



THE CITY OF
GOOSE CREEK

BERKELEY CO. **EST. 1961** SO. CAROLINA

PLANNING COMMISSION
TUESDAY, JANUARY 7, 2020
6:30PM

MARGUERITE BROWN MUNICIPAL CENTER
CITY HALL COUNCIL CHAMBERS
519 N. GOOSE CREEK BLVD.
GOOSE CREEK, SOUTH CAROLINA

MEMORANDUM

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: LILI ORTIZ-LUDLUM
ADMINISTRATIVE ASSISTANT

DATE: January 7, 2020

SUBJECT: NOTIFICATION OF
PLANNING COMMISSION MEETING

This is to remind everyone that the next meeting of the Planning Commission is scheduled for Tuesday, January 7, 2020, at 6:30 p.m. at City Hall.

Should you have any questions or comments prior to Tuesday's meeting, please don't hesitate to contact Brenda Moneer at (x.1116) or Mark Brodeur, Planning Director (x.1118) at 843-797-6220.



**CITY OF GOOSE CREEK
PLANNING COMMISSION
AGENDA**

**TUESDAY, JANUARY 7, 2020 AT 6:30PM
MARGUERITE BROWN MUNICIPAL CENTER
CITY HALL COUNCIL CHAMBERS**

- I. CALL TO ORDER – CHAIRMAN JOSH JOHNSON**
- II. AGENDA APPROVAL**
- III. REVIEW OF MINUTES: November 5, 2019**
- IV. PUBLIC HEARING – Rezoning Request from Conservation Open space(CO) to Medium Density Residential(R2); for the parcel identified as a portion of TMS#2440501032.**
- V. PUBLIC HEARING - Murals; specifically, regarding the language to provide regulations and guidelines for murals within the City of Goose Creek Zoning Ordinance.**
- VI. COMMENTS FROM THE COMMISSION**
- VII. COMMENTS FROM STAFF**
- VIII. ADJOURNMENT**



REVIEW OF MINUTES

**MINUTES
CITY OF GOOSE CREEK
PLANNING COMMISSION
TUESDAY, NOVEMBER 5, 2019, 6:30 P.M.
GOOSE CREEK MUNICIPAL CENTER
519 N. GOOSE CREEK BLVD.**

I. CALL TO ORDER – CHAIRMAN JOSH JOHNSON

Action: Chairman Johnson called the meeting to order at 6:30 p.m.
Present: Gary Berenyi; Heather Byrd; Paul Connerty; Judie Edwards; Josh Johnson; Jeffrey Smith and John Starzyk
Absent: None
Staff Present: Planning Director Mark Brodeur; Planning Technician Brenda Moneer
Council Present: Councilmember McSwain

II. APPROVAL OF AGENDA

Motion: A motion was made to accept the agenda as presented. **Moved by** Commissioner Smith; **Seconded by** Commissioner Byrd.
Discussion: There was none.
Vote: All voted in favor. The motion carried (7-0).

III. REVIEW OF MINUTES - OCTOBER 1, 2019

Chairman Johnson stated there were two(2) typographical errors in the October 1, 2019 minutes.

Motion: A motion was made to approve the October 1, 2019 minutes with corrections. **Moved by** Commissioner Edwards; **Seconded by** Commissioner Smith.
Discussion: There was none.
Vote: All voted in favor. The motion carried (7-0).

IV. PUBLIC HEARING – REZONING REQUEST FOR PROPERTY LOCATED AT PARCEL IDENTIFIED AS TMS# 235-14-04-007; REQUEST TO REZONE FROM RESIDENTIAL MEDIUM DENSITY (R2) TO RESIDENTIAL HIGH DENSITY (R3).

Chairman Johnson opened the public hearing. Mr. Brodeur presented staff report. He stated the application is from D.R. Horton, Inc. They are requesting a rezoning of a property located on the east side of Nello Drive. The Subject 18.13-acre property is currently zoned R2. The rezone proposal is to rezone the property to R3. The subject property is identified as TMS# 235-14-04-007. It is surrounded by residential properties and vacant parcels. The rezone proposal is accompanied by a development plan for sixteen (16) two story buildings containing a total of seventy-eight (78) residential units. The subject site is constrained by large expanses of freshwater wetlands. To develop the property in a site sensitive way, relative to those wetlands,

the applicant is proposing attached dwelling units in two (2) to five (5) units each on their own small parcels. This is commonly referred to as cluster development. Cluster development is a useful development tool when significant natural features exist on the property. Currently the City of Goose Creek's Zoning Map contains very little if any R3 zoned property. For the applicant to build these attached units the project proposal must receive a recommendation from the Planning Commission and a zone change amendment before City Council. It also must appear before the Zoning Board of Appeals (ZBA) under the auspices of a Conditional Use Permit (CUP) before moving forward. The proposed multi-family development will need to meet fourteen (14) distinct conditions as part of the approval by the ZBA.

