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**Aug 27 2024**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Charleston County  
Mikell R. Scarborough, Master-in-Equity

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Case No. 2021-CP-10-05211  
Appellate Case No. 2023-001615

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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 Board of Zoning Appeals;  
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC, are

Appellants.

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**SUPPLEMENTAL RECORD ON APPEAL**

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<sup>1</sup> The Appeal Petition, filed June 28, 2022, and all but six (6) of the exhibits thereto are included in the Record on Appeal, filed July 22, 2024, at the pages set forth in parentheses in the index to this Supplemental Record on Appeal. Through inadvertence, a full listing of all the exhibits to the Appeal Petition was not provided in the Record on Appeal, and six (6) of the exhibits (those identified herein in bold) were accidentally excluded therefrom. The index to this Supplemental Record on Appeal sets forth a full listing of the exhibits to the Appeal Petition, and copies of the six (6) missing exhibits (again, those identified herein in bold) are included herein, such that, between the Record on Appeal and this Supplemental Record on Appeal, the Appeal Petition and all of its exhibits are included in the appellate record.

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<sup>2</sup> The “Lucey Parties” refers to Appellants Justin O’Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC, collectively.

# Exhibit B

## Development Review Team

### Overview

As development processes have become more complicated, the Town has realized that it is important to refine our plan review processes to ensure timely and accurate review for all applicants. In order to do this, we are instituting new internal processes to coordinate with existing Design Review Board and Planning Commission processes for the review of “major” projects happening in the Town. These projects are basically any which result in site alterations which impact drainage and transportation systems, but not including individual home construction on a single lot.

This Development Review Team (DRT) will be made up of representatives of several Town departments to ensure that all aspects of the development process are being considered together in order to minimize lost time and streamline staff comments. Each project will be assigned to a team of reviewers pulled from the Planning, Transportation, Fire, and Public Services Departments. If needed, reviewers from other departments or outside agencies may be pulled in on a case-by-case basis, depending on the complexity of the project. The review system will be coordinated by the Program Manager who will review incoming DRB and Planning Commission applications to determine which qualify for this

### Contact Us

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Mount Pleasant, SC 29464

Phone: (843) 856-3080

### Calendar

November 2021



track of review. Only projects with complete application packets will move forward; others will be returned as incomplete for correction and re-submittal the following month. This process will also be used to coordinate review of any applicable Town projects.

## Review Process

Upon initial application for DRB or Planning Commission, DRT-eligible projects will be subject to a "Conceptual Review" which will utilize conceptual site drawings to determine initial compliance with the Town's ordinances. The conceptual site drawings must include all items included on the [DRT conceptual checklist](#). At this level, the DRT will review the conceptual plans, then meet as a team to discuss and consolidate comments prior to sharing them with the applicant. Review of the conceptual comments with the applicant will be scheduled as needed. This level of review will serve as the pre-application meeting with DRB staff and the preliminary staff review meeting for Planning Commission applications.

These conceptual comments shall be compiled into one document and sent to the applicant. The applicant will need to address comments, with any questions being directed to the team leader. After conceptual comments are successfully addressed, the project may move on for formal DRB or Planning Commission approval, as appropriate (in this and all cases, comments will be considered "successfully addressed" based upon written confirmation by the team leader).

The second level of DRT review will address the full DRB or Planning Commission plans, according to the criteria spelled out on the existing DRB and Planning Commission checklists(as may be amended). As before, projects with incomplete submittals (as determined by the Program Manager) will be returned to the applicant for correction and re-submittal the following month. At this phase, DRB and Planning Commission comments/decisions will be consolidated and returned along with DRT comments. If, after one full review, the DRB or Planning Commission have approved the project and all comments have been addressed, the project may be approved by DRT.

## DRT Approval

DRT approval will not be given until all team members have indicated that their comments have been adequately addressed and any necessary Board/Commission approvals have been granted. This may be accomplished in one cycle if comments are minimal but may also take

S	M	T	W	T	F	S
31	01	02	03	04	05	06
07	08	09	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	01	02	03	04

- **Mon, Dec 6 [Board of Zoning Appeals](#)** [Read On](#)
- **Wed, Dec 8 [Design Review Board Meeting](#)** [Read On](#)
- **Thu, Dec 9 [Historical Commission Meeting](#)** [Read On](#)
- **Thu, Dec 9 [Settlement Community Task Force](#)** [Read On](#)
- **Mon, Dec 13 [Historic District Preservation Commission Meeting](#)** [Read On](#)

## Quick Links

- [DRT Conceptual Checklist](#)
- [DRT Process and Meeting Flow](#)
- [DRT Process and Meeting Flow Simplified](#)

additional cycles if many changes need to be made. DRT approval will encompass Board/Commission approval, MS4, and approval of encroachment permits, and is required prior to the issuance of any clearing and grading permits or building permits.

## CONTACT US

Town of Mount Pleasant  
Municipal Complex  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464

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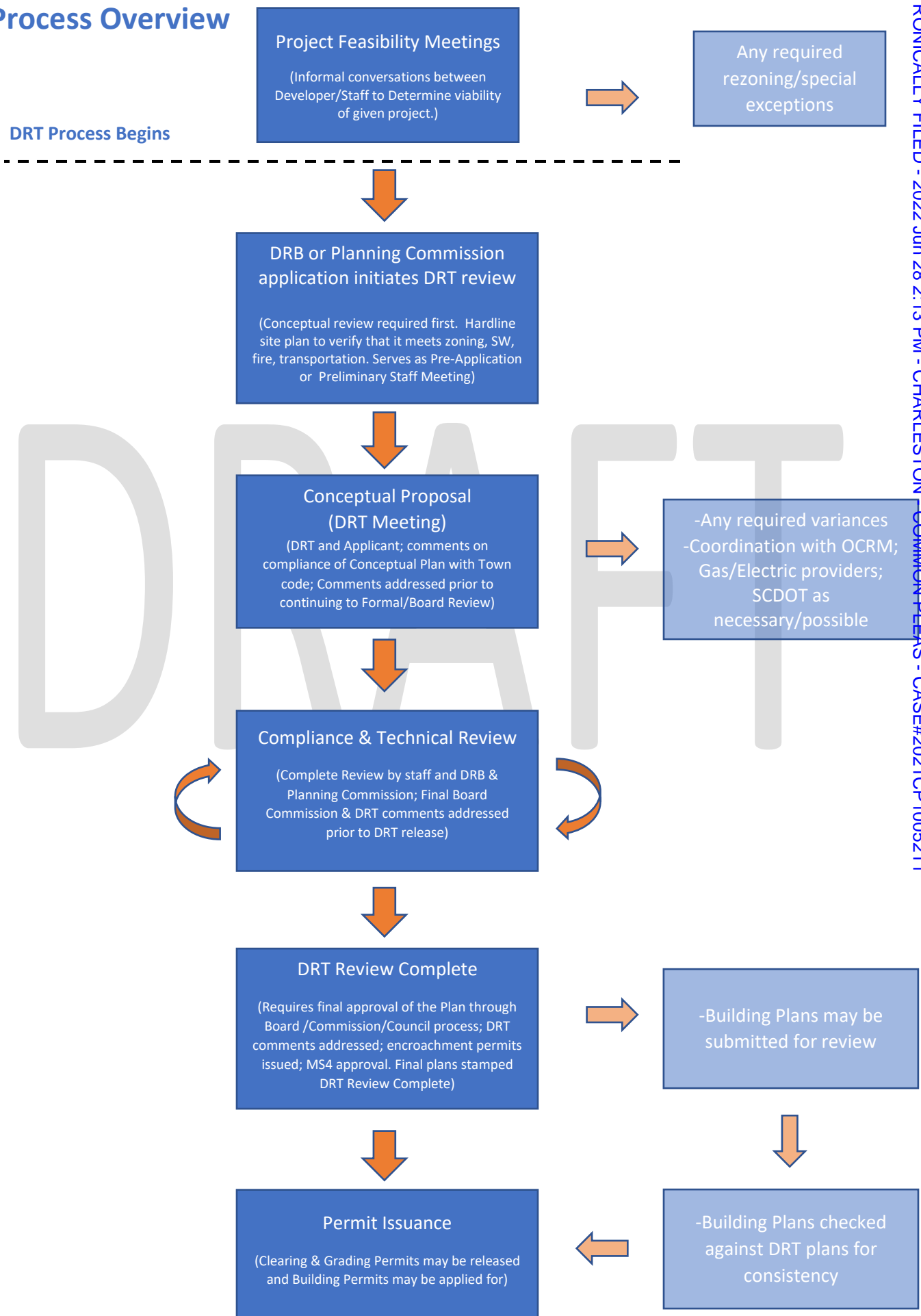
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# DRT Process Overview

