIRE WARRANTY PERIOD AND REPLACED UPON NOTIFICATION BY THE DEPARTMENT OF PARKS.
Street Tree Bank Analysis Flow Chart

DEPT. OF PARKS EMAILS CONTACT AND REQUESTS UPDATES TO SUBMITTAL

DEPT. OF PARKS REVIEWS COMPLETENESS OF PACKET

APPLICANT SUBMITS STREET TREE ANALYSIS PACKET

COMPLETE

DEPT. OF PARKS ANALYZES MATERIALS
- VERIFIES ALL STREET TREES ON PLAN ARE INCLUDED IN ANALYSIS
- VERIFIES ACCURACY OF CALCULATIONS
- VERIFIES UNIT COST PRICING
- REVIEWS PUD REQUIREMENTS, IF APPLICABLE

APPROVED

DEPT. OF PARKS SIGNS ANALYSIS, SCANS SIGNED COPY, EMAILS TO CONTACT

DISAPPROVED

APPLICANT MAKES CORRECTIONS AND RESUBMITS ANALYSIS

DEPT. OF PARKS EMAILS CONTACT AND NOTIFIES CORRECTIONS ARE REQUIRED

DEVELOPER SUBMITS:
1) COVER SHEET
   - NAME OF PROJECT
   - CONTACT PERSON AND CONTACT INFORMATION
   - DEVELOPER'S INFORMATION
2) ONE FULL SIZE STREET TREE PLANTING PLAN
   - LOCATION OF STREET TREES
   - LOCATION OF STREET LIGHTS
   - LOCATION OF SIDEWALK
   - LOCATION OF PROPERTY LINES
3) BOND ANALYSIS SHEET
   - LISTING BY SPECIES INCLUDING CALIPER & HEIGHT
   - UNIT PRICE FOR EACH TREE
   - COST FOR INSTALLATION
   - COST FOR WATERING
   - COST FOR STAKING AND MULCH

City of Charleston Street Tree Manual
Summary of Street Tree Banking for
*Development X*

(Title of Project)

*Developer X* will be submitting the tree banking for street trees for *Development X, Phase X*. The probable cost for these improvements is contained in the table below and would be the basis for bonding. Tree prices include installation costs. Watering prices are based on unit cost, per tree, per week for 52 weeks and given to us by *X Landscape Company*.

<table>
<thead>
<tr>
<th>Common Name of Tree</th>
<th>Quantity</th>
<th>Caliper</th>
<th>Height/Spread</th>
<th>Cost of Tree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quercus Virginiana/Live Oak</td>
<td>32</td>
<td>2.5&quot;</td>
<td>14-16'</td>
<td>$400.00</td>
<td>$12,800.00</td>
</tr>
<tr>
<td>Quercus Shumardii/Shumard Oak</td>
<td>10</td>
<td>2.5&quot;</td>
<td>14-16'</td>
<td>$400.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Pine Straw Bales (1 Per Tree)</td>
<td>42</td>
<td></td>
<td></td>
<td>$6.00</td>
<td>$252.00</td>
</tr>
<tr>
<td>Installation of Trees and Gator Bags</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$17,052.00</td>
</tr>
</tbody>
</table>

Watering for trees 2 times a week for 12 months ($5/tree/per week) $10,920.00

**BANK TOTAL: $27,972.00**

Bank Amount Approved By:

_________________________________________ Date: __________________

Rodney H. Porter, PLA  
Sr. Landscape Architect  
City of Charleston, Department of Parks
Street Tree Bond Analysis Flow Chart

APPLICANT SUBMITS STREET TREE ANALYSIS PACKET

DEPT. OF PARKS REVIEWS COMPLETENESS OF PACKET

COMPLETE

DEPT. OF PARKS ANALYZES MATERIALS
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- VERIFIES UNIT COST PRICING
- REVIEWS PUD REQUIREMENTS, IF APPLICABLE

APPROVED

DEPT. OF PARKS SIGNS ANALYSIS, SCANS SIGNED COPY, EMAILS TO CONTACT

DISAPPROVED

DEPT. OF PARKS EMAILS CONTACT AND NOTIFIES CORRECTIONS ARE REQUIRED

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INCOMPLETE

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   - COST FOR INSTALLATION
   - COST FOR WATERING
   - COST FOR STAKING AND MULCH

City of Charleston Street Tree Manual
Summary of Street Tree Performance Bond Analysis for

*Development X*

(Title of Project)

*Developer X* will be submitting the bond for street trees for *Development X, Phase X*. The probable cost for these improvements is contained in the table below and would be the basis for bonding. Tree prices include installation costs. Watering prices are based on unit cost, per tree, per week for 52 weeks.

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<tr>
<th>Common Name of Tree</th>
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<td>Installation of Trees and Gator Bags:</td>
<td>$17,052.00</td>
</tr>
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</table>

Watering for trees 2 times a week for 12 months ($5/tree/per week) | $10,920.00

**SUBTOTAL:** | $27,972.00

**TOTAL BOND AMOUNT (150% OF SUBTOTAL):** | $41,958.00

Bond Amount Approved By:

________________________________________________________________________

Date: ______________________

Rodney H. Porter, PLA
Sr. Landscape Architect
City of Charleston, Department of Parks
STATE OF SOUTH CAROLINA

COUNTY OF Charleston

STREET TREE BONDING AGREEMENT

THIS STREET TREE BONDING AGREEMENT (this “Agreement”) made and entered into this ___ day of ____________, 20___, by and between ___________________________ (hereinafter the “Owner”), and THE CITY OF CHARLESTON, SOUTH CAROLINA (hereinafter the “City”), in the state aforesaid.

WHEREAS, the Owner has submitted to the City a subdivision plat entitled “__________,”

dated ____________, 20___, prepared by ___________________________, and recorded in the RMC Office for Charleston County in Plat Book ____, at Page ____ (hereinafter the “Plat”) of the Owner’s project identified as ___________________________,

(hereinafter the “Project”); and

WHEREAS, as a condition of approval of the aforesaid Plat, the Owner has agreed to post a bond or other adequate security in a form acceptable to the City for the completion of certain street tree improvements required for the Project (hereinafter the “Bonded Improvements”); and

NOW, THEREFORE, in consideration of the foregoing and of mutual promises contained in this Agreement, the parties in this Agreement agree as follows:

1. As a condition of approval of the Plat by the City, the Owner hereby agrees to obtain a Street Tree Bond in a form acceptable to the City for the benefit of the City (hereinafter the “Street Tree Bond”). Said Street Tree Bond shall contain the following terms:

   a. The amount of the Street Tree Bond shall be _______________________________ Dollars and __/100 ($_________), which represents one and one-half (1½) times the estimate of the cost to construct the Bonded Improvements as shown on the Project construction drawings approved by the city engineer and as verified by an independent cost estimate for the construction of the Bonded Improvements prepared by ___________________________, attached hereto and incorporated by reference herein.

   b. The Owner shall authorize the City to draw against the Street Tree Bond upon presentation of a statement signed by an authorized officer of the City that the Owner has failed to construct the Bonded Improvements as approved on the construction drawings for the Project dated ____________, 20__, last revisions dated ____________, 20__, within 24 month(s) of the date of this Agreement.
2. Upon completion of the Bonded Improvements as shown on the Approved Construction Drawings for the Project, the Owner shall request that the same be inspected by the City. If the inspection by the City verifies that the Bonded Improvements have been completed in accordance with the approved Project construction drawings and the applicable regulations in effect as of the date of the approved construction drawings for the Project, the City shall send notice to the Owner that the conditions of the Street Tree Bond have been satisfied and the Street Tree Bond is to be released to the Owner. In the event the Bonded Improvements have not been properly completed in accordance with the approved Project construction drawings and the applicable regulations in effect as of the date of the approved construction drawings for the Project, the City shall immediately notify the Owner, in writing, specifying what items have not been completed pursuant to the approved Project construction drawings and/or the applicable regulations in effect as of the date of the approved construction drawings for the Project.

3. In the event that it is necessary for the City to complete the Bonded Improvements, the Owner hereby agrees to give the City access to the approved constructions drawings for the Project and to further authorize the City to draw against the Street Tree Bond in accordance with Section 1(b) herein. In such event, the Owner shall cause the Street Tree Bond to be extended by the Surety thereof, if necessary, in order to provide the City with sufficient time in which to construct the Bonded Improvements and draw against the Street Tree Bond in accordance with Section 1(b) herein.