The applicant was present but did not speak at this time.

Chairman Johnson inquired if the public wished to speak in favor of the rezoning. No one spoke in favor. He inquired if the public would like to speak in opposition to the rezoning. Six (6) members from the audience spoke.

Mr. Eric Mead of Nello Drive opposed the rezoning due to the proposed zoning being uncharacteristic for the area. He also opposed due to the disruption of wildlife, traffic, drainage, increase crime, and decrease in property values.

Mr. Joseph Hernandez of Water Oak Drive opposed due to traffic, decrease property values and increase in crime.

Mr. Jake Taylor of Gianna Lane is opposed due to the extra traffic this will bring.

Ms. Uticia Rosda of Amy Drive opposed due to extra traffic, increased crime, and displacement of wildlife.

Ms. Ana Dallas of Elrod Drive opposed due to drainage, traffic and concerned with schools as she stated they are already full.

Mr. Phillip Obie II of Thurgood Road opposed due to the curb being dangerous to where this development is being proposed. He also opposed due to drainage issues and speeding.

Chairman Johnson opened discussion between the Commission and applicant. Mr. David Williams with Thomas and Hutton Engineering stated the property has been looked at a couple of times in the past for single family residential. He stated he understood the concerns for wildlife and believes a cluster development would be a better situation for wildlife. Concerning traffic, a traffic study will be done. He stated in this case, we are providing two connections to the existing roads. Regarding drainage concerns, a pipe drainage system will be installed. Mr. Williams stated we are required by the state to reduce drainage and it must flow off the site. He stated he can not speak to property value and crime concerns. Mr. Williams stated sidewalks and street trees will be installed in the development.

Chairman Johnson inquired if the applicant has any idea as to the amount of traffic that is generated by this size of development. The applicant stated about 760 trips in a day. Mr. Johnson clarified for the public the requirements for drainage for this type of development. The applicant stated drainage should always be better after development. Mr. Johnson inquired if the applicant

would prepare a site distance exhibit that would show that the curb has enough visibility to the intersection that is being proposed as this is a public concern. The applicant stated that can be prepared. Mr. Johnson inquired what the property potentially would be developed into if the zoning request remained R2. The applicant stated it would be single family and we will be entitled to thirty (30) to thirty-two (32) homes to his knowledge.

Commissioner Byrd inquired if pad parking would be included. The applicant stated their would-be individual garages with driveways. Commissioner Byrd inquired as to why guardrails have not been installed if speeding and curbs have been an issue. Mr. Brodeur stated if this project proceeded to the ZBA the applicant has indicated that they would do a traffic study. It would be his recommendation that they look at any other mitigating devices to slow traffic and improve the site distance at that intersection. He stated it would be up to a traffic and transportation engineer. Commissioner Edwards inquired about on street parking. The applicant stated they will be required to meet the parking requirement of the ordinance. Commissioner Berenyi stated the property is restricted by wetlands and wetlands buffers. He stated only fifty (50) percent of the property can be developed due to this and it makes logical sense to increase the density. Commissioner Edwards inquired as to the location of the two (2) entrances. The applicant stated Amy Drive and Farm Quarters Drive.

Chairman Johnson closed the public hearing and inquired if the Commission would like to act.

- Motion:** A motion was made to approve the rezoning request for the property 235-14-04-007 from R2 to R3 with the recommendation to the ZBA to require a traffic study for speed and sight distance. **Moved by** Commissioner Smith; **Seconded by** Commissioner Byrd.
- Discussion:** Commissioner Berenyi stated he would like to request that there be a limit of 78 homes.
- Amended Motion:** A motion was made to approve the rezoning request for the property 235-14-04-007 from R2 to R3 with the recommendation to the ZBA to require a traffic study for speed and sight distance and to limit the number of homes to 78. **Moved by** Commissioner Smith; **Seconded by** Commissioner Byrd.
- Vote:** Commissioner Connerty; Commissioner Byrd, Commissioner Edwards, Commissioner Smith and Commissioner Berenyi voted in favor. Commissioner Johnson and Commissioner Starzyk opposed. The motion carried (5-2).