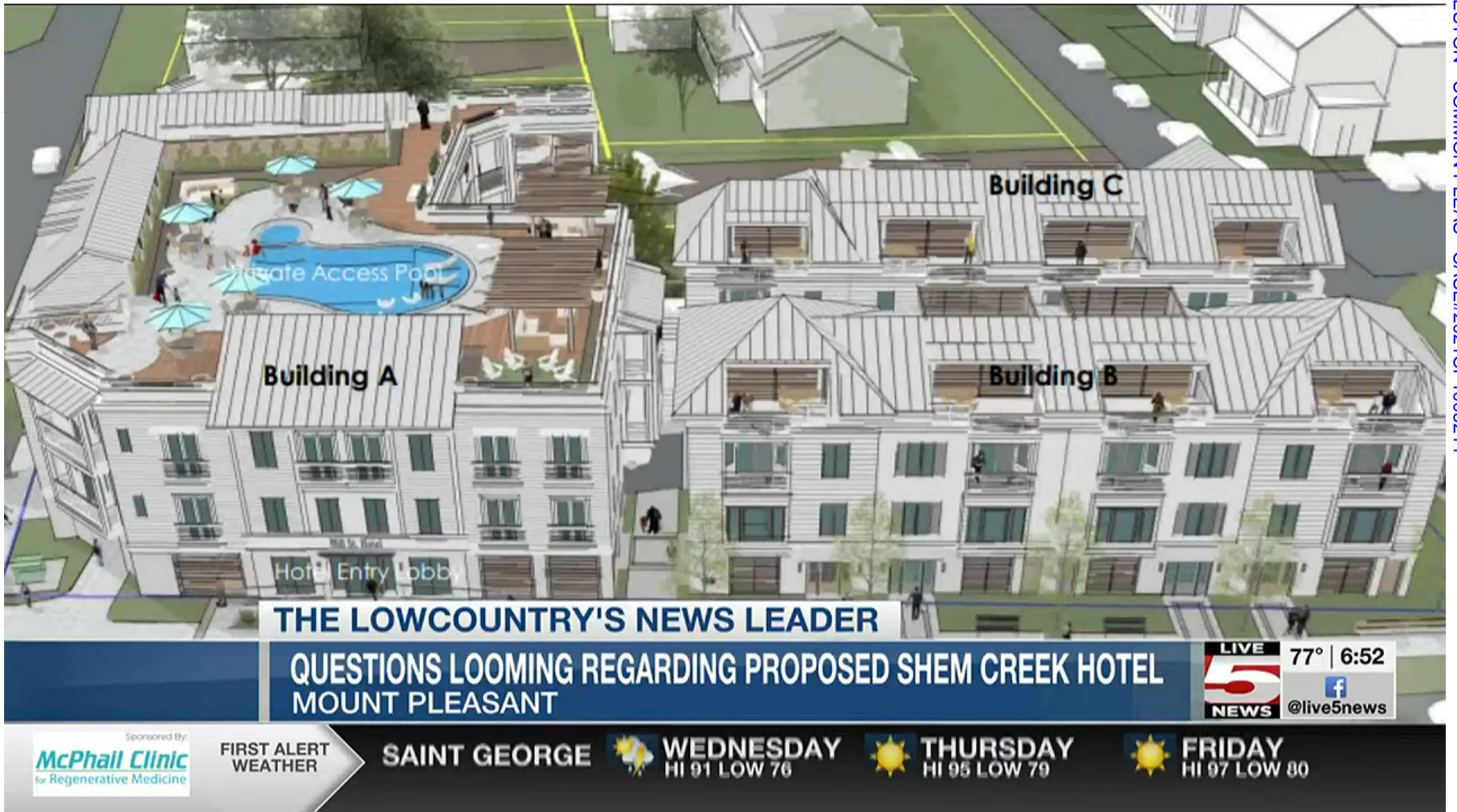
DRT Process Begins



# Exhibit C

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# Questions looming regarding proposed Shem Creek hotel



By [Summer Huechtker](#)

Published: Jul. 28, 2021 at 7:32 AM EDT



MOUNT PLEASANT, S.C. (WCSC) - Mount Pleasant Mayor Will Haynie says he's been getting non-stop phone calls this week regarding a proposed hotel in Shem Creek.

"I haven't heard from any residents who support it," Haynie said.

Originally, [Mount Pleasant's Design Review Board was set to review preliminary plans on Wednesday for a proposed boutique hotel at Mill Street and Lucas Street.](#)

The Design Review Board has since cancelled Wednesday's meeting because of technical questions.

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CKC Properties is the developer of the project, and they say they plan to build the proposed Mill Street Hotel right next to the Shem Creek boat landing and across from Shem Creek Crab House and Mill Street Tavern. Behind it, is a residential area.

ELECTRONICALLY FILED - 2022 Jun 28 2:13 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1005211





Design plans provided by CKC Properties show the Mill Street Hotel having a total of 27 unit and three separate buildings. (CKC Properties)

Building A is proposed to be a three-story hotel. This would be the largest of the three spaces, with 19 units ranging from one, two, and three bedroom units.

ADVERTISEMENT



Plans show buildings B and C would have four units each, and each have four-bedroom family suites.

Elected officials are not a part of the design review process, but the idea of a hotel here is one Haynie says, he is strongly opposed to.



Design plans provided by CKC Properties show the Mill Street Hotel having a total of 27 unit and three separate buildings. (CKC Properties)

"This 27 rooms is not going to put a dent in the demand for tourism, but it is going to make parking, and drainage, and just the feel of Shem Creek look different," Haynie said. "So, we don't get a vote on this, but I have a history of not supporting this type of development."

CKC Properties Representative Colin Colbert says they have been working on this development for months. He believes they are not asking for anything outside of what zoning allows.

"We are very upset that they cancelled the meeting tonight," Colbert said. "We have worked with the town for the last seven months and we feel that our plans met every requirement to be reviewed for DRB preliminary approval. We plan to continue to work with the town and move forward full steam ahead."

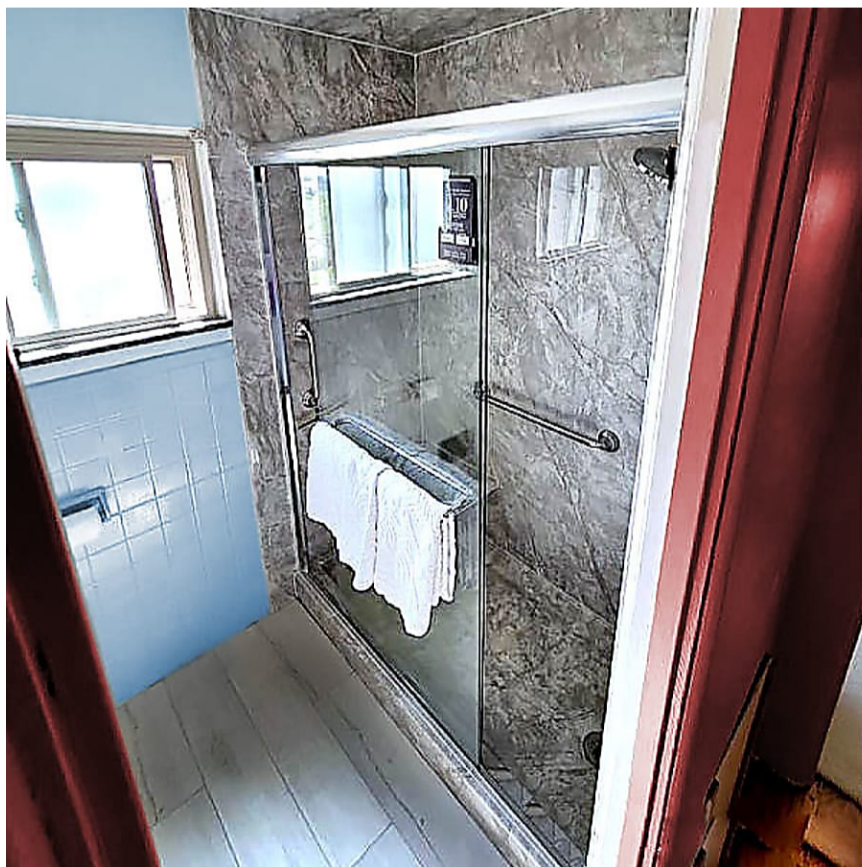
Usually Design Review Board meetings are held monthly, but there's no word yet on if this Mill Street Hotel is on the August agenda.