4. Notwithstanding the foregoing, the City reserves the right to issue a stop-work order for the Project and/or withhold the issuance of any certificate of occupancy in the event the Owner has failed to complete the Bonded Improvements in accordance with the terms of this Agreement or extend this Street Tree Bond in accordance with Section 3 herein.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:  
Witness #1  
Witness #2

OWNER  
Name:  
Date:

CITY OF CHARLESTON  
By:  
Its:  
Date:

Witness #1  
Witness #2
STATE OF SOUTH CAROLINA            )    WARRANTY
COUNTY OF ________________            )    AGREEMENT FOR STREET

TREEs WITH BOND

This Warranty Agreement is made and entered into this ___ day of
_____________ 20___, by and between the City of Charleston, a municipal corporation
organized under the laws of the State of South Carolina (hereinafter referred to as “the
City”), and ___________________________________________ (hereinafter
referred to as “Developer”) with its principal place of business being

WHEREAS, Developer has undertaken to make certain street tree improvements
by planting street trees (hereinafter referred to as the “Improvements”) in and for
Development, Improvements more particularly shown on the street tree and lighting plan
for

prepared by ______________________________, dated ___ day of ____________, 20___ (hereinafter referred to as “Street Tree Plan”); and

WHEREAS, Developer wishes to have the above said Improvements dedicated to
the public and accepted by the City for maintenance. These Improvements have been built
in accordance with the City’s Street Tree Manual, as amended from time to time, and a
condition of the City accepting the Improvements for maintenance is that the Developer
agrees to assume warranty responsibility for these Improvements for a period of ___ years
from the date of acceptance by the City; and

WHEREAS, the City has inspected the Improvements, has approved the Street
Tree Plan, and has accepted the public Improvements as shown on the approved Street Tree
Plan.

NOW THEREFORE, for and in consideration of having the Improvements
accepted by the City, and for other good and sufficient consideration, the receipt of which
is hereby acknowledged by the parties hereto, Developer enters into this Agreement with
the City, guaranteeing that Developer shall comply with the following requirements
regarding the Improvements as follows:

1. Developer warrants that it shall, for a period of ___ years from the date of the
acceptance of the above-referenced Improvements by City Council (hereinafter
referred to as the “Warranty Period”):

   A. Take every reasonable precaution to protect the Improvements from damage by the
      elements or from any cause whatsoever at no cost to the City, and;

   B. Remove and replace all street trees determined by the City to be diseased, dead,
      dying or otherwise not in conformance with the City’s Street Tree Manual which are
      or should be discovered during the Warranty Period even if the City performs
repairs, maintenance, removal, and/or replacement due to the defect or defects before the expiration of the ____ year Warranty Period, in which case the Developer shall reimburse the City for its costs incurred therefore and;

C. Provide and maintain suitable barricades for the Improvements wherever necessary, and;

D. Save and hold harmless the City, its officers, agents and employees from any and all claims for damage to persons or property or death, including legal fees and costs associated therewith, sustained as a result of any defect or defects in the Improvements or lack of maintenance thereof or any negligent act or omission by the Developer, its employees, agents, contractors and subcontractors arising out of this Warranty Agreement, and;

E. Save and hold harmless the City, its officers, agents and employees from any and all claims for damage to persons or property or death, including legal fees and costs associated therewith, occurring during any Developer repairs, maintenance, removal, and/or replacement of the Improvements, and;

F. Developer shall not be responsible for damages to the Improvements caused by utilities or others.

2. If in the sole judgment of the City or its designee, repairs, maintenance, removal, and/or replacement to the above-referenced Improvements become necessary at any time during the Warranty Period or after the Warranty Period if the defect or defects are discovered within the expiration of the ____ year Warranty Period, said repairs, maintenance, removal, and/or replacement shall be made by the Developer at the Developer’s expense upon written notice from the City or its designee. Developer shall take out and remove all inferior or defective Improvements and replace the same with good and acceptable trees approved by the City as necessary to bring the Improvements into compliance with the certified Street Tree Plans and the Street Tree Manual following final inspection and preceding the commencement of the ____ year Warranty Period. Failure to remedy any defect in the Improvements as requested by the City or its designee shall extend the Warranty Period until such repairs are completed and accepted by the City. If the City elects to make such repairs, the Developer shall reimburse the City for all expenses associated with such repairs no later than thirty (30) days from demand for reimbursement from the City. Repaired and/or removed and replaced Improvements shall be warranted for a period of ____ years from the date of City’s acceptance of the repair and/or removal and replacement of the Improvement(s).

3. If during the ____ year Warranty Period, the City or its designee determines that any of the Improvements, need emergency repairs, maintenance, removal, and/or replacement in order to comply with federal, state or local regulations, or if the City or its designee determines that any Improvements require emergency repairs, maintenance, removal, and/or replacement in order to protect the public health, safety or welfare, then the City or its designee may demand in writing of Developer that such repairs, maintenance, removal, and/or replacement or maintenance be completed within fifteen (15) calendar
days from receipt of such demand notice from the City. Should the Developer fail to complete such repairs, maintenance, removal, and/or replacement of such Improvements within fifteen (15) calendar days of receipt of such demand notice from the City, then the City may perform such emergency repairs, maintenance, removal, and/or replacement to the Improvements and Developer shall be responsible for the costs of any such repairs, maintenance, removal, and/or replacement to the Improvements performed by the City and shall reimburse the City for all expenses associated with such repairs, maintenance, removal, and/or replacement no later than thirty (30) days from receipt of a demand for reimbursement from the City.

4. As a condition of this Agreement, the Developer shall provide a bond, attached hereto and incorporated herein as Exhibit A, in a form acceptable to the City for the benefit of the City (hereinafter the “Warranty Bond”). The Warranty Bond shall contain the following terms:

A. The amount of the Warranty Bond shall be _______ Dollars and __/100 ($0.00), which represents ten percent (10%) of the cost of the constructed Improvements as shown on the Street Tree Plan approved by the City and as verified by an independent cost estimate for the Bonded Improvements prepared by____________________, attached hereto and incorporated by reference herein as Exhibit B. The Warranty Bond shall either be provided by a reputable Federal Treasury Department approved bonding company with at least a rating of A minus or in a form acceptable by the City.

B. The Developer shall authorize the City to draw against the Warranty Bond upon presentation of a statement signed by an authorized officer of the City that the Developer has failed to maintain or repair the Improvements as required under this Agreement.

C. In the event the City performs maintenance or repairs to the Improvements, the Developer hereby agrees to give the City access to the approved Street Tree Plans for the Project and to draw against the Warranty Bond to pay for the necessary repair, maintenance, removal, and/or replacement to the Improvements. If necessary, the Developer shall cause the Warranty Bond to be extended by the Surety of the Warranty Bond, in order to provide the Surety or the City with sufficient time in which to complete the repairs, maintenance, removal, and/or replacement to the Improvements and draw against the Warranty Bond to pay for such repairs, maintenance, removal, and/or replacement in accordance with this Agreement.

5. During the Warranty Period should the cost of the repairs, maintenance, removal, and/or replacement to the Improvements exceed the Warranty Bond, the City may proceed with the repair, maintenance, removal, and/or replacement of the Improvements and subsequently demand such costs in excess of the Warranty Bond be paid by the Developer. Should Developer not pay such costs within thirty (30) calendar days of the City’s written demand therefor, the City shall be entitled to recover such costs from the Developer, including attorney’s fees and costs, in a court of competent
jurisdiction in Charleston County, South Carolina.

6. The parties hereto shall execute the original agreement with all attached original exhibits.

7. Developer agrees that during the Warranty Period, Developer shall advise the City in writing of any change in its address, contact information or corporate status.

8. Developer assures that it is financially stable, solvent and is fiscally capable of completing any repairs, maintenance, removal, replacement and/or other work to the Improvements that may become necessary pursuant to the terms of this Warranty Agreement.

IN WITNESS WHEREOF, the City of Charleston, South Carolina, and Developer have hereunto set their respective hands and seals the day and year hereinafter set forth.

I, _______________________________________, hereby certify that all Improvements being dedicated to the City has been installed in accordance with the Street Tree Manual as approved by the City of Charleston.

WITNESSES: DEVELOPER / OWNER

Witness #1

__________________________

Name

Witness #2

__________________________

Date:_____________________

WITNESSES: CITY OF CHARLESTON

Witness #1

__________________________

By:_____________________

Witness #2

__________________________

Its:_____________________

Date:_____________________

__________________________

__________________________

__________________________

WAST9-2016
AN ORDINANCE

TO AMEND DIVISION 1 OF ARTICLE II (CITY COUNCIL) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLESTON BY ADDING A NEW SEC. 2-29 (CODE OF CONDUCT), APPLICABLE TO MEMBERS OF CITY COUNCIL (AS AMENDED).

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Division 1 of Article II (City Council) of Chapter 2 of the Code of the City of Charleston (Administration) is hereby amended by adding the following new Sec. 2-29 (Code of Conduct) thereto:

Sec. 2-29. — Code of Conduct.

A. Code of Conduct. A member shall act at all times in accordance with the member’s oath of office when representing the City (the “Oath”), which provides as follows:

I do solemnly swear that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. As Councilmember (or Mayor) of the municipality of Charleston, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law, the purposes for which I have been elected. So help me God.