V. DISCUSSION – ORDINANCE LANGUAGE AND REQUIREMENTS FOR MURALS

Mr. Brodeur presented a draft ordinance to the Commission for murals. He stated specific ways that murals can be beneficial is that they create a public art scene; placemaking and economic development. He stated if you create a great place, people want to live, work and socialize there. Murals add a creative esthetic to the environment which energizes neglected and sometime blighted neighborhoods. They also enhance districts where new developments are taking place by creating a sense of destination. The Planning Commission is being asked to review this draft before it is set for public hearing in December. He stated that City Council believes that the Cultural Arts Commission should be the body responsible for murals.

Commissioner Berenyi believes incorporating murals in the community is a good idea. Commissioner Edwards stated she likes the idea of including history but there are some points of history she believes should not be included in a mural. Mr. Brodeur stated this is an opportunity to define what we want to see on murals. Chairman Johnson inquired as to why the Cultural Arts Commission come up with the topic that would be acceptable and inquired if it needed to be codified in the ordinance or can the ordinance reference a guideline. Mr. Brodeur stated it can reference a companion document and he can also relay to the Cultural Arts Commission that they are the deciding body. Commissioner Edwards stated when murals were added to a City she previously lived in, it eliminated graffiti. Discussion regarding the preservation and maintenance of murals ensued. It was stated it would be the building owner's responsibility to ensure it is maintained. He stated the building owner owns the art, but the artist retains the ability to modify and update the art. Commissioner Byrd stated there needs to be parameters set if the building has a change of ownership. Mr. Brodeur stated the mural runs with the property not the owner. Discussion about murals protruding six inches ensued. It was stated that will be researched. Commissioner Byrd inquired if there were any incentives for business owners to incorporate murals. Mr. Brodeur stated no. The Commission agreed that the Cultural Arts Commission should be responsible for murals. Chairman Johnson suggested having the ARB approve the location of the mural and the Cultural Arts Commission approve the design. Mr. Brodeur stated he will think about this.

VI. END OF YEAR BUSINESS

a) Election of Chairman

Motion: A motion was made to Nominate Mr. Josh Johnson for Chairman. **Moved by** Commissioner Connerty; **Seconded by** Commissioner Edwards.

Discussion: There was none.

Vote: All voted in favor. The motion carried (7-0).

b) Election of Vice Chairman

Motion: A motion was made to nominate Mr. Jeff Smith for Vice Chair. **Moved by** Commissioner Connerty; **Seconded by** Commissioner Berenyi.

Discussion: There was none.

Vote: All voted in favor. The motion carried (7-0).

Motion: A motion was made to close nominations. **Moved by** Commissioner Edwards; **Seconded by** Commissioner Connerty.

Discussion: There was none.

Vote: All voted in favor. The motion carried (7-0).

c) Commission Member Terms

Mrs. Moneer stated next year Commissioner Byrd, Commissioner Smith and Chairman Johnson will make their determination.

d) 2020 Calendar Approval

It was stated that January 2nd should be Tuesday not Wednesday on the 2020 Calendar.

- Motion:** A motion was made to accept the calendar with corrections. **Moved by** Commissioner Berenyi; **Seconded by** Commissioner Connerty.
- Discussion:** There was none.
- Vote:** All voted in favor. The motion carried (7-0).

VII. COMMENTS FROM THE COMMISSION

Commissioner Edwards inquired as to when they will be starting the Comprehensive Plan. Mr. Brodeur stated early 2020.

VIII. COMMENTS FROM STAFF

Mrs. Moneer stated on December 5, 2019, there will be an end of year Boards and Commission's party.

IX. ADJOURNMENT

Commissioner Smith made a motion to adjourn, Commissioner Berenyi seconded. All voted in favor (7-0). The meeting adjourned at approximately 8:06pm.

Mr. Josh Johnson, Chairman

Date: _____



PUBLIC HEARING

Rezoning Request from Conservation Open space(CO) to Medium Density Residential(R2); for the parcel identified as a portion of TMS#2440501032.