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AD



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# Mount Pleasant leaders to review plans for boutique hotel along Shem Creek

Search Site



Members of Mount Pleasant's Commercial Design Review Board will take a look at plans for a boutique hotel on Shem Creek. (Photo: LFK Architects via Mount Pleasant Commercial Design Review Board)

ers of Mount Pl  
que hotel on S

71°

64°

67° view

During a meeting on Wednesday evening, leaders will discuss the proposal for the Shem Creek Boutique Hotel, which is slated to be constructed along Mill Street.

Builders are seeking preliminary approval for the structure, which would include a rooftop pool and spa, lodging across three main buildings, and on-site parking.

The proposed hotel would be within walking distance of several popular restaurants and the Shem Creek Boat Landing.

### *Search Site*

Ad removed.

[Show details](#)

LFK Architects, which is based in Mount Pleasant, designed the plan for CKC Properties, LLC. CKC owns and operates more than a dozen vacation properties in the Charleston area.

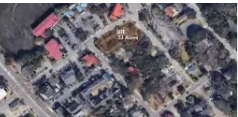
Mount Pleasant Mayor Will Haynie took to social media to express that he did not support this type of development, writing, "This is not the type of development I support. In fact, I opposed a very similar one so vigorously the developer sued me personally - outside of my position as mayor. Yet the pressure to over-develop our town never stops!"

Wednesday's meeting is scheduled for 5 p.m.

The full preliminary submittal can be viewed in the widget below or by [clicking here](#).

[Mount Pleasant leaders to review plans for boutique hotel along Shem Creek](#) by [ABC News 4](#) on Scribd


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LOCATOR MAP  
NOT TO SCALE (LOCATION MAP FROM GOOGLE MAPS)



**PRELIMINARY DRB SUBMITTAL**  
JULY 14, 2021

CONCEPTUAL STAFF MEETING: FEBRUARY 25, 2021  
DRY CONCEPTUAL DESIGN REVIEW: MAY 27, 2021



<p><b>OWNER:</b> D&amp;B PROPERTIES LLC PO BOX 4511 CHARLESTON, SC 29405</p> <p><b>OWNER CONTACT:</b> COLIN COLLIER COLIN@D&amp;BPROPERTIES.COM</p> <p><b>PROJECT TEAM:</b></p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>ARCHITECTURE:</b> LVL LANDSCAPE LLC 301 COLLEGE BLVD SUITE 200 MOUNT PLEASANT, SC 29528 WWW.LVL.COM</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>LANDSCAPE:</b> OUTDOOR SPATIAL DESIGN LLC 200 WEST OCEAN DRIVE SUITE 100 MOUNT PLEASANT, SC 29528 WWW.OSD.COM</p> </td> </tr> </table> <p><b>CIVIL:</b> KAPLAN DESIGN ENGINEERS 1000 W. COLLEGE BLVD. SUITE 200 MOUNT PLEASANT, SC 29528</p> <p><b>PROJECT DATA:</b> PROJECT NAME: SHEM CREEK BOUTIQUE HOTEL ADDRESS: 1000 W. COLLEGE BLVD. CITY: MOUNT PLEASANT COUNTY: CHARLESTON SHEET NO.: 1000 W. COLLEGE BLVD. SH-01 DATE: 07/14/2021 SCALE: AS SHOWN</p> <p><b>PREVIOUS APPROVALS:</b> CONCEPTUAL MAP REVIEW BY: CHARLESTON COUNTY</p>	<p><b>ARCHITECTURE:</b> LVL LANDSCAPE LLC 301 COLLEGE BLVD SUITE 200 MOUNT PLEASANT, SC 29528 WWW.LVL.COM</p>	<p><b>LANDSCAPE:</b> OUTDOOR SPATIAL DESIGN LLC 200 WEST OCEAN DRIVE SUITE 100 MOUNT PLEASANT, SC 29528 WWW.OSD.COM</p>	<p><b>DRAWING INDEX:</b> REV: CONCEPTUAL DESIGN</p> <p><b>CIVIL</b></p> <ul style="list-style-type: none"> <li>C-001 CONCEPT</li> <li>C-002 GRADING NOTES</li> <li>C-100 DRAINAGE CALCULATIONS SUBSECTION 1</li> <li>C-101 DRAINAGE MAP</li> <li>C-102 SITE LAYOUT PLAN WITH TREE DISPLAY</li> <li>C-103 SITE LAYOUT PLAN</li> <li>C-104 SITE ELEVATION PLAN FOR A &amp; B BUILDINGS</li> <li>C-105 VISION LANSCAPE IMAGES</li> <li>C-106 GRADING PLAN WITH DRAINAGE SWAP</li> <li>C-107 DRAINAGE ANALYSIS WITH SITE PLAN</li> <li>C-108 SITE LAYOUT PLAN</li> <li>C-109 CONSTRUCTION DETAILS SITE</li> <li>C-110 CONSTRUCTION DETAILS BRIDGE CROSSING</li> <li>C-111 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<p><b>ARCHITECTURE:</b> LVL LANDSCAPE LLC 301 COLLEGE BLVD SUITE 200 MOUNT PLEASANT, SC 29528 WWW.LVL.COM</p>	<p><b>LANDSCAPE:</b> OUTDOOR SPATIAL DESIGN LLC 200 WEST OCEAN DRIVE SUITE 100 MOUNT PLEASANT, SC 29528 WWW.OSD.COM</p>			

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**Former NASCAR driver shot to death in dispute involving estranged wife, police say**

**Focus on Murdaughs in Stephen Smith death 'may be unfounded,' attorney says**

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# Exhibit F

[https://www.postandcourier.com/news/mount-pleasant-ordered-to-pay-more-than-2-6-million-in-shem-creek-garage-lawsuit/article\\_ofba73f2-c2c1-11ea-9191-177188f7a5ff.html](https://www.postandcourier.com/news/mount-pleasant-ordered-to-pay-more-than-2-6-million-in-shem-creek-garage-lawsuit/article_ofba73f2-c2c1-11ea-9191-177188f7a5ff.html)

# Mount Pleasant ordered to pay more than \$2.6 million in Shem Creek garage lawsuit

BY DAVID SLADE DSLADE@POSTANDCOURIER.COM

JUL 10, 2020



The parking garage in this building at 101 Coleman Blvd. in Mount Pleasant was the subject of a long-running dispute with the town. Following a lawsuit, the town has been ordered to pay more than \$2.6 million in damages.

WARREN L. WISE/POST AND COURIER

**MOUNT PLEASANT** — Four years after refusing to seek a compromise with the developer of a parking garage near Shem Creek, the town has lost the resulting lawsuit and been ordered to pay more than \$2.6 million, plus legal costs.