B. Member. As used herein, the term “member” includes the mayor and individual members of council.

C. Other Rules. This Section 2-29 applies in addition to the other substantive and procedural rules applicable to members contained in the City Code, and under state and federal laws, including, without limitation, state ethics laws. Without limiting the foregoing, Section 61 of Robert’s Rules of Order Newly Revised (11th ed.), as may be amended, shall apply to breaches of order by members in a meeting.
D. Compliance and Enforcement. Other members should point out to the offending member infractions of this Section 2.29. The matter should be referred to the mayor in private. If the mayor is the individual whose actions are being challenged, then the matter should be referred to the mayor pro tem in private. It is the responsibility of the mayor (or mayor pro tem) to initiate action if a member’s behavior may warrant sanction. The mayor (or mayor pro tem) may take appropriate action, including without limitation the following: (a) discussing and counseling the individual on the violations; (b) recommending sanction to council to consider in a public meeting; or (c) forming an ad hoc committee of council to review the allegations, make an investigation, and present a recommendation to council. If no action is taken by the mayor (or mayor pro tem), three (3) councilmembers may raise the issue to council in a public hearing. After a hearing, by a vote of three fourths (3/4) of members present and voting, council may reprimand, formally censure, or remove an offending member’s seniority/committee status when the offending member (a) intentionally and repeatedly violates this Section 2.29; or (b) commits a serious infraction of this Section 2.29.

1. A public disciplinary hearing against a member for violation of the Oath may be held only upon resolution of council moved and adopted according to the following procedures: (1) a member must move to hold a public disciplinary hearing; (2) two additional members must second the motion; and (3) council must approve the motion by a vote of at least two-thirds (2/3) of members present and voting.

2. A member charged with conduct constituting a violation of the Oath in accordance with Sec. 2.29.D.1 shall be entitled to a public disciplinary hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. After the hearing, the question to be considered by council shall be: “Based on the evidence presented during the hearing, has the member (a) intentionally violated the Oath; and/or (b) committed a serious violation of the Oath?” If the question is answered in the affirmative by at least two-thirds (2/3) of the members present and voting, council shall proceed to consider one or more of the following sanctions, which shall be imposed by majority vote of the members present and voting: (a) censuring the member; and/or (b) removing the member’s seniority/committee status.

3. Unless prohibited by applicable law, the member accused and/or charged with conduct constituting a violation of the Oath may vote on the motion to set a public disciplinary hearing, the motion to determine whether the member violated the Oath, or any sanctions.

4. Nothing herein shall preclude city council from voting to go into executive session to receive legal advice regarding the interpretation or application of the Oath.

E. Effect of Violation. A violation of this Section 2-29 shall not be considered a basis for challenging the validity of a council or committee decision, nor shall this Section 2-29 create additional rights in third parties or members of the public.
Section 2. This Ordinance shall take effect upon ratification and shall apply prospectively.

Ratified in City Council this ____ day of ______ in the Year of Our Lord, 2021, and in the 245th Year of the Independence of the United States of America.

By: __________________________
   John J. Tecklenburg
   Mayor, City of Charleston

ATTEST: _________________________
         Jennifer Cook
         Clerk of Council
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE MARSHEs AT COOPER RIVER PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES (ORIGINALLY ADOPTED BY ORDINANCE #2015-078 AND LAST AMENDED BY ORDINANCE #2018-095) LOCATED OFF CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 36.09 ACRES) (ORIGINAL TMS# 267-00-00-004, 005, 010, 050 THROUGH 057, 069 AND 071) AND BY CHANGING THE ZONE MAP TO INCLUDE PROPERTY LOCATED ON CLEMENTS FERRY ROAD (CAINHOY) (BERKELEY COUNTY) (APPROXIMATELY 0.15 ACRE) (TMS# 271-00-02-153) (COUNCIL DISTRICT 1), IN THE PUD. THE PROPERTY IS OWNED BY MARSHEs AT COOPER RIVER HOMEOWNERS ASSOCIATION ET AL.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by amending the Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines, as more fully described in the document, Exhibit “A”, with the Planned Unit Development Guidelines attached hereto and incorporated herein by reference to serve as the development plan for such property.

Section 2. The Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines be amended for property described as follows:

Property located off Clements Ferry Road (Cainhoy) (approximately 36.09 acres) (original TMS# 267-00-00-004, 005, 010, 050 through 057, 069 and 071).

Section 3. The Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines be amended to include recently annexed property described as follows:

Property located off Clements Ferry Road (Cainhoy) (approximately 0.15 acre) (TMS# 271-00-02-153).
Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
____________ in the Year of Our Lord, 2021,
and in the ____ Year of the Independence of
the United States of America

By:

______________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

______________________________
Jennifer Cook
Clerk of Council
DEVELOPMENT GUIDELINES

FOR

THE MARSHES AT COOPER RIVER

City of Charleston, South Carolina

Original Master Plan Approved 7/21/15 Ordinance # 2015-078

October 13, 2014
Revised: December 15, 2014
Revised: January 11, 2015
Revised January 29, 2016
Revised: May 21, 2018

Prepared for:

Beazer Homes, LLC
4401 Belle Oaks Drive, Ste. 120
Charleston, SC 29405

Prepared by: Christopher D. Donato, Jr. PE
Project #: 7120.00

City ID – 160113-ClementsFerryRd-1

SITECAST
ENGINEERING DESIGN CONSULTANTS

1250 Fairmont Avenue
Mount Pleasant, SC 29464
(843)224-4264
cdonato@sitecastsc.com
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE MARSHES AT COOPER RIVER PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES LOCATED OFF CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 33.57 ACRES) (TMS# 267-00-00-004, 005, 010, 050 THROUGH 057, 069 AND 071) AND BY CHANGING THE ZONE MAP TO INCLUDE PROPERTY LOCATED ON CLEMENTS FERRY ROAD (CAINHOY) (BERKELEY COUNTY) (TMS# 267-00-00-049) (COUNCIL DISTRICT 1), AS PUD CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by amending the Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines as more fully described in the document, Exhibit “A”, which is attached hereto and made part of hereof:

Section 2. The Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines be amended for property described as follows:

Property located off Clements Ferry Road (Cainhoy) (approximately 33.57 acres) (TMS# 267-00-00-004, 005, 010, 050 through 057, 069 and 071).

Section 3. The Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines be amended to include recently annexed property described as follows:

Property located off Clements Ferry Road (Cainhoy) (approximately 1.01 acres) (TMS# 267-00-00-049).
Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this 23rd day of February in the Year of Our Lord, 2016, and in the 240th Year of the Independence of the United States of America.

By:  
John J. Tecklenburg  
Mayor, City of Charleston

Attest:  
Vanessa Turner Maybank  
Clerk of Council
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON HABAKKUK LANE (CAINHOY) (1.5 ACRES) (TMS #267-00-00-015, 267-00-00-016 AND 267-00-00-017) (COUNCIL DISTRICT 1), ANNEXED INTO THE CITY OF CHARLESTON JUNE 19, 2018 (#2018-077), BE ZONED PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION. THE PROPERTY IS OWNED BY MSR CLEMENTS FERRY LAND LLC.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

property located on Habakkuk Lane (Cainho) (1.5 acres) (TMS #267-00-00-015, 267-00-00-016 and 267-00-00-017)

Section 2. That the said parcel of land described above shall be zoned Planned Unit Development (PUD) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this 21st day of August 2018, in the Year of Our Lord 2018, in the 243rd Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Vanessa Turner Maybank
Clerk of Council
Zoning 1
Habakkuk Ln (Cainhoy)
TMS# 2670000015, 016 & 017
1.5 ac.

Request zoning of Planned Unit Development (PUD).
Zoned Manufactured Residential District (R2)
in Berkeley County.

Owner: MSR Clements Ferry Land LLC
Ordinance Amendment & Zoning 1
Clements Ferry Rd (Cainhoy)
TMS# 267000004, 005, 010, 049, 050 through 057, 069 & 071
34.58 ac.

Request amendment to the Marshes at Cooper River Planned Unit Development (PUD) and to zone TMS# 2670000049 (approx. 1.01 ac.) as PUD and include it in the existing PUD (zoned Manufactured Residential (R-2) in Berkeley County).

Owner: Various Owners

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov 2 George St, Charleston, SC 29401 843.724.3765
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE MARSHES AT COOPER RIVER PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES FOR PROPERTY LOCATED OFF CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 36.08 ACRES) (TMS# 267-00-00-004, 015, 016, 017 AND 071 AND 267-15-03-001 THROUGH 087) (COUNCIL DISTRICT 1). THE PROPERTY IS OWNED BY MSR CLEMENTS FERRY LAND LLC

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by amending the Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines as more fully described in the document, Exhibit "A", which is attached hereto and made part of hereof:

Section 2. The Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines be amended for property described as follows:

Property located off Clements Ferry Road (Cainhoy) (approximately 36.08 acres) (TMS# 267-00-00-004, 015, 016, 017 and 071 and 267-15-03-001 through 087).

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this 21st day of August in the Year of Our Lord, 2018, and in the 243rd Year of the Independence of the United States of America

By:
John J. Tecklenburg
Mayor, City of Charleston

Attest:
Vanessa Turner Maybank
Clerk of Council
Ordinance Amendment 1

Clements Ferry Rd
(The Marshes at Cooper River PUD – Cainhoy)

TMS# 2670000004, 015, 016, 017 & 071 &
2671503001 through 087

approx. 36.08 ac.