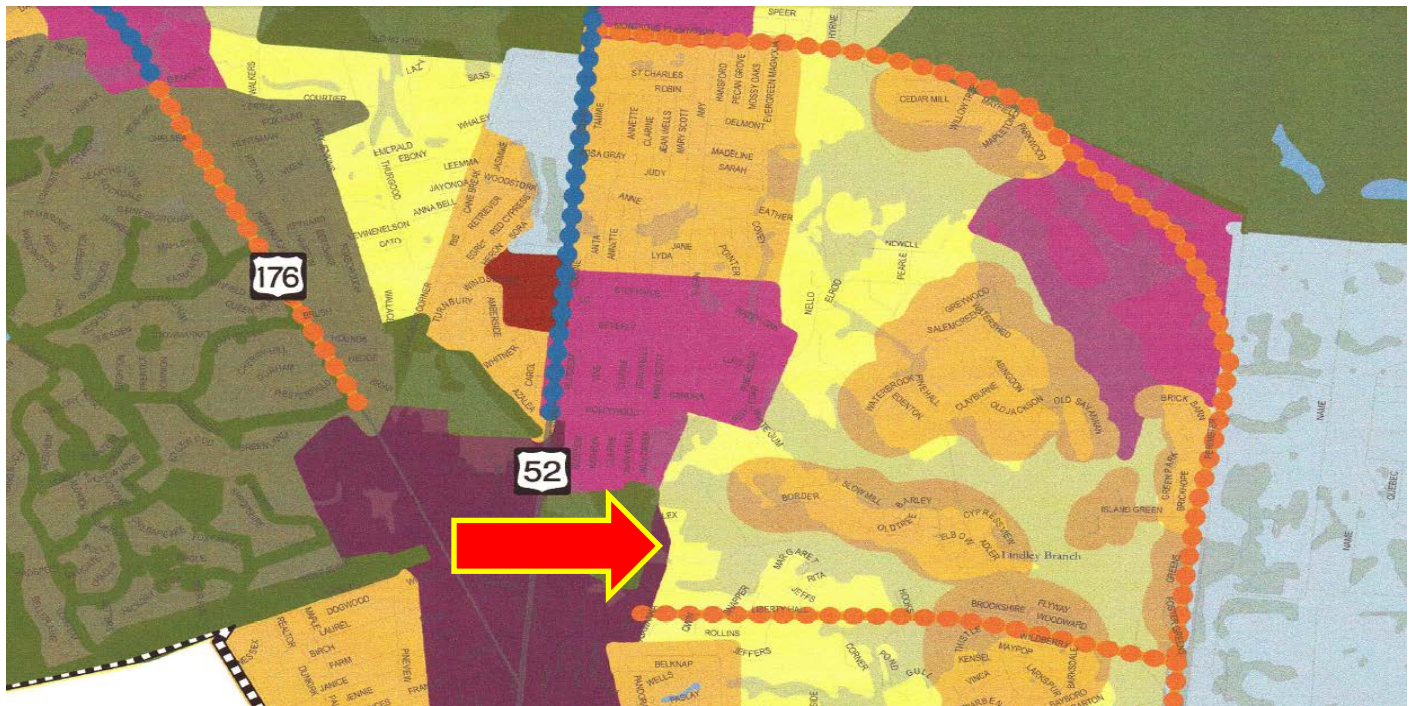
STAFF REPORT FOR THE CITY OF GOOSE CREEK PLANNING COMMISSION

For reference, the City of Goose Creek Code of Ordinances are available
online at <https://www.cityofgoosecreek.com/government/code-ordinances>

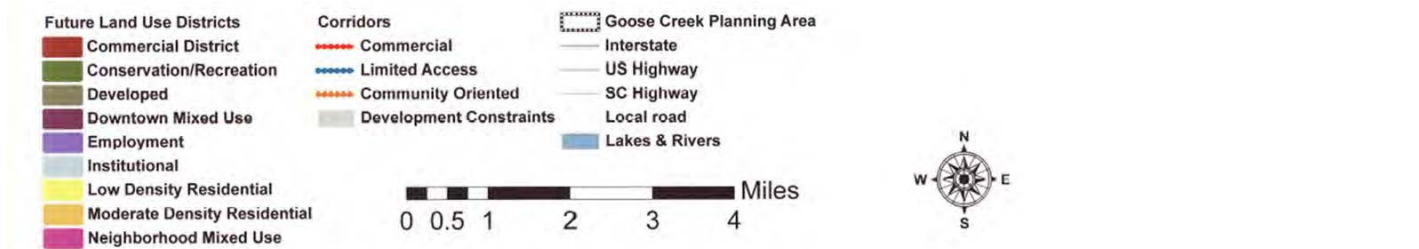
Agenda Item			
Applicant:		City of Goose Creek	
Location/Address:		Off Lindy Creek Rd.	
Request:		Rezone from Conservation Open Space (CO) to Medium Density Residential (R2)	
Subject Parcel			
Property Owner:		City of Goose Creek	
Tax Map Number:		TMS#2440501032	
Approximate Acreage:		.46	
Plat Book & Page:		A677 – 84	
Comprehensive Plan Future Land Use Map Designation:		Low Density Residential (R1)	
Property Zoning to the		Property Uses to the	
North:	R2 Medium Density Residential/City	North:	Undeveloped
South:	R2 Berkeley County	South:	County Residential
East:	R2 Berkeley County	East:	County Residential
West:	GC Berkeley County	West:	County Commercial
Anticipated Rezoning Meeting Schedule			
Body	Meeting Date		Action
Planning Commission	January 7, 2020		Public Hearing-Rezone Request
City Council Meeting	January 14, 2020		First Reading (TBD)
City Council Meeting	February 11, 2020		Final Reading (TBD)
<i>City Council Meeting subject to change. Please check the website for up-to-date information.</i>			