Shem Creek Development Group had offered in 2016 to settle for \$1.75 million, but Town Council refused, and also voted unanimously to not consider any other proposals. The company, managed by Tex Small and Tyler Flesch, built the parking garage and office building at the heart of the dispute.

The dispute arose after the town backed out of a deal to subsidize the development of public parking spaces in the building at Coleman Boulevard and Mill Street. The town originally encouraged the parking garage as a way to ease parking at Shem Creek, but later opposed it due to resident opposition and a change in elected leadership.

In the court case, Town Administrator Eric DeMoura testified the Shem Creek garage has been the most controversial project he's seen during his tenure, Circuit Court Judge Maite Murphy wrote in her order awarding damages to Shem Creek Development earlier this week.

The settlement would not be covered by the town's insurance, DeMoura said Friday. There's been no decision on whether to file an appeal.

"Yes, we're aware of the verdict, and certainly respect the decision of Judge Murphy," he said. "Town Council will be discussing the next steps at their meeting Tuesday night in executive session."

Brandon Gaskins represented the developers, who he said "refused to be bullied" by what he described as a small but powerful group opposed to the parking garage. The outspoken nonprofit Save Shem Creek Corp was not a party to the lawsuit.

Gaskins said that as a lawyer, he's pleased with the outcome, "but as a resident and taxpayer of Mount Pleasant, I'm disappointed that town officials allowed it to go this far. Over the past five years the town had multiple opportunities to resolve this matter and avoid this result."

ARCHIVES

Mt. P shrugs off lawsuit threat

DAVID SLADE

The dispute stems from a 2013 deal negotiated when Billy Swails was mayor in which Mount Pleasant agreed to pay \$2.77 million over 15 years if SCDG's building included parking the public could use on nights and weekends.

The idea was that the town would pay for garage parking to be available to the public in the privately owned building, rather than following Charleston's example and building a municipal parking garage. A study had concluded a town-owned garage would be a money-loser, partly because the restaurant-driven demand for parking was mostly on evenings and weekends.

Sharing parking with the planned office building was seen as a solution, and a 276-space garage was planned. The town in 2013 agreed to pay \$185,000 yearly for 15 years for public access to some of the parking during the day, and all of the parking on weeknights and weekends.

However, the building became a flashpoint in the clash over visions for the town's growth. The Save Shem Creek group solidified around opposition to the garage and office building, and became influential through a series of Town Council and mayoral elections.

By 2015, Mount Pleasant had become the South Carolina municipality facing the most lawsuits over development issues.



#### ARCHIVES

The 'Year of No' costs Mt. Pleasant a lot of dough The lawsuits

DAVID SLADE

After turning hostile to the office and garage development, the town made changes to development regulations that reduced the size of the parking garage, allowing fewer spaces than anticipated in the town's \$2.77 million payment agreement. In February 2015, the town rejected a proposal to pay a reduced yearly amount of \$163,000 to reflect the reduced number of spaces, and Town Council voted to reject any alternative proposal.

Murphy in her order wrote that although the project site needed to be maximized to create the desired number of parking spaces, “the town drafted and pursued an amendment to the zoning code that intentionally reduced the usable area of the project site, without providing any direct notice to SCDG.”



**NEWS**

**Shem Creek Development Group sues Mount Pleasant over new creek parking deck contract**

BY PRENTISS FINDLAY PFINDLAY@POSTANDCOURIER.COM

The result was a parking garage with 234 spaces, rather than 276, with 117 available to the public. The town approved that development plan, then in late 2014 informed SCDG that it did not include enough parking spaces to meet the license agreement with the town.


The parking garage opened in 2017, and the lawsuit over payments from the town was filed that year.

Murphy concluded that the town breached its agreement with the developers, and acted in bad faith by taking actions to prevent development of the garage it had agreed to partly lease.

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Reach **David Slade** at 843-937-5552. Follow him on Twitter @DSladeNews.

MORE INFORMATION

 [Mount Pleasant parking garage order](#)

[Editorial: Mount Pleasant should settle its dispute over Shem Creek garage](#)

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**DAVID SLADE**

David Slade is a senior Post and Courier reporter. His work has been honored nationally by Society of Professional Journalists, American Society of Newspaper Editors, Scripps foundation and others. Reach him at 843-937-5552 or [dslade@postandcourier.com](mailto:dslade@postandcourier.com)



# Settlement reached with Mount Pleasant over contested plans for hotel

BY EMILY WILLIAMS EWILLIAMS@POSTANDCOURIER.COM

AUG 19, 2019



A settlement has been reached in connection to plans for a 25-room inn on Hibben Street near Mount Pleasant's Old Village

A developer has reached a settlement with the town of Mount Pleasant over plans for a boutique hotel which has prompted multiple legal challenges.

Disputes involving the town, Old Village residents, a local real estate group and Mount Pleasant Mayor Will Haynie have surrounded the planned Hibben Street property, starting with a lawsuit filed earlier this year in which the developer claimed the town was unlawfully denying its vested rights.

The new deal, which should resolve much of the litigation, will reduce the number of guest rooms at the lodging from 25 to 24 by converting one of the planned units to a single-family residence. The developer, Vince Graham, has also agreed to provide all required parking spots for the lodging on-site.

The terms of the settlement were discussed in a closed-door portion of Mount Pleasant's council meeting last Tuesday. Council members then voted in open session after a brief discussion, approving the proposal 5 to 2.

Two council members, Joe Bustos and Guang Ming Whitley, voted against the approval. Whitley said that she was "uncomfortable" with how the issue had been noticed on the agenda.

The agenda item listed the case numbers for three applicable lawsuits but did not mention other identifying information like the name of the development, Earls Court, or the location of the proposed hotel.

"Personally, I'm uncomfortable with taking any action this evening on this issue," Whitley said before council was briefed on the settlement details.

Haynie recused himself from the discussion and vote because he was named as a defendant in a recent complaint that claimed he put pressure on a local real estate firm to terminate a parking deal for the project.

The hotel's developer had arranged a lease agreement with the Cassina Group last November to use eight of the parking spots at its nearby office before and after normal business hours.

Cassina said it ended the lease March 2, but Graham had argued that it was still valid, referencing "intense" online comments from residents who opposed the hotel project because of traffic and parking concerns.



#### **BUSINESS**

Another lawsuit filed in connection to contested plans for Mount Pleasant inn

BY EMILY WILLIAMS EWILLIAMS@POSTANDCOURIER.COM

“None of this, however, justifies a unilateral termination of a contract,” Graham had said in a statement.

A representative from the Cassina Group said Monday the firm was not familiar with details of a settlement between the town and Earls Court.

The compromise OK'd by the town will eliminate the need for parking on Patjens Lane and at the Cassina office, said Ross Appel, an attorney for Earls Court LLC.

Though a precise plan for how parking will be arranged on the lot hasn't been set yet, the solution will be similar to methods boutique lodgings on the peninsula have used to accommodate parking on small lots, Appel said.



**BUSINESS**

Boutique hotel owner plans historic interiors, novel parking for Charleston property

BY EMILY WILLIAMS EWILLIAMS@POSTANDCOURIER.COM

Early approvals for the Earls Court hotel project were passed years ago — the first was in 2011 — but became contentious late last year when the town turned down Graham's request for an extension on a deadline to start construction. Graham said the extension should have been guaranteed by state law.

Residents on Patjens Lane also sued Earls Court over its previous parking arrangements. They argued the plan hadn't satisfied Mount Pleasant's shared parking requirements and said it would have caused unsafe traffic conditions in the neighborhood.

The hotel project will include a main building with a first-floor restaurant and 23 guest rooms, according to plans submitted to the town. Two smaller buildings will also be built which originally would have both been rented out to guests.

Under the settlement, one will be a permanent residence, and the other will be part of the hotel.

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Reach **Emily Williams** at 843-937-5553. Follow her on Twitter [@emilye\\_williams](https://twitter.com/emilye_williams).

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**EMILY WILLIAMS**

Emily Williams is a business reporter at The Post and Courier, covering tourism and aerospace. She also writes the Business Headlines newsletter and co-hosts the weekly news podcast Understand SC.