Request an amendment to the Planned Unit Development
Master Plan and Development Guidelines for this property.

Owner/Applicant: MSR Clements Ferry Land LLC

Location
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   1.4. Zoning Districts  
   1.5. Open Space  
   1.6. Buffers  
   1.7. Tree Summary  
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   1.10. Cultural Resources  
   1.11. Docks  
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   1.13. Alternative Site Access  

2. TRAFFIC STUDY

3. CULTURAL RESOURCES
   3.1. Brockington & Associates Report

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   4.1. Charleston Water System

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   5.2. Master Plan
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   5.5. Aerial
   5.6. Letter Explaining Changes
1

DEVELOPMENT GUIDELINES
1.1(A) Relationship to the Zoning Ordinance

The Development Guidelines and Land Use Plan for The Marshes at Cooper River Planned Unit Development (PUD) District, attached hereto and made a part hereof, are part of the PUD conditional use Master Plan application submitted in accordance with the Zoning Ordinance of the City of Charleston, Article 2, Part 7 Sections 54-250, et seq. The Zoning Ordinance of the City of Charleston is incorporated herein by reference, except as amended herein.

No person shall erect or alter any building or structure on any tract of land or use any tract of land within The Marshes at Cooper River PUD except in conformance with these guidelines and regulations. Unless modified herein, definitions of terms used in The Marshes at Cooper River PUD Development Guidelines shall follow definitions listed in the Zoning Ordinance of the City of Charleston, as amended from time to time. Administration and enforcement of the adopted The Marshes at Cooper River Master Plan shall follow Article 9 of the Zoning Ordinance of the City of Charleston.

The Marshes at Cooper River PUD Master Plan was approved by Charleston City Council on 6/21/2015 Ordinance Number 2015-078.

Revised PUD was approved by City Council on 8/21/2018 by Ordinance Number 2018-095

1.1(B) Criteria for Review

The design guidelines for The Marshes at Cooper River subdivision:

a) Are consistent with the City's adopted comprehensive plan, and all adopted sub-areas of the City;
b) Better achieves the goals of adopted plans allowing for the development of this property due to existing grades and trees and cultural/historical value than would develop under the zoning district regulations;
c) Is consistent with the City's adopted master road plan;
d) Better protects and preserves natural and cultural resources than would development under other zoning district regulations, allowing for development with reduced impact to existing conditions;
e) Is compatible with the density and maximum building height of adjacent developed neighborhoods and the zoning of adjacent undeveloped areas.
f) Is compatible with the existing network of public streets in adjacent neighborhoods and areas;
g) Provides adequate parking for residents and users of the PUD;
h) Can be accommodated by existing and planned public facilities including but not limited to, roads, sewer, water, schools and parks;
i) Provides adequate public facilities, open space and recreational amenities; and
j) Adequately provides for the continued maintenance of common areas, open space, and other public facilities not dedicated to the city

1.2 Project Location and Description

The project site is comprised of multiple properties in Berkeley County, South Carolina. The parcel with tax map numbers (TMS) 267-00-00-004, 267-00-00-071, 267-15-03-001 thru -086, 267-00-00-015, 267-00-00-016 and 267-00-00-017 are located within the limits of the City of Charleston. The project site consists of approximately 36.99 gross acres.

\[\text{36.99} \]
The property is bounded to the north by the Jessen Lane commercial park, to the south by residential development along Yellow House Road, to the east by Clements Ferry Road and to the west by marsh and the Cooper River. A project location map is located in the Appendix (Appendix #5.3)

1.3 Land Use Summary

The purpose of the (PUD) District is to provide for the creation of a planned, integrated community incorporating a broad range of residential types and commercial uses serving the inhabitants of the district and adjacent developments. This project meets the requirements for a PUD by providing several different uses which are listed below:

Single Family Residential - There are two different types of residential uses in this development: single family detached and single family attached (townhouses). The single family detached houses will primarily favor alley-fed, rear-loaded lots, with some traditional front-loaded lots. The single family attached lots will mostly be alley-fed with the opportunity for on-street parking in many locations. The variety of single family home types and lot configurations will attract a diversity of price points that will equally benefit from a modern, amenitized neighborhood.

Commercial - The commercial component of this development will follow the General Business (GB) Zoning set forth in the City of Charleston Zoning Code. The GB district is intended to provide for a broad range of commercial uses and activities. It is the most intensive commercial zoning district. Prohibited uses include junk and salvage yards, storage yards (except for vehicles and boats), and warehouses including self-storage mini-warehouses. Automotive repair shops, veterinary clinics, and stables are permitted only as special exceptions subject to the approval of the Board of Zoning Appeals.

Open Space – The open space for this project centers around a freshwater wetland that bisects the property. This will be a great gathering place for the community as it serves as the central point along the interconnected walking trail between the town square and the amenity center. The concept of this system is that a resident can travel from one end of the subdivision to the other without having to walk along a road.

The proposed land use is as follows:
(All acreages are approximate and subject to change)

- Gross Land Area 36.09 Ac.
- Critical (Salt Water) Marsh 0.85 Ac.
- Total Wetlands 2.10 Ac.
- Maximum Dwelling Units 160 DU
- Net Density (High Ground Only) 4.71 DU/Ac.
- Net Developable Land 33.99 Ac.
1.4 Zoning Districts

1.4.1a Single Family Residential Detached (Type A, B, & C Single Family)

Permitted Uses:


2. Park, playground or athletic field, not operated as a business for profit, except that outdoor lighting shall be permitted only as an exception where the Board of Appeals shall find that the lights will not adversely impact adjacent residential areas.

3. Non-commercial horticultural activity, including garden or greenhouse.

4. Home occupations may be established in a dwelling unit as per the City of Charleston Zoning Ordinance

5. Signs or bulletin boards - see City of Charleston Zoning Ordinance

6. Family day care homes subject to permitting procedures and restrictions for family day care homes in single family residential districts as specified in the City of Charleston Zoning Ordinance.

7. Sales Office – A temporary sales office will be allowed and located in a Model Home. See Section 1.12
<table>
<thead>
<tr>
<th>Zone District Area</th>
<th>Setbacks for Principal Buildings</th>
<th>Minimum Lot Area Per Family Type of Dwelling Unit</th>
<th>Accessory Bldgs. To Residence Setback Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Front Rear Total Side Min. Side Single Fam. Two Fam. Multi-Fam. Max. % Lot Occup for All Bldgs Max. Height Limits Structures Max. Height Limits Fences From Rear From Side (total)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SFR District A,B,C</td>
<td>15' 10' 5' 6' 3' 3,000 N/A N/A 65% 36' 6' 5' 3'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note - Critical Line Buffer and Building Setback supersede the above

i. Maximum Driveway width of 12 ft within the front 10 ft of the lot
ii. Dwelling units or heated living space are allowed in accessory buildings (i.e. Mother-in-law Suites on a shared meter with the main house.)
iii. Front-loaded garages must be setback a minimum of 10 ft from the principal building frontage.
iv. For alley served lots, no front driveway will be permitted
v. Porches and/or stairs can encroach into the front setback up to 5 ft.
vi. Lot width shall be a minimum of 20 ft at the road right of way.

1.4.1b Single Family Residential Detached (Type C2 Single Family)

Permitted Uses:

2. Park, playground or athletic field, not operated as a business for profit, except that outdoor lighting shall be permitted only as an exception where the Board of Appeals shall find that the lights will not adversely impact adjacent residential areas.
3. Non-commercial horticultural activity, including garden or greenhouse.
4. Home occupations may be established in a dwelling unit as per the City of Charleston Zoning Ordinance
5. Signs or bulletin boards - see City of Charleston Zoning Ordinance
6. Family day care homes subject to permitting procedures and restrictions for family day care homes in single family residential districts as specified in the City of Charleston Zoning Ordinance.
<table>
<thead>
<tr>
<th>Zone District Area</th>
<th>Setbacks for Principal Buildings *See note</th>
<th>Minimum Lot Area Per Family Type of Dwelling Unit</th>
<th>Accessory Bldgs. To Residence Setback Required *See note</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR District C2</td>
<td>15' 10' 5' 6' 3' 3,000 N/A N/A 65% 42' 6' 5' 3'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note - Critical Line Buffer and Building Setback supersedes the above

i. Maximum Driveway width of 12 ft in the first 10' from behind the curb to the right-of-way line.
ii. The garages will be drive-under homes
iii. Dwelling units or heated living space are allowed in accessory buildings (i.e. Mother-in-law Suites on a shared meter with the main house.)
iv. Porches and/or stairs can encroach into the front setback up to 5 ft.
v. Lot width shall be a minimum of 20 ft at the road right of way.

1.4.2 Single Family Residential Attached

Permitted Uses:

1. Single-family attached (townhouse) dwellings.

2. Park, playground or athletic field, not operated as a business for profit, except that outdoor lighting shall be permitted only as an exception where the Board of Appeals shall find that the lights will not adversely impact adjacent residential areas.