Zoning Map showing TMS 244-05-01-032. Located off of Lindy Creek Rd.



COMPREHENSIVE LAND USE MAP LEGEND





PUBLIC HEARING

Murals; specifically, regarding the language to provide regulations and guidelines for murals within the City of Goose Creek Zoning Ordinance.



**Department of
Planning and Zoning**

Mark Brodeur
DIRECTOR

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GOOSE CREEK, SC 29445-1768
TEL (843) 797-6220 EXT. 1118
FAX (843) 863-5208

Memorandum

TO: Members of the Planning Commission
FROM: Mark Brodeur, Planning and Zoning
Director
DATE: January 7, 2020
SUBJECT: Public Hearing to consider the merits of a Mural
Ordinance

Proposal:

Conduct a Public Hearing to consider the merits of an ordinance to permit murals on commercial property in the City of Goose Creek.

Background:

In most cases murals are a positive element in the cityscape. A growing body of research has positively identified murals with social, cultural, and economic benefits as well as positive mental health. Murals have the added benefit of “Intersectionality”, meaning they promote these characteristics simultaneously, in a synergistic way. Some specific ways in which murals are beneficial include:

Public Art
Placemaking
Economic Development.

Murals add a creative aesthetic to the built environment, which energizes neglected or blighted neighborhoods, and enhances districts where new development is taking place by creating a sense of destination. When linked to cultural preservation efforts, murals can also highlight diversity and resilience initiatives.

The purpose of public art is not only to enrich the community and improve our quality of life through its ability to enrich an environment, but also to ignite the imagination, encourage thought and to prompt discourse.

Discussion:

The City Council requested that staff prepare an ordinance to allow murals throughout the City. The Planning Commission is asked to conduct a Public Hearing to review the attached Mural Ordinance.

The staff of the Planning and Zoning Department met with the Planning Commission and Cultural Arts Commission to refine the elements of the draft ordinance into the version you have before you today,

Recommendation:

Open the Public Hearing, invite any and all public comments and discuss the merits of the draft ordinance for murals. Close the Public Hearing and make a recommendation to the City Council.

151.089 Murals on Private Property

(A) *Purpose.* This Chapter is intended to enact a process and procedures for the installation of original art murals on private property and further the public interest by: (i) encouraging artistic expression; (ii) fostering a sense of pride; (iii) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; and (iv) visually activating dormant walls on commercial enterprises.

(B) *No Commercial Advertising Murals.* The City may consider the installation of murals and, at the same time, wishes to prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations do not allow commercial advertising.

(C) *Objectives of Mural Ordinance.* Mural regulations also promote public safety and welfare by ensuring the following objectives are achieved:

(1) The design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

(2) Regulation will provide reasonable protection to the visual environment by controlling the size, height, spacing, and locations of such displays.

(3) The public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated.

(4) To impose permit requirements and regulations for murals.

(5) The design of such murals will relate to one of two subject areas, including but not limited to "Creek Life" and what it means to live in this town or Goose Creek's natural beauty and environment.

(D) *Definition.* A "mural" means a painting or artwork temporarily or permanently affixed to an exterior commercial building wall, which can be seen from the public right-of-way, and is distinguished from signage in that it does not advertise a business, commercial endeavor, or product sold or offered on the site or off-site.

(E) *Permit required.*

(1) It is unlawful for any person, firm, or corporation to authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the City without first obtaining the necessary permits.

(2) An application for a mural shall be submitted to the City's Planning and Zoning Department to be assessed by City staff for compliance with this Code. The application shall include a maintenance plan be submitted for review and approval.

(3) Applications for short-term, "event specific" murals may also be approved, with a time duration as established by City staff. All fees, permits, procedures