# **\$2.6M payout reduces Mount Pleasant subdivision development plan by more than 2,000 homes**

BY WARREN L. WISE [WWISE@POSTANDCOURIER.COM](mailto:WWISE@POSTANDCOURIER.COM)

MAY 14, 2019



The townhouse development of Avian at Park West was central in the dispute between the developer and the town of Mour and recent settlement. Wade Spees/Staff

The bustling Charleston suburb of Mount Pleasant will see more than 2,000 fewer homes under a \$2.6 million payout and land donation agreement worked out from a long-brewing development dispute.

Many of the lots could not have been built anyway since there wasn't enough developable land left in the Park West subdivision.

The town will pay \$2.6 million to Columbia developer Park West Development and townhouse project Avian at Park West in exchange for the developer agreeing to slash the number of housing units planned for the master-planned community by 2,030, donating 350 acres for open space and giving the town two small parcels for traffic improvement.

“It took several years to resolve, and we finally worked out something that was acceptable to us and to them,” said Kevin Steelman, president of Park West Development. “We were able to resolve the matter so both parties could move on.”

Town administrator Eric DeMoura called it “a fair settlement.”

Park West is a 1,250-acre tract carved out of the greater Dunes West development in 1996.

It was approved for 5,281 residential units based on its part of the original 1990 development agreement for Dunes West, but a disagreement ensued between the town and developers in late 2014. The dispute was over a proposed townhouse project on nine acres within the development and who had control over where the 49 units could be built.

Park West Development maintained that under the 1990 planned development agreement it could shift projects around on the large tract as long as it did not exceed the allocated number of housing units.

Avian at Park West, a 44-unit townhouse development in northern Mount Pleasant, was central in the dispute between the developer and the town that resulted in a lawsuit and recent settlement. Wade Spees/Staff

Mount Pleasant countered that the agreement never gave the developer a blank slate to do as it pleased, saying changes to a planned development district must be made by ordinance through Town Council.

When the project was proposed for land beside Mount Pleasant Regional Airport, concerns were raised over traffic safety, proximity to the airport and density problems in the area. The town denied the request in early 2015.

An impasse developed and the dispute wound up in court later that year, when the developer and Avian sued the town for damages related to financial losses incurred from not being able to develop the property as they thought they could.

Under an agreement worked out earlier this year between the town and the developer, the original 5,281 residential units have been slashed to 3,251 houses. The developer has used 3,136 of the units, leaving 115 on the table. Park West

Development no longer owns any of the land, having sold it off over the years, Steelman said.

Also part of the settlement, the company is donating 350 vacant acres to the Park West Master Association to be preserved as open space while also handing over two parcels totaling 19 acres to the town for public access and traffic improvements near Laurel Hill County Park and a cluster of elementary schools off Park West Boulevard.

DeMoura said the reduction in housing units became part of the settlement because the developer “couldn’t reach those numbers anyway,” since some of the donated 350 acres is wetlands. Steelman called some of the property “buffers” as well, but said there were still parts that could be developed.

Increasing the capacity of the sewer system is proceeding along Park West Boulevard at Thomas Cario Boulevard in northern Mount Pleasant. The construction site is near three schools in the area where a Park West developer recently donated land that the town intends to transform into a roundabout to help with traffic flow in the area. Wade Spees/Staff

Where three schools are just south of the townhouse project — Laurel Hill Primary, Pinckney Elementary and Cario Middle — about 13 acres inside a loop road to the schools and across the street are being given to the town. DeMoura said a roundabout is planned to help with traffic flow near the three busy schools.

Steelman said the donated land near the schools was not part of the litigation, but the town was talking about widening Park West Boulevard and maybe installing a roundabout, so they donated the property to help with traffic congestion and made it part of the settlement agreement.

The other six-acre donation is next to Laurel Hill County Park off Bessemer Road on the northwest side of the park parcel.

Avian now consists of 44 townhouses next to the airport. Steelman said they were allowed to be developed as 22 duplex buildings under zoning regulations while litigation was underway instead of different buildings with 49 townhomes that were originally proposed.

“We went forward with the development of an alternative plan to mitigate our damages,” Steelman said. “The town allowed the duplexes because they were permissible under ... zoning. We just went forward with what they would allow.”

Avian at Park West consists of 44 townhouses and was central in a long-running dispute between the developer and the town of Mount Pleasant. Wade Spees/Staff

The town has already signed off on the deal, but since it involves a change in the development agreement from nearly 30 years ago, the town has to approve it by ordinance, according to DeMoura.

Steelman said the ordinance change cleans up any conflicts that could arise down the road in Park West.

The measure will make its way to the town Planning Commission May 22 for a public hearing and a vote. From there, it will go the Planning Committee and then onto Town Council for two votes.

DeMoura said those sign-off votes will come in June and July, ending the five-year Park West ordeal.

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Reach **Warren L. Wise** at 843-937-5524. Follow him on Twitter @warrenlancewise.

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**WARREN WISE**

Warren Lance Wise covers retail, real estate and Charleston International Airport for The Post and Courier. A graduate of the University of South Carolina, he holds nearly 50 local, state and national awards for journalistic excellence.

# The 'Year of No' costs Mt. Pleasant a lot of dough The lawsuits

DAVID SLADE

FEB 6, 2016



Mount Pleasant is facing a number of development-related lawsuits, including one by the Save Shem Creek Corp. aimed at stopping an office building and parking garage that's under construction at Coleman Boulevard and Mill Street, depicted in this rendering.

**MOUNT PLEASANT** — As residents of this fast-growing town made development a top election issue in 2015, Mount Pleasant became South Carolina's most-sued municipality for development-related disputes.

And that's proving to be a costly honor.

Town officials recently added \$500,000 to the municipal budget for legal defense in five lawsuits filed last year — four in which the town was sued for blocking developments. The fifth lawsuit questions the town's decision for allowing a

development to proceed.

A half-million dollars is roughly what the town spends to fuel its police vehicles annually, but that amount could just be the start.

Behind the cost of lawyers await millions of dollars in damage claims if the town loses some of the development cases, particularly those involving a proposed apartment and retail complex called The Atlantic on Ben Sawyer Boulevard, and two involving construction of multi-family homes at Park West.

At the town's urging, the Municipal Association of South Carolina has started offering insurance coverage for development permitting lawsuits — only Mount Pleasant has purchased that coverage, so far — but the insurance doesn't cover the cases filed last year.

While costs to the town's taxpayers are rising, some developers suing the town claim to have already lost millions due to decisions variously described as “arbitrary and capricious” or unconstitutional.

Middle Street Partners, developer of The Atlantic, claims more than \$6.2 million in profits were lost after the Town Council declined to approve an impact statement for the project, which complied with the town's zoning rules. The development was opposed by Sullivan's Island residents and Mount Pleasant's Save Shem Creek group.

In another case, developer DR Horton alleges the town “had no discretion or ability to prohibit” dozens of townhomes planned at Park West, but nonetheless did so.

And while developers sue the town for blocking development, the Save Shem Creek Corp., a nonprofit group headed by former Town Council member Jimmy Bagwell, is suing the town for allowing an office building and parking garage at Coleman Boulevard and Mill Street.

The project, the suit claims, was “secretly approved” and puts residents at risk of “injury to their aesthetic and recreational interests in enjoying and observing Shem Creek and its attendant marine and wildlife.” The lawsuit seeks to reverse the

approval for the office and parking garage building, which is under construction.

In a counterclaim, the town says “the filing of this lawsuit was intended solely for the ulterior purpose to advance the political agenda of the plaintiff, harass Town Council, and cause the town thousands of dollars in legal fees...”

The Municipal Association of South Carolina insures the town for legal claims, along with 112 other towns and cities in the state.

Heather Ricard, MASC’s director of risk management services, said lawsuits over development are relatively uncommon, and until Jan. 1, no insurance coverage against such claims was offered by the association.

The number of development lawsuits filed against Mount Pleasant last year was higher than the number filed against all other towns and cities MASC insures during each of the two previous years, Ricard said.