3. Non-commercial horticultural activity, including garden or greenhouse.

4. Home occupations may be established in a dwelling unit as per the City of Charleston Zoning Ordinance

5. Signs or bulletin boards - see City of Charleston Zoning Ordinance

6. Family day care homes subject to permitting procedures and restrictions for family day care homes in single family residential districts as specified in the City of Charleston Zoning Ordinance.
<table>
<thead>
<tr>
<th>Zone District Area</th>
<th>Setbacks for Principal Buildings *see note</th>
<th>Minimum Lot Area Per Family Type of Dwelling Unit</th>
<th>Accessory Bldgs. To Residence Setback Required *see note</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Front</td>
<td>Rear</td>
</tr>
<tr>
<td>SFR District D</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
</tr>
</tbody>
</table>

*Note - Critical Line Buffer and Building Setback supersede the above.
** Side setbacks shall be from exterior units. 10 ft Setbacks from Public Rights of Way, 6 ft from Property Line with adjacent buildings.

i. Maximum Driveway width of 12 ft within the front 10 ft of the lot
ii. Dwelling units or heated living space are allowed in accessory buildings (i.e. Mother-in-law Suites on a shared meter with the main house.)
iii. Front-loaded garages must be setback a minimum of 10 ft from the principal building frontage.
iv. For alley served lots, no front driveway will be permitted
v. Porches and/or stairs can encroach into the front setback up to 5 ft.
vi. Lot width shall be a minimum of 18 ft at the road right of way.

### 1.4.3 Commercial District

The GB district is intended to provide for a broad range of commercial uses and activities. It is the most intensive commercial zoning district. Prohibited uses include junk and salvage yards, storage yards (except for vehicles and boats), and warehouses including self-storage mini-warehouses. Automotive repair shops, veterinary clinics, and stables are permitted only as special exceptions subject to the approval of the Board of Zoning Appeals.

Permitted uses: The permitted uses are detailed in the City of Charleston Zoning Code.
1.5  Open Space

20% of the gross project acreage must be set aside as permanent open space. Of this open space, 25 percent must be set aside as usable/open space. The purpose of this section is to describe the characteristics of open space land and uses allowed within permanent open space.

By using minimum height and area requirements and variations in unit types, lots and units may be clustered to create additional open space within neighborhoods.

Open spaces and parks designated on the Master Plan or identified during Site Plan approval shall be improved or conveyed as adjacent development phases are developed. Potential uses that may be located within individual parks are listed within this section.

The developers/owner shall be responsible for the maintenance of the open space. This may be transferred by means of the establishment of a homeowner’s association or neighborhood regime.

1.5.1  Shared Use Open Space

Shared Use Open space is designed to have either an enclosed amenity center or an open air pavilion that can be used for event such as an oyster roast or community gathering.

1. We envision The Marshes at Cooper River to be a biking/walking community and have attempted to minimize Open Space parking to consist of up to two on-street or off-street parking spaces, including one designated ADA parking space. The Open Space site plan will have to be approved by the City of Charleston.

2. No setbacks, buffers, minimum lot size, building occupancy are required. Critical line buffer and setbacks apply.

3. Maximum building height will be 42' measured from the base flood elevation.

1.5.2  Open Space Requirement

A total of 7.05 acres of open space (20 percent) is required with the PUD districts, of which 1.76 acres (25 percent) is required to be Active /Usable open space. Open space is provided is as follows.

<table>
<thead>
<tr>
<th>Total Upland Usable Open Space</th>
<th>5.53 ac.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Usable/Active Open Space</td>
<td>2.56 ac. (1.76 ac. required)</td>
</tr>
<tr>
<td>2. Community Amenity Open Space</td>
<td>0.37 ac.</td>
</tr>
<tr>
<td>3. Natural Upland Open Space</td>
<td>2.60</td>
</tr>
<tr>
<td>Wetlands/Salt Marsh</td>
<td>2.10 ac</td>
</tr>
<tr>
<td>Total Open Space Provided</td>
<td>7.05 ac. (7.05 ac. required)</td>
</tr>
</tbody>
</table>
1.6 Buffers

Buffers within the PUD District shall meet or exceed requirements of the City of Charleston Zoning Ordinance and/or any applicable deed restrictions or agreements which ever is more stringent.

Buffer areas should be preserved and protected during the construction process and existing vegetation should be augmented with new plant material as necessary to provide a consistent sense of spatial separation and effectively screen different land uses, zoning designations or roads visually.

Landscaping should meet or exceed requirements of the City of Charleston Zoning Ordinance, Section 54-110. Landscape regulations apply specifically to:

1. Street Frontage
2. Parking Lots
3. Buffers and Screening
4. Refuse Collection Facilities

Critical Line buffer to be a minimum of 25 ft plus a 10 ft building setback.

All projects affected by the landscape and screening requirements shall submit a plan for review and approval by the Zoning Division. The plan shall be consistent with the requirements outlined in the City of Charleston Zoning Ordinance. Buffers are not required between the different Districts in the PUD.

1.7 Tree Summary

The trees depicted on the Master Plan (Appendix 5.2) shall adhere to Article 16 of the City of Charleston Zoning Ordinance.

It is of utmost importance to the PUD District that significant existing vegetation be preserved whenever possible. All structures and other improvements should be planned in such a manner that existing vegetation, particularly healthy and viable Grand trees, are preserved and protected where possible.

1.8 Right of Ways

Street types as indicated on the Master Plan will be subject to review and approval during the Technical Review Committee (TRC) process and may be substituted with another listed street type from the chart below. Minor changes to the design standards below may be approved by staff during the TRC review of the construction drawings. Private roads are allowed and should meet the design standards of the similar public roads in the development. The site distance visibility at all exits and/or intersections will be maintained in accordance to the SCDOT’s Access and Roadside Management Standards manual. Directional and traffic signage must conform to the MUTCD standards.
<table>
<thead>
<tr>
<th>Street Type</th>
<th>R-O-W</th>
<th>Travel Lanes(^a)</th>
<th>On-street Parking</th>
<th>Curb</th>
<th>Curb/Intersection Radii</th>
<th>Street trees 2-Sides</th>
<th>Street tree spacing</th>
<th>Sidewalks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Street 1</td>
<td>50' min.</td>
<td>Two-ways 10' min. travel lane</td>
<td>7' (1 side)</td>
<td>Vert.</td>
<td>15</td>
<td>Tree Well(^1) or Planting Strip(^2)</td>
<td>30'-50'</td>
<td>5' min. (1 side)</td>
</tr>
<tr>
<td>Residential Street 2</td>
<td>50' min.</td>
<td>Two-ways 10' min. travel lane</td>
<td>n/a</td>
<td>Vert.</td>
<td>15</td>
<td>Tree Well(^1) or Planting Strip(^2)</td>
<td>50'-60'</td>
<td>5' min. Sidewalk or Trail (1 side)</td>
</tr>
<tr>
<td>Residential Road</td>
<td>35' min.</td>
<td>Two-ways 11' min. travel lane</td>
<td>n/a</td>
<td>Vert.</td>
<td>15</td>
<td>Tree Well(^1) or Planting Strip(^2)</td>
<td>30'-50'</td>
<td>n/a</td>
</tr>
<tr>
<td>Alley</td>
<td>20' min.</td>
<td>One-way 14' min. travel lane</td>
<td>n/a</td>
<td>n/a</td>
<td>25'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>One Way Street</td>
<td>35' min.</td>
<td>One-way 14' min. travel lane</td>
<td>7' (1 side)</td>
<td>Vert.</td>
<td>15'</td>
<td>Tree Well(^1) or Planting Strip(^2)</td>
<td>30'-50'</td>
<td>5' min. (1 side)</td>
</tr>
</tbody>
</table>

- All Travel Lanes and Parking Lanes do not include the width of the gutter.
- No gates are permitted
- Street lights will be required on all roads and alleys
- No Parking will be permitted on any of these streets that do not provide the adequate width necessary for on-street parking. The City of Charleston’s Department of Traffic and Transportation has the authority to alter or restrict parking on any of these streets as necessary to provide safe and efficient travel lanes and parking areas

\(^1\) - Tree Wells to be a minimum of 4' by 6'
\(^2\) - Planting Strip to be a minimum of 4' in width

### 1.9 Drainage Basin Analysis

The Marshes at Cooper River subdivision will be developed within the current stormwater management guidelines of the City of Charleston and South Carolina Department of Health and Environmental Control for water quality and quantity. Due to the existing soil types, a detention waiver may be necessary to meet certain stormwater events in the post-developed condition.

The existing drainage patterns for this parcel drain to the existing wetlands in the center of the parcels and Yellow House Creek to the northwest. The wetlands and critical area have been certified by OCRM and ACOE SAC 2008-00577-2JD. The majority of the land is wooded. The majority of the site does drain to the central wetland which ultimately leads to Yellow House Creek. The topography has elevations ranging from approximate 4.0 to 46.0 Mean Sea Level (NAVD 29). The proposed project will include a drainage plan in accordance with the City requirements.
The proposed drainage for the development will maintain the existing drainage pattern through a series of drainage boxes, pipes, swales and ponds. Conceptual stormwater management designs may call for the use of ponds and individual lot drainage systems to achieve adequate control of run-off quality. Subsequent stormwater management plans will include appropriate best management practices for stormwater control.

1.10 Cultural Resources

No cultural resources were found on this site. Please see Section 3 for Brockington & Associates report.

1.11 Docks

Community dock may be constructed as part of the Shared Use Community Open Space. A master dock plan will be developed that meets OCRM and City of Charleston requirements.

1.12 Model Homes

There will be a maximum of three Model Homes allowed in each Residential District (per Phase) of the development. A sales office can be located inside a model home (see section 1.4.1)

1.13 Alternative Site Access

The City of Charleston is currently in discussions with one or more nearby property owners and the South Carolina Department of Transportation to allow for the installation of a traffic signal at the intersection of Clements Ferry Road and Heidie Lane. The construction of a traffic signal, in combination with the realignment and improvement of Heidie Lane, would create an alternative means of ingress/egress to The Marshes at Cooper River thereby providing a potential benefit to its residents. As such, the developer/owner does not object to the City of Charleston's construction of a traffic signal or the "Possible Alternative Entrance" as approximately depicted on the Master Plan in the Appendix.
December 15, 2014

Mr. Jack Daniels
Middle Street Partners, LLC
2113 Middle St., Suite 309
Sullivan's Island, SC 29482

RE: Traffic Impact and Access Study
   The Marshes at Cooper River
   Charleston, SC

Dear Mr. Daniels:

As requested, SRS Engineering, LLC (SRS) has completed an assessment of the traffic impacts associated with the proposed mixed-use development to be known as The Marshes at Cooper River to be located along the north side of Clements Ferry Road opposite the existing SPARC campus within the municipal limits of the City of Charleston, South Carolina. The following provides a summary of this study's findings:

PROJECT DESCRIPTION

The project site (31.5-acres) is generally located the north side of Clements Ferry Road, opposite the SPARC campus, between Heidie Lane and Jessen Lane and is currently undeveloped. The project proposal is to develop the project with the following uses/densities:

- 135 Single-Family Residences;
- 25 Residential Townhomes; and
- an estimated 10,000 square-feet (sf) of commercial space assumed as office space.

As scheduled, this project is planned to be constructed fully and operational within approximately three years. For purposes of this report, a 2017 horizon/completion year has been utilized.

There is an existing access drive for the project that connects with Clements Ferry Road that is paved for approximately 50-feet and is then gated. This existing access is located approximately 250-feet east of Heidie Lane and 250-feet west Jessen Lane and is offset approximately 100-feet west of the existing SPARC access on the south side of Clements Ferry Road. The current plan is to utilize this existing access drive for access for the project. Details regarding this access drive an additional future connectivity are discussed in the Mitigation section of this report.

A general site location map is provided as Figure 1. The proposed site plan is shown in Figure 2.
EXISTING CONDITIONS

A comprehensive field inventory of the project study area has been conducted. The field inventory included a collection of geometric data, traffic volumes and traffic control within the study area. The following section details the current traffic conditions and includes a description of the roadway serving the site and traffic flow in close proximity to the project site.

Study Area Roadway

Clements Ferry Road (S-8-33) - is currently a two-lane divided east/west oriented roadway within the study area. Throughout the study area, this roadway provides one travel lane in each direction generally separated by a center two-way left-turn lane (TWTL). This roadway has a posted speed limit of 45 miles-per-hour (mph) and is under the jurisdiction of the South Carolina Department of Transportation (SCDOT).

Traffic Volumes

In order to determine the existing traffic volume flow patterns along site frontage, weekday morning (7:00-9:00 AM) and evening (4:00-6:00 PM) peak period count data was gathered for Clements Ferry Road at the point of the existing access that will be utilized for the project. It should be noted that the existing access is currently not servicing traffic volumes.

Figure 3, located in the appendix of this report, graphically depicts the Existing AM and PM peak-hour traffic volumes for Clements Ferry Road fronting the site.

FUTURE CONDITIONS

Traffic analyses for future conditions have been conducted for the proposed access intersection with Clements Ferry Road for Future Build Conditions.

Annual Growth Rate

Growth in the area was investigated via a nearby SCDOT (Berkeley County) permanent count station (Station #269) along Clements Ferry Road as well as growth rate information utilized in recent traffic studies. Based on this information, a generalized 3-percent per year growth rate was developed for the study area.

Planned Roadway Improvements

Based on conversations with City/SCDOT staff, Clements Ferry Road (S-8-33) will be widened from a point east of Interstate 526 to SC 41 to provide two travel lanes in each direction separated by a striped center median treatment. This project is fully funded and is currently in the planning/design phase. It is scheduled to be completed by 2016 and has therefore been assumed to be complete for future year analyses contained within this report.

Furthermore, it is understood that there are ongoing discussions regarding a potential future traffic signal along this segment of Clements Ferry Road although a formal plan has not been selected/approved. One option that has been reviewed in the past is a re-alignment of Deanna Lane such that it would intersect Clements Ferry Road directly opposite Wambaw Creek Road to create a formal four-legged intersection with the installation of traffic signal control. Another option that has been discussed is a potential signal
at Rebellion Farms Place. Recent correspondence with SCDOT indicates that the Clements Ferry Road widening plans are to a point where no changes are being made.

**Site-Generated Traffic**

Traffic volumes expected to be generated by the proposed project were forecasted using the Eighth Edition of the ITE *Trip Generation* manual, as published by the Institute of Transportation Engineers. Land-Use Codes #210 (Single Family Residential), #230 (Residential Condominium/Townhome) and #710 (General Office) were used to estimate the specific site-generated traffic. **Table 1** depicts the anticipated site-generated traffic.

<table>
<thead>
<tr>
<th>Time Period</th>
<th>135 Lots Single-Family Residences (^2) (a)</th>
<th>25 Residential Townhomes (^3) (b)</th>
<th>10,000 sf General Office (^4) (c)</th>
<th>Total Development Trips (a+b+c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekday Daily</td>
<td>1,370</td>
<td>190</td>
<td>110</td>
<td>1,670</td>
</tr>
<tr>
<td>AM Peak-Hour</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enter</td>
<td>26</td>
<td>3</td>
<td>14</td>
<td>43</td>
</tr>
<tr>
<td>Exit</td>
<td>78</td>
<td>14</td>
<td>2</td>
<td>94</td>
</tr>
<tr>
<td>Total</td>
<td>104</td>
<td>17</td>
<td>16</td>
<td>137</td>
</tr>
<tr>
<td>PM Peak-Hour</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enter</td>
<td>87</td>
<td>13</td>
<td>3</td>
<td>103</td>
</tr>
<tr>
<td>Exit</td>
<td>51</td>
<td>6</td>
<td>12</td>
<td>69</td>
</tr>
<tr>
<td>Total</td>
<td>138</td>
<td>19</td>
<td>15</td>
<td>172</td>
</tr>
</tbody>
</table>

2. ITE Trip Generation manual - LUC 210 (Single-Family Detached Housing)
3. ITE Trip Generation manual - LUC 230 (Residential Condominium/Townhouse)
4. ITE Trip Generation manual - LUC 710 (General Office)

As shown, the project as a whole can be expected to generate a total of 1,670 two-way vehicular trips on a weekday daily basis, of which a total of 137 trips (43 entering, 94 exiting) can be expected during the AM peak-hour. During the PM peak-hour, 172 trips (103 entering, 69 exiting) can be expected.

As shown, the commercial component (office space) is a relatively small component of project trips.

**Distribution Pattern**

The directional distribution of site-generated traffic on the study area roadways has been based on an evaluation of existing travel patterns within the study area and the proximity of the project to I 526. The distribution pattern utilized for this project is shown in **Table 2**.
Table 2
TRIP DISTRIBUTION PATTERN
The Marshes at Cooper River

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Direction To/From</th>
<th>Enter/Exit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clements Ferry Road</td>
<td>East (toward SC 41)</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>West (toward Interstate 526)</td>
<td>75</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Note: Based on the existing and projected future traffic patterns.

This distribution pattern has been applied to the site-generated traffic volumes from Table 1 to develop the site-generated specific volumes for the study area intersections illustrated in Figure 4.

**Build Traffic Conditions**

The site-generated traffic, as depicted in Figure 4, has been combined with the projected volumes for Clements Ferry Road for 2017 (Existing volumes grown at 3-percent annually). This results in the peak-hour 2017 Build traffic volumes, which are graphically depicted in Figure 5. These volumes were used as the basis to determine potential improvement measures needed at the proposed site access intersection.

**TRAFFIC OPERATIONS**

**Analysis Methodology**

A primary result of capacity analysis is the assignment of Level-of-Service (LOS) to traffic facilities under various traffic flow conditions. The concept of Level-of-Service is defined as a qualitative measure describing operational conditions within a traffic stream and their perception by motorists and/or passengers. A Level-of-Service designation provides an index to the quality of traffic flow in terms of such factors as speed, travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety.

Six Levels-of-Service are defined for each type of facility (signalized and unsignalized intersections). They are given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst.

Since the Level-of-Service of a traffic facility is a function of the traffic flows placed upon it, such a facility may operate at a wide range of Levels-of-Service depending on the time of day, day of week, or period of a year.

**Capacity Analysis Results**

As part of this traffic study, capacity analyses have been performed for the site access intersection under Future conditions, which account for normal background growth in traffic and specific traffic related to the project. The results of these analyses are summarized in Table 3.
Table 3
LEVEL-OF-SERVICE SUMMARY
The Marshes at Cooper River

<table>
<thead>
<tr>
<th>Unsignalized Intersection</th>
<th>Time Period</th>
<th>2017 BUILD CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clements Ferry Road at Site Access</td>
<td>AM</td>
<td>Delay$^a$ 19.1</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>Delay$^a$ 19.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LOS$^b$ C</td>
</tr>
</tbody>
</table>

a. Delay in seconds-per-vehicle.
b. LOS = Level-of-Service.

**GENERAL NOTES:**
1. For unsignalized intersections, Delay is representative of critical movement/approach.

As shown in Table 3, the site access intersection with Clements Ferry Road is expected to operate acceptably during both peak hours with the incorporation of recommended geometry and traffic control detailed in the next section of this report. It should be noted that this analysis assumes the widening of Clements Ferry Road to a four-lane divided cross-section as currently proposed.

**MITIGATION**

The final phase of the analysis process is to identify mitigating measures which may either minimize the impact of the project on the transportation system or tend to alleviate poor service levels not caused by the project. The following section describes measures necessary to mitigate the project’s impact.

**Proposed Site Access**

As planned, access to/from the site will be provided via a single access drive to Clements Ferry Road at an existing access drive that is located approximately 250-feet east of Heidie Lane and 250-feet west Jessen Lane. It should be noted that this access is offset approximately 100-feet west of the existing SPARC access on the south side of Clements Ferry Road. The proposed project access is an existing paved connection to Clements Ferry Road that is shown to remain in the SCDOT widening plans for Clements Ferry Road.

Left-turns into the project will be accommodated via the center striped median within Clements Ferry Road, which will allow left-turns to store and minimize impacts on eastbound Clements Ferry Road through volumes. The volume of right-turns entering the site during peak hours (11 during AM; 26 during PM) do not warrant a dedicated right-turn lane for westbound Clements Ferry Road.

With regards to the access road approach, consideration should be given to providing two lanes exiting (separate left and separate right) with one lane for entrances. This will allow for right-turns exiting the project to maneuver around a queued left-turning vehicle. The access road approach should be placed under STOP sign control.

Provisions for future interconnectivity to the east and west should be planned so as to allow potential future connectivity to a future traffic signal location along Clements Ferry Road.
SUMMARY

SRS has completed a Traffic Impact and Access Study relative to a proposed mixed-used development along the north side of Clements Ferry Road to be known as The Marshes at Cooper River. A total of 160 residential units are proposed along with a small commercial component planned as office space. The site is currently undeveloped but does have an existing paved access to Clements Ferry Road approximately half way between Heldie Lane and Jessen Lane, offset with the existing SPARC access on the south side of Clements Ferry Road.

Clements Ferry Road is scheduled to be widened for an additional through lane in each direction. This widening project is expected to begin in the near future, and is expected to be completed by the time The Marshes at Cooper River project is completed. The widening project will result in a striped median at the point of site access that will service eastbound left-turns into the site. A dedicated westbound right-turn deceleration lane is not recommended based on projected right-turn volumes. The site access road approach should be improved to provide for two exiting lanes (separate left and separate right) with one entering lane.

It is understood that there are ongoing discussions regarding a potential future traffic signal along this segment of Clements Ferry Road. One option that has been reviewed in the past is a re-alignment of Deanna Lane such that it would intersect Clements Ferry Road directly opposite Wambaw Creek Road to create a formal four-legged intersection with the installation of traffic signal control. Another option that has been discussed is a potential signal at Rebellion Farms Place. It is understood that a formal decision has not been made with regards to this future signalized intersection location. SCDOT has indicated that the Clements Ferry Road plans are to a point where significant changes are not being made. It is recommended that provisions for interconnectivity be provided within the site to allow for potential connectivity to a future traffic signal either to the east or west of the site.

If you have any questions or comments regarding any information contained within this report, please contact me at (803) 252-1799.

Regards,

SRS ENGINEERING, LLC

Mike Ridgeway, P.E.
Principal

Attachments
APPENDIX

- Figures
- Capacity Analyses
FIGURES
AM PEAK-HOUR

Existing Access Drive
No Existing Traffic

To 1526 Clements Ferry Rd.

964 → 1,109

To SC 41

PM PEAK-HOUR

Existing Access Drive
No Existing Traffic

To 1526 Clements Ferry Rd.

1,254 → 1,107

To SC 41

LEGEND

= Unsignalized Intersection

Figure 3
EXISTING TRAFFIC VOLUMES
The Marshes at Cooper River: Charleston, SC
AM PEAK-HOUR

SITE

Clements Ferry Rd.

71
73
11
32

PM PEAK-HOUR

SITE

Clements Ferry Rd.

52
71
26
77

LEGEND

= Unsignalized Intersection

Figure 4
SITE-GENERATED TRAFFIC VOLUMES
The Marshes at Cooper River: Charleston, SC
AM PEAK-HOUR

SITE

71
23

Site Access

32
1,051

Clements Ferry Rd.

PM PEAK-HOUR

SITE

52
17

Site Access

26
1,207

Clements Ferry Rd.

77
1,367

Note: These volumes include 3% annual background growth for Clements Ferry Road.

LEGEND

○ = Unsignalized Intersection

Figure 5
2017 BUILD TRAFFIC VOLUMES
The Marshes at Cooper River: Charleston, SC
CAPACITY ANALYSES
### Movement Data

<table>
<thead>
<tr>
<th>Lane Configurations</th>
<th></th>
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<tbody>
<tr>
<td>Volume (veh/h)</td>
<td>32 1051 1209 11 23 71</td>
</tr>
<tr>
<td>Sign Control</td>
<td>Free Free Stop</td>
</tr>
<tr>
<td>Grade</td>
<td>0% 0% 0%</td>
</tr>
<tr>
<td>Peak Hour Factor</td>
<td>0.90 0.90 0.90 0.90 0.90</td>
</tr>
<tr>
<td>Hourly flow rate (vph)</td>
<td>36 1168 1343 12 26 79</td>
</tr>
</tbody>
</table>

### Pedestrians

- **Lane Width (ft)**
- **Walking Speed (ft/s)**
- **Percent Blockage**
- **Right turn flare (veh)**
- **Median type**
- **Median storage veh**
- **Upstream signal (ft)**
- **pX, platoon unblocked**
- **vC, conflicting volume**
- **vC1, stage 1 conf vol**
- **vC2, stage 2 conf vol**
- **vCu, unblocked vol**
- **IC, single (s)**
- **IC, 2 stage (s)**
- **F (s)**
- **p0 queue free %**
- **EM capacity (veh/h)**

### Direction

<table>
<thead>
<tr>
<th>Volume Total</th>
<th>36 584 584 556 460 26 79</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume Left</td>
<td>36 0 0 0 0 26 0</td>
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<tr>
<td>Volume Right</td>
<td>0 0 0 0 12 0 79</td>
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</table>

<table>
<thead>
<tr>
<th>SSH</th>
<th>503 1700 1700 1700 1700 186 395</th>
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<table>
<thead>
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<tr>
<td>Queue Length 85th (ft)</td>
<td>6 0 0 0 0 12 18</td>
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<tr>
<td>Control Delay (s)</td>
<td>12.7 0.0 0.0 0.0 0.0 27.5 16.4</td>
</tr>
<tr>
<td>Lane LOS</td>
<td>B D C</td>
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<tr>
<td>Approach Delay (s)</td>
<td>0.4 0.0 13.1</td>
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<tr>
<td>Approach LOS</td>
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### Traffic Summary

<table>
<thead>
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<th>Average Delay</th>
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<tr>
<td>Intersection Capacity Utilization</td>
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</tr>
<tr>
<td>ICU Level of Service</td>
<td>A</td>
</tr>
<tr>
<td>Analysis Period (min)</td>
<td>15</td>
</tr>
</tbody>
</table>
### 2017 BUILD CONDITIONS

#### 7: Clements Ferry & Site Access

**PM PEAK HOUR**

12/15/2014

<table>
<thead>
<tr>
<th>Lane Configurations</th>
<th>77</th>
<th>1367</th>
<th>1207</th>
<th>26</th>
<th>17</th>
<th>52</th>
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<tbody>
<tr>
<td>Volume (veh/h)</td>
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<td></td>
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<td></td>
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<tr>
<td>Sign Control</td>
<td>Free</td>
<td>Free</td>
<td>Stop</td>
<td></td>
<td></td>
<td>0%</td>
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<tr>
<td>Grade</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Peak Hour Factor</td>
<td>0.90</td>
<td>0.90</td>
<td>0.90</td>
<td>0.90</td>
<td>0.90</td>
<td>0.90</td>
</tr>
<tr>
<td>Hourly flow rate (vph)</td>
<td>86</td>
<td>1519</td>
<td>1341</td>
<td>29</td>
<td>19</td>
<td>58</td>
</tr>
</tbody>
</table>

