

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2023-001615
Trial Court Case No. 2021CP1005211, 2021CP1004416

CKC Properties, LLC,

Respondent

v.

The Town of Mount Pleasant, South Carolina;
The Town of Mount Pleasant Board of Zoning Appeals;
Michael Robertson, in his official capacity as Zoning Administrator;
Justin O'Toole Lucey; 415 Mill St., Inc; and 69 Scott Street, LLC,

Respondents Below.

Of Which The Town of Mount Pleasant, South Carolina;
The Town of Mount Pleasant Commercial Design Review Board;
and The Town of Mount Pleasant Board of Zoning Appeals,
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC are the

Appellants.

**RESPONDENT CKC PROPERTIES, LLC'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

McCULLOUGH ▪ KHAN ▪ APPEL
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SC Court of Appeals

Respondent CKC Properties, LLC (“CKC”) proposes the following to be included in the Record on Appeal pursuant to Rule 209, SCACR. CKC designates the following:

1. Order, filed March 9, 2023.
2. Order granting Motion to Dismiss Respondent Michael Robertson in his capacity as Zoning Administrator, filed May 4, 2023.
3. Order Reversing BOZA Order in part and Affirming in part, filed July 14, 2023.
4. Order denying the Town of Mount Pleasant’s, the Mount Pleasant Board of Zoning Appeals’, and Justin Lucey’s Motions to Reconsider, filed September 21, 2023.
5. Appeal Hearing Transcript, May 26, 2023.
6. Notice of Appeal, Demand for Pre-Litigation Mediation, and Appeal Petition with Exhibits, filed November 16, 2021.
7. Appeal Petition with Exhibits, filed June 28, 2022.
8. Lucey’s Return and Answer to CKC’s Petition and Appeal, filed August 16, 2022.
9. Notice of Opposition to Appeal and Submission of the Record before the Board of Zoning Appeals, filed August 24, 2022:
 - a. Exhibit A, BOZA’s Final Order;
 - b. Exhibit B, September 27, 2021 Revised BOZA Meeting Agenda;
 - c. Exhibit C, September 27, 2021 Staff Report;
 - d. Exhibit D, September 27, 2021 BOZA Meeting Minutes;
 - e. Exhibit E, September 27, 2021 Staff Brief 1;
 - f. Exhibit F, September 27, 2021 Staff Brief 2;
 - g. Exhibit G, September 27, 2021 BOZA Meeting Correspondence;
 - h. Exhibit H, August 12, 2021 Letter from Mr. Lucey appealing to BOZA;

- i. Exhibit I, Town's August 23, 2021 response letter confirming receipt of Mr. Lucey's August 12, 2021 appeal.
10. CKC's Motion to Supplement the Record on Appeal, filed September 27, 2022.
11. Consent Order of Reference, filed October 19, 2022.
12. CKC's Memorandum in Support of its Motion to Supplement the Record on Appeal, filed February 24, 2023.
13. Town of Mount Pleasant's Supplement of the Record, filed March 3, 2023:
 - a. Exhibit J, September 24, 2021 Letter from Ross Appel;
 - b. Exhibit K, September 27, 2001 Letter/Outline from Justin Lucey;
 - c. Exhibit L, September 27, 2021 Letter/Memorandum from Colin Colbert;
 - d. Exhibit M, September 27, 2021 Letter from Gabe Joseph;
 - e. Exhibit N, Processing Form for Lucey's Appeal.
14. Town of Mount Pleasant's Supplement of the Record, filed April 20, 2023:
 - a. Exhibit O, BOZA Rules of Procedure;
 - b. Exhibit P, Mt. Pleasant Code of Ordinances § 156.410 – 413, as of September 27, 2021;
 - c. Exhibit Q, Mt. Pleasant Code of Ordinances § 156.007, as of September 27, 2021;
 - d. Exhibit R, Mt. Pleasant Code of Ordinances § 156.170 – 176, as of September 27, 2021;
 - e. Exhibit S, Transcript of BOZA September 27, 2021 Hearing.
15. CKC's Memorandum in Support of Appeal Petition, filed April 21, 2023 with Exhibits.
16. Memorandum in Opposition to CKC's Appeal by Respondents Town of Mount Pleasant and Town of Mount Pleasant Board of Zoning Appeals, filed May 5, 2023.

17. CKC's Reply Memorandum in Support of Appeal Petition, filed May 12, 2023.
18. Justin O. Lucey's Notice of Motion and Motion to Reconsider, filed July 24, 2023.
19. The Town of Mount Pleasant and Town of Mount Pleasant Board of Zoning Appeals' Motion to Reconsider, filed July 24, 2023.
20. CKC's Memorandum in Opposition to Motions to Reconsider, filed August 25, 2023.
21. CKC's Summons and Complaint in C/A No.: 2021-CP-10-04761, filed October 14, 2021.
22. Consent Stipulation of Dismissal Without Prejudice in C/A No.: 2021-CP-10-04761, filed October 18, 2022.
23. Town of Mount Pleasant, Ordinance No. 21071.
24. Mt. Pleasant Code of Ordinances § 156.049 ("Vested Rights").
25. Notices of Appeal (omitting orders), and Proof of Service.

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

McCULLOUGH ▪ KHAN ▪ APPEL

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Charleston, South Carolina
April 26, 2024