“We did add what’s called a limited land use litigation coverage endorsement this year,” Ricard said.

That means the town gets up to \$1 million of partial coverage when sued for certain development disputes.

It’s not so much that conflicts over development are unusual, but most get resolved in the appeals process. In Charleston, for example, development controversies involving projects on the peninsula are frequent — recent ones involve a planned cruise ship terminal and the Sergeant Jasper apartment building — but have typically involved court appeals of regulatory decisions, rather than lawsuits seeking damage awards from the city.

Mary Graham, head of the Developers Council at the Charleston Metro Chamber of Commerce, said some disputes arise because public opposition to particular projects often occurs only after time and money has been spent. By the time residents see what a proposed building is going to look like, design and engineering work has been done and the development may already be moving through the review process.

“The developer, just to get to that stage of the process, likely spent hundreds of thousands of dollars,” Graham said. “Citizens get very vocal and push back against elected officials — not just in Mount Pleasant — but if projects meet the requirements then there are no reasons to deny them.”

“You can’t keep changing the rules as someone is going through the approval process,” she said. “Whether people like developers or not, developers are businesses that employ people.”

In Mount Pleasant last year, the Charleston Metro Chamber of Commerce and the Save Shem Creek Corp. supported different candidates in the Town Council election. The candidates who advocated putting the brakes on development won, and some have made attempts, so far unsuccessful, to reverse course on town projects such as building a large traffic circle on Coleman and Chuck Dawley boulevards.

The conflicts over growth pressures in Mount Pleasant aren’t so much new but instead revived once development soared after the recession ended.

Two decades ago, roughly 4,500 residents signed a petition aimed at blocking plans for the I’On development, where developers were going to build a dense mix of homes with some commercial buildings mixed in. Plans to hold a voter referendum on the subdivision’s zoning approval by Town Council were quashed by a judge.

The I’On development later was lauded nationally as a model of new urbanist planning, but the 1997 zoning controversy played a role in a push-back against the pace of Mount Pleasant growth that prompted Town Council in 1999 to approve a decade-long plan limiting building permits for single family homes.

The goal of the permit caps, which have since expired, was to keep residential development from outpacing construction of roads and schools.

After the recent recession, with no permit limits in place, the yearly number of dwelling units permitted by the town soared from a low of 167 at the bottom of the recession in 2009 to 1,341 in 2014.

Reach David Slade at (843) 937-5552 or [twitter.com/DSladeNews](https://twitter.com/DSladeNews).

MORE INFORMATION

Mount Pleasant terminates town lawyers' contract, as candidates had pledged

Mount Pleasant ordered to pay more than \$2.6 million in Shem Creek garage lawsuit

# Exhibit H

# EXHIBIT D

## **Town of Mount Pleasant**

### **EXPLANATION OF DESIGN REVIEW PROCESS**

#### **OVERVIEW**

The purpose of the design review process is to review all commercial building, remodeling and/or alteration activity proposed within the Commercial Design Review Overlay District of the Town of Mount Pleasant. Architecture and site design are evaluated based on the Design Review Guidelines found within §156.310 *et al*, as may be applied by the Planning Department staff and the Commercial Design Review Board.

The Design Review process establishes a systematic and uniform review procedure for proposed construction. Owners are encouraged to involve design professionals in the design of proposed projects for improved design quality and assistance to project owners in interpreting Design Review Standards. Design professionals may include a registered architect, landscape architect, civil engineer and other engineering disciplines as needed or required by building code.

#### **REVIEW OPTIONS**

Applicants have two options for review of projects: 1) Design Review Board or 2) Minor Projects (less than \$250,000.00) staff review, as is more fully explained in section 156.310(C) of the Town of Mount Pleasant Code of Ordinances.

Projects submitted for Design Review Board review and approval, the board will have the authority to adjust or modify the architectural and site design standards as deemed appropriate by the Board for a particular project. Minor Projects submitted for staff review and approval will require adherence to the architectural and site design standards as provided in section 156.310 (E and F).

#### **PROCESS**

Design Review is a three step process consisting of 1) a Pre-application Review, 2) a Preliminary Review, and 3) a Final Approval.

A Pre-Application Review meeting with staff is required at least one week prior to submittal for both Design Review Board or Minor Project review. Planning Department staff will assist applicants in understanding the goals of the Design Review Guidelines. Certain projects, particularly smaller projects, may not require both preliminary and final design review to adequately assess design appropriateness. For that reason, an applicant may request submission directly to the Final Review level. Planning staff can assist in making that determination at the pre-application meeting. Staff may grant approval to minor projects involving repair or alterations to existing buildings or sites if the drawings are sufficiently clear and complete. Minor projects by their nature may not require all plans in the submittal checklists. Staff may determine which plans are necessary for review and approval. Expedited review and approval is left to the discretion of staff and not all small projects may qualify. If not approved for expedited review, projects should be submitted in accordance with established Design Review procedures for either preliminary or final review.

Preliminary Review is the next step in the process. This step allows the applicant to receive input before investing in the preparation of construction drawings for final approval submittals. At the Preliminary Review level, if a project is found acceptable, usually with some minor design modifications, Preliminary Approval would be granted and the applicant may proceed with preparation of a Final Review submittal. If, in the reviewers' opinion, substantial design changes are necessary,

action on a Preliminary Review submittal may result in either Conceptual approval ( the design concept is acceptable but sufficient information for a Preliminary Review approval has yet to be presented for consideration) or

Deferral for re-study (the reviewer has determined that substantial design work or modifications must be done to achieve a Preliminary Review approval). In any determination, the reviewer will be specific in identifying the areas of further design study when so required.

The intent of the Final Review is to ascertain that the Preliminary Review comments have been addressed and specific details of the project are reviewed.

## **SUBMITTALS**

Design Review meetings are generally held on the last Wednesday of every month. Please check the Annual Meeting Schedule online in the Planning Department Document Library for meeting and submittal dates. Applications must be made online at [www.tompsec.com](http://www.tompsec.com) and must be received no later than two weeks prior to the meeting date. Checklists have been developed for Preliminary Review and Final Review. The number, size, and types of plans to be submitted for each review are listed on the checklist. The checklist may be accessed via hyperlink from the online Commercial Design Review Board application form. All information on the checklist is required for review. Incomplete submittals will be returned and will not be placed on the agenda for review. Changes to plans may not be made once a project has been submitted for review. In the case of some very minor projects, especially additions or modifications to existing sites or structures, all information on the checklist may not be needed or appropriate. Planning Staff may modify the submittal requirements for such projects at the Pre-Application Review meeting.

## **AGENDAS AND COMMENTS**

Agendas will be posted online for DRB meetings once it is determined by staff that submittals are complete. The meetings are at 5:00 in the evening.

Staff comments for projects submitted for DRB review will be hyperlinked in the agenda prior to the meeting. Staff comments for the staff review track projects will be provided to the applicant via email.

## **APPEALS**

A person who may have a substantial interest in any decision of the Staff or Design Review Board as part of the Design Review Process may appeal from any decision of Staff or the Design Review Board as described below.

A Staff Review decision pertaining to interpretation of the design review standards may be appealed in writing to the Zoning Administrator or his designee. The Zoning Administrator will respond to the appeal following receipt of the letter. Please see the Explanation of Appeal from Action of Design Review for information that should be included. If the Zoning Administrator concurs with the applicant, then the applicant may proceed through the design review process as approved by the Zoning Administrator. If the Zoning Administrator concurs with staff interpretation, then applicant can: 1) make changes as necessary to plan to comply; 2) elect to seek DRB approval- this will require a new submittal subject to all DRB meeting schedules and application requirements; or 3) if the applicant believes that the Zoning Administrator has made an error in determination, then the applicant can appeal his decision to the DRB. It should be noted that modification of a guideline can only be

approved by the DRB, not the Zoning Administrator. Requests for modifications to the guidelines may not be considered appeals.