**Pedestrians**

<table>
<thead>
<tr>
<th>Lane Width (ft)</th>
<th>Walking Speed (ft/s)</th>
<th>Percent Blockage</th>
<th>Right turn flare (veh)</th>
<th>Median type</th>
<th>Median storage veh</th>
<th>Upstream signal (ft)</th>
<th>pX, platoo unblocked</th>
<th>vC, conflicting volume</th>
<th>vC1, stage 1 conf vol</th>
<th>vC2, stage 2 conf vol</th>
<th>vCu, unblocked vol</th>
<th>C, single (s)</th>
<th>C, 2 stage (s)</th>
<th>F (s)</th>
<th>p0 queue free %</th>
<th>CM capacity (veh/h)</th>
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</thead>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TWLTL</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td>1370</td>
<td>2286</td>
<td>685</td>
<td>4.1</td>
<td>6.8</td>
<td>6.9</td>
<td>2.2</td>
<td>83</td>
</tr>
</tbody>
</table>

| Volume Total | 86 | 759 | 759 | 694 | 476 | 19 | 58 |
| Volume Left  | 86 | 0   | 0   | 0   | 0   | 19 | 0  |
| Volume Right | 0  | 0   | 0   | 0   | 29  | 0  | 58 |
| cSH          | 497 | 1700 | 1700 | 1700 | 1700 | 162 | 391 |
| Volume to Capacity | 0.17 | 0.45 | 0.45 | 0.53 | 0.28 | 0.12 | 0.15 |
| Queue Length 95th (ft) | 15  | 0   | 0   | 0   | 0   | 10  | 13  |
| Control Delay (s) | 13.7 | 0.0  | 0.0  | 0.0  | 0.0  | 30.1 | 15.8 |
| Lane LOS     | B   | D   | C   |     |     |     |     |
| Approach Delay (s) | 0.7  | 0.0  | 19.3 |     |     |     |     |
| Approach LOS |     |     |     |     |     |     |     |

**Intersection Summary**

| Average Delay | 0.9 |
| Intersection Capacity Utilization | 51.8% | ICU Level of Service | A |
| Analysis Period (min) | 15 |
3

CULTURAL RESOURCES

(Full Report has been provided to the City of Charleston. The section included in this PUD is the results/recommendations of the report. Please contact our office if a pdf copy is desired.)
4

LETTERS OF COORDINATION
8/28/2014

Mr. Chris Donato
Sitecast, LLC
1250 Fairmont Avenue
Mt. Pleasant, SC 29464

Re: Water Availability to TMS #267-00-00-004, 005, 010, 049 - 057, 069 to serve 180 single family residential units and 10,000 sf of commercial units

Dear Mr. Donato,

This letter is to certify our willingness and ability to provide water to the above referenced site in Charleston County, South Carolina. We currently have a 30” water main in the right-of-way of Clements Ferry Rd, that your property may be served from. Please be advised that it may be necessary to loop the proposed mains so that sufficient fire flow demands are met. This review does not supplant any other review as required by governing authorities and municipalities. It will of course be a developer responsibility to ensure there are adequate pressures and quantities on this line to serve this site with domestic water/fire flow and not negatively impact the existing developments. Please be advised any extensions or modification to the infrastructure as well as any additional fire protection will be a developer expense. All fees and costs associated with providing water service to this site will be a developer expense. This letter does not reserve capacity in the Charleston Water System infrastructure and it is incumbent upon the developer or his agent to confirm the availability herein granted past 12 months of this correspondence.

The Charleston Water System certifies the availability of service only insofar as its rights allow. Should access to our existing main/mains be denied by appropriate governing authorities, the Charleston Water System will have no other option than to deny service.

This letter is not to be construed as a letter of acceptance for operation and maintenance from the Department of Health and Environmental Control.

If there are any questions pertaining to this letter, please do not hesitate to call me at (843) 727-6870.

Sincerely,

Cheryl L. Boyle
Engineering Assistant
Charleston Water System

cc: file

This is an "uncontrolled" copy of a controlled document.
8/28/2014

Mr. Chris Donato
Sitecast, LLC
1250 Fairmont Avenue
Mt. Pleasant, SC 29464

Re: Sewer Availability to TMS #267-00-00-004, 005, 010, 049 - 057, 069 to serve 180 single family residential units and 10,000 sf of commercial units

Dear Mr. Donato,

This letter is to certify our willingness and ability to provide wastewater collection service to the above referenced site in Charleston County, South Carolina. Wastewater collection service to this site may be made available via the existing 24" force main in the right of way of Clements Ferry Rd. Any subdividing of the property subsequent to this correspondence will require a review process of the civil engineering plans to ensure compliance with the Charleston Water System minimum standards. Please be advised that it is the policy of Charleston Water System that the proposed gravity sewer mains be designed and constructed at a depth that will allow future development to tie into the gravity mains. Any extensions and/or modifications to the infrastructure to serve this site will be a developer expense. Please be advised that wastewater impact fees, wastewater tap fees, change-in-use fees, and/or cost to extend fees will be due prior to connection of any Charleston Water System’s sewer system. This letter does not reserve capacity in the Charleston Water System infrastructure and it is incumbent upon the developer or his agent to confirm the availability herein granted past 12 months of this correspondence.

The Charleston Water System certifies the availability of service only insofar as its rights allow. Should access to our existing sewer main/mains be denied by appropriate governing authorities, the Charleston Water System will have no other option than to deny service.

This letter is not to be construed as a letter of acceptance for operation and maintenance from the Department of Health and Environmental Control.

If there are any questions pertaining to this letter, please do not hesitate to call on me at (843) 727-6870.

Sincerely,

Cheryl L. Boyle
Engineering Assistant
Charleston Water System

cc: file

This is an "uncontrolled" copy of a controlled document.
APPENDIX
May 18, 2018

Technical Review Committee Members
City of Charleston
75 Calhoun Street
Charleston, SC 29401

THE MARSHES AT COOPER RIVER PUD AMENDMENT

Dear TRC Members,

The following is a history of The Marshes at Cooper River Planned Urban Development:

- July 21, 2015 – Annexation and PUD zoning approved by City Council
- February 23, 2016 – Revised PUD approved by City Council
- December 6, 2016 – MS4 approval issued by the City
- March 20, 2017 – Request to divide the project into two phases approved by the City
- April 16, 2018 – Final Plat recorded for Phase 1
- Current – development of Phase 2 is nearing completion and final plat is being prepared for submittal to the City

Our currently proposed modifications to the PUD include the annexation and addition of 1.5 acres of unincorporated land and the introduction of a new residential zone to accommodate the substantial grade changes present at the rear of the property. These modifications to the PUD are described in more detail as follows:

- Additional 1.5 acres
  - Revised Master Plan and the Land Use Tables
  - Revised Open Space Plan and Open Space Calculations
  - The PUD was approved for 160 units. The total number of units to be platted in Phase 1 & Phase 2 will be 129. The additional 1.5 acres will add 18 units. This will put the total number of units at 147, which is still less than the amount approved by the original PUD.

- New Section 1.4.1b
  - This section will allow for elevated homes at the rear of the project where substantial grade changes are present
  - Maximum driveway width of 12 ft in the "first 10 ft of the lot" was shifted to apply to the "first 10 ft behind the curb" to accommodate a drive-under product
• Maximum building height was changed from 36 ft to 42 ft (same as the Type D townhouses). The base of these homes will be below the curb of the road so this change in height will be negligible in the field.
• Removed the note that front-loaded garages must be setback a minimum of 10 ft since these will be drive-under homes

• New Section 1.13 Alternative Site Access
  • This section was added at the request of City staff to assist in their efforts to obtain a traffic signal near the project and potentially provide an alternative means of access to the site.

The above changes constitute the entirety of proposed modifications to the PUD at this time. As the proposed new total number of units (147) is less than the number anticipated in the original traffic study (160 units), the recommendations contained therein remain valid. In addition, Cultural Resource and Endangered Species studies performed for the parcels subject to the original PUD also included surrounding parcels (including those currently proposed to be added to the PUD), so no changes to those studies are warranted at this time.

A thorough drainage analysis will be provided once the drawings moving into TRC review. Our preliminary look at the drainage system verified that there is enough capacity in the system for this project.

A fire plan showing the mobility of a 55’ fire truck will be provided once this project moves into TRC review.

If you have any questions or comments, please do not hesitate to contact our office.

Sincerely,

SITECAST, LLC

Christopher D. Donato, Jr. PE
Principal

 SITECAST, LLC
1250 Fairmont Avenue
Mt. Pleasant, SC 29464

(843)224-4264
cdonato@sitecastsc.com