If appealing a decision of the Zoning Administrator, the appeal must be filed within thirty days of when the affected party receives actual notice of the decision of the Zoning Administrator. Forms for appeals are available in the Planning Department offices.

Appeals of the Design Review Board must be made to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party or his or her designated agent receives actual notice of the decision of the Board.

DRB will have the ability to only modify guidelines within section 156.310(E and F). If an applicant would like a variance from any other standards found throughout the Zoning Code, then Board Of Zoning Appeals approval is required.

10.21.14

# Exhibit I



**PROPERTY OWNER KEY:**

**OWNER TO BE CKC PROPERTIES, LLC.**  
 REGISTERED: COLIN COLBERT  
 P.O. BOX 451, CHARLESTON, SC 29402  
 (PROPOSED HOTEL SITE)

**OWNER: THE TOWN OF MOUNT PLEASANT**  
 (WATER PUMP STATION 15)

**PROPERTY LINES**

**OWNER: 69 SCOTT STREET, LLC.**  
 REGISTERED:  
 415 MILL ST., MT. PLEASANT, SC 29464  
 (MIXED COMMERCIAL)

**OWNER: 415 MILL STREET, INC.**  
 LUCEY LAW FIRM

**OWNER: MULTIPLE**  
 (COMMERCIAL & RESIDENTIAL CONDOMINIUMS)

**OWNER: COUNTY OF CHARLESTON**  
 (PARKING LOT)

**OWNER: 5171600052**  
 (SHEM CREEK PLACE BED & BREAKFAST)

**OWNER: SHEM CREEK EAT, LLC.**  
 (RESTAURANTS)

**OWNER: SHEM EC, LLC.**  
 (RETAIL)

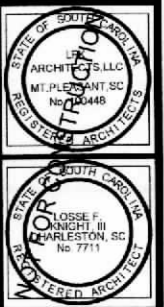
**OWNER: 69 SCOTT STREET, LLC.**  
 REGISTERED:  
 415 MILL ST., MT. PLEASANT, SC 29464  
 (SINGLE FAMILY RESIDENTIAL)



**1** ADJACENT PROPERTY USE PER TAX MAP  
 N.T.S.

**NOTE:** INFORMATION AND MAP OBTAINED THROUGH CHARLESTON COUNTY GIS & SOUTH CAROLINA SECRETARY OF STATE.

T.O.M.P.



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JOB NUMBER:	LFK	LFK
DRAWN:	LFK	LFK
CHECKED:	LFK	LFK

REVISION NOTES

**SHEM CREEK BOUTIQUE HOTEL**  
 MILL ST.  
 MOUNT PLEASANT, SC  
**ADJACENT PROPERTY USE & OWNER MAP**

**A106**  
 PRELIMINARY DRB  
 08.11.2021

# Exhibit R

## Ross Appel

---

**From:** Design Review Board <listserv@civicplus.com>  
**Sent:** Monday, July 19, 2021 11:35 AM  
**To:** Ross Appel  
**Subject:** New Agenda 7/28/2021 for www.tompsc.com

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Design Review Board Agenda July 28, 2021

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Design Review Board

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**From:** Peter Stone PStone@tompsc.com  
**Subject:** RE: July DRB Agenda  
**Date:** August 20, 2021 at 1:18 PM  
**To:** Mike Robertson MRobertson@tompsc.com, Brittany Johnson BJohnson@tompsc.com

Hey,

It would appear that the agenda was originally posted on 7/19 at 11:35am.

My email removing this agenda item was sent on 7/27 at 12:10. This can be found in the attached thread.

Thanks,



**Peter Stone**  
*Senior Planner*  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464  
Office (843)884-1229 ext. 3750

How are we doing? Please take our brief survey below.  
[Planning Department Customer Survey](#)

**From:** Mike Robertson <MRobertson@tompsc.com>  
**Sent:** Friday, August 20, 2021 12:49 PM  
**To:** Peter Stone <PStone@tompsc.com>; Brittany Johnson <BJohnson@tompsc.com>  
**Subject:** July DRB Agenda

Can you please tell me the date the DRB agenda was posted in July?

Can you please forward your correspondence notifying applicants that were removed from the agenda?



**Mike Robertson**  
*Division Chief, Office of Community Planning and Zoning*  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464  
Office (843)884-1229 ext. 3221

How are we doing? Please take our brief survey below.  
[Planning Department Customer Survey](#)

Meeting Date   Upload an agenda.  
Override Posted Date and Time

7/19/2021 10:51 AM

If blank, the actual publish date and/or time will be used. Specify a date and time if you wish to override this. Some state laws may require this not be altered.

Description

Design Review Board Agenda July 28, 2021 -Meeting Canceled

You have 197 characters left.



Mount Pleasant

SOUTH CAROLINA



RE/ RE2/ Mill St.  
Hotel...ent.eml

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**Oct 19 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Mikell R. Scarborough, Master-In-Equity

---

Circuit Court Case No. 2021-CP-10-05211

---

CKC Properties, LLC,

Respondent (Appellant Below),

The Town of Mount Pleasant, South Carolina;  
The Town of Mount Pleasant Board of Zoning Appeals; and  
Michael Robertson, in his official capacity as Zoning Administrator,

Respondents (Respondents Below),

v.

Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC,

Appellants (Respondents Below).

---

**NOTICE OF APPEAL**

---

Appellants Justin O'Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC ("Appellants") hereby appeal the following orders of the Honorable Mikell R. Scarborough, Master-In-Equity, Charleston County: 1) Order Reversing BOZA Order in Part and Affirming in Part, entered July 14, 2023; and 2) Order filed September 21, 2023, denying Motions to Reconsider. Appellants received written notice of entry of the most recent order on September 21, 2023, via the South Carolina Judicial Department's E-Filing System's NEF transmission. This Notice of Appeal is being filed and served within thirty (30) days of said receipt of order.

Copies of the orders being challenged on appeal are attached hereto and incorporated herein by reference.

Respectfully submitted,

s/Evan P. Williams  
Jeffrey S. Tibbals (S.C. Bar No. 72628)  
jst@bybeetibbals.com  
Evan P. Williams (S.C. Bar No. 101981)  
ewilliams@bybeetibbals.com  
BYBEE & TIBBALS, LLC  
735 Johnnie Dodds Blvd., Suite 104  
Mt. Pleasant, SC 29464  
Telephone: 843.881.1623

*Attorneys for Appellants*

October 19, 2023

**Other Counsel of Record:<sup>1</sup>**

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ross@mklawsc.com  
McCULLOUGH KHAN, LLC  
2036 eWall Street  
Mount Pleasant, SC 29464  
Telephone: (843) 937-0400

*Attorneys for Respondent (Appellant  
Below) CKC Properties, LLC*

Stephen L. Brown (S.C. Bar No. 66468)  
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Stephanie Ramia Sandifer (S.C. Bar No. 100217)  
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Russell G. Hines (S.C. Bar No. 72100)  
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Brian L. Quisenberry (S.C. Bar No. 73637)  
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CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400 (29401)  
P.O. Box 993  
Charleston, SC 29402-0993  
Telephone: (843) 720-5488

*Attorneys for Respondents (Respondents Below)  
The Town of Mount Pleasant, South Carolina,  
and The Town of Mount Pleasant Board of  
Zoning Appeals*

---

<sup>1</sup> Although the case caption has not been amended to reflect it, Michael Robertson, in his official capacity as Zoning Administrator, is no longer a party to this matter, having been dismissed by order filed May 4, 2023.

**RECEIVED**

**Oct 19 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-In-Equity

---

Circuit Court Case No. 2021-CP-10-05211

---

CKC Properties, LLC,

Respondent (Appellant Below),

The Town of Mount Pleasant, South Carolina;

The Town of Mount Pleasant Board of Zoning Appeals; and

Michael Robertson, in his official capacity as Zoning Administrator,

Respondents (Respondents Below),

v.

Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC,

Appellants (Respondents Below).

---

**PROOF OF SERVICE**

---

I certify that I have served Appellants' Notice of Appeal on all parties to this matter via email (see attached email) to their respective counsel of record, on October 19, 2023, containing the above-referenced document as an attachment in .pdf, sent to the addresses shown below. Additionally, all parties to this matter have been served with the Notice of Appeal via the South Carolina Judicial Department's E-Filing System's NEF transmission that was sent following Appellants' Notice of Appeal being e-filed with the lower court on October 19, 2023.

Ross A. Appel (S.C. Bar No. 79149)  
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Telephone: (843) 937-0400

*Attorneys for Respondent (Appellant  
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Russell G. Hines (S.C. Bar No. 72100)  
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*Attorneys for Respondents (Respondents Below)  
The Town of Mount Pleasant, South Carolina,  
and The Town of Mount Pleasant Board of  
Zoning Appeals*

Respectfully submitted,

s/Evan P. Williams

Jeffrey S. Tibbals (S.C. Bar No. 72628)  
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Evan P. Williams (S.C. Bar No. 101981)  
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Mt. Pleasant, SC 29464  
Telephone: 843.881.1623

*Attorneys for Appellants*

October 19, 2023

**From:** Evan Williams  
**Sent:** Thursday, October 19, 2023 12:03 PM  
**To:** ross@mklawsc.com; 'sbrown@ycrlaw.com'; 'ssandifer@ycrlaw.com'; 'rhines@ycrlaw.com'; bquisenberry@ycrlaw.com; zkern@ycrlaw.com  
**Cc:** Jeff Tibbals; Elliott Jones; Whitney Moore  
**Subject:** CKC Properties v. Town of Mount Pleasant, et al. - Notice of Appeal  
**Attachments:** Lucey\_NOA\_CKC v. Town (No. 2021-CP-10-05211).pdf; 2023.07.14.Lower.Court.Order.pdf; 2023.09.21.Lower.Court.Order.pdf

Please find attached for service the Notice of Appeal by Appellants Justin O'Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC, along with the appealed orders attached thereto. This is an appeal from Charleston County Court of Common Pleas Case No. 2021-CP-10-05211.

Thank you,

---

Evan P. Williams  
735 Johnnie Dodds Blvd. Suite 104, Mt. Pleasant, SC 29464  
**O:** 843.881.1623 **D:** 843.513.1036 **M:** 502.727.9203  
**E:** [ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)

---

**BYBEE & TIBBALS**  
**EMINENT DOMAIN & PROPERTY**  
**RIGHTS LITIGATION**

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NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE:** 2021CP1005211

**Official File Stamp:** 10-19-2023 12:27:54 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Caption:** Ckc Properties Llc VS Mount Pleasant South Carolina Town Of The , defendant, et al  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Evan Patrick Williams

This notice was automatically generated by the Court's auto-notification system.

---

**The following people were served electronically:**

Justin O'Toole Lucey for 69 Scott Street Llc, 415 Mill St Inc, Justin O'Toole Lucey  
Evan Patrick Williams for 69 Scott Street Llc, 415 Mill St Inc, Justin O'Toole Lucey  
Russell Grainger Hines for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The  
Jeffrey Scott Tibbals, Sr. for Justin O'Toole Lucey  
Brian Lee Quisenberry for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The  
Ross A. Appel for Ckc Properties Llc  
Zachary Meade Kern for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The  
Stephanie Ramia Sandifer for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

**CERTIFICATE OF COUNSEL**

The undersigned counsel for Appellants certify that, in accordance with Rule 210(c), SCACR, together with the Record on Appeal, filed July 22, 2024, this **Supplemental Record on Appeal** contains all material proposed to be included by any party that was presented to the lower court and not any other material. The undersigned also certifies that this **Supplemental Record on Appeal** complies with the Supreme Court of South Carolina's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued April 15, 2014.

<SIGNED ON THE FOLLOWING PAGE>

**RECEIVED**  
**Aug 27 2024**  
**SC Court of Appeals**

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Stephen L. Brown (SC Bar No. 66468)  
Stephanie Ramia Sandifer (SC Bar No. 100217)  
Brian Lee Quisenberry (SC Bar No. 73637)  
Zachary M. Kern (SC Bar No. 103731)  
Russell G. Hines (SC Bar No. 72100)  
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Charleston, South Carolina 29401  
(843) 720-5488

*Attorneys for Appellants  
The Town of Mount Pleasant, South  
Carolina, and The Town of Mount Pleasant  
Board of Zoning Appeals*

Charleston, South Carolina

August 9, 2024

Respectfully submitted,  
BYBEE & TIBBALS, LLC

By: s/Evan P. Williams  
Jeffrey S. Tibbals, Sr. (SC Bar No. 72628)  
Evan P. Williams (SC Bar No. 101981)  
880 Johnnie Dodds Boulevard, Suite 2  
Mount Pleasant, South Carolina 29464  
(843) 881-1623

*Attorneys for Appellants  
Justin O'Toole Lucey; 415 Mill St., Inc.; and  
69 Scott Street, LLC*

Mount Pleasant, South Carolina

August 9, 2024

**RECEIVED**

**Aug 27 2024**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Charleston County  
Mikell R. Scarborough, Master-in-Equity

---

Case No. 2021-CP-10-05211  
Appellate Case No. 2023-001615

---

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 Board of Zoning Appeals;  
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC, are

Appellants.

---

**PROOF OF SERVICE**

---

CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
Stephanie Ramia Sandifer (SC Bar No. 100217)  
Brian Lee Quisenberry (SC Bar No. 73637)  
Zachary M. Kern (SC Bar No. 103731)  
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(843) 720-5488

*Attorneys for Appellants  
The Town of Mount Pleasant, South  
Carolina, and The Town of Mount Pleasant  
Board of Zoning Appeals*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants The Town of Mount Pleasant, South Carolina, and The Town of Mount Pleasant Board of Zoning Appeals, hereby certify that the **SUPPLEMENTAL RECORD ON APPEAL** was served on all other parties to this appeal on August 9, 2024, via email (see attached) to their following counsel of record:

Ross A. Appel, Esquire  
[ross@mklawsc.com](mailto:ross@mklawsc.com)  
MCCULLOUGH KHAN APPEL  
Mount Pleasant, South Carolina

*Attorneys for Respondent  
CKC Properties, LLC*

Jeffrey S. Tibbals, Esquire  
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Evan P. Williams, Esquire  
[ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)  
BYBEE & TIBBALS, LLC  
Mount Pleasant, South Carolina

*Attorneys for Appellants Justin O'Toole Lucey,  
415 Mill St., Inc., and  
69 Scott Street, LLC*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)

*Attorneys for Appellants The Town of Mount  
Pleasant, South Carolina, and The Town of  
Mount Pleasant Board of Zoning Appeals*

Charleston, South Carolina

August 9, 2024

**From:** [Hines, Russell](#)  
**To:** [Ross Appel](#); [Evan Williams](#); [Jeff Tibbals](#)  
**Cc:** [Brown, Stephen L.](#); [Sandifer, Stephanie](#); [Quisenberry, Brian](#); [Kern, Zachary \(Zach\)](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); [Justman, Barbara](#); [Liz Lademan](#)  
**Subject:** CKC v. Mt. Pleasant (2023-001615) -- Consent Motion re Supplemental Record on Appeal etc.  
**Date:** Friday, August 9, 2024 4:46:32 PM  
**Attachments:** [image001.png](#)  
[CKC v. Mt. Pleasant \(2023-001615\) -- Consent Mot. re Supp. ROA etc.pdf](#)  
[CKC v. Mt. Pleasant \(2023-001615\) -- Supplemental ROA.pdf](#)

---

Attached for service in the above-referenced matter please find the **Consent Motion for (1) Leave to File/Serve a Supplemental Record on Appeal, (2) Leave to File/Serve Final Briefs that Account for the Dismissal of the Appeal in Case No. 2021-CP-10-04416, and (3) an Extension of Time to File/Serve Final Briefs until the Court Rules on this Motion**, as well as the **Supplemental Record on Appeal**, which is conditionally served as stated in said motion.

Russell G. Hines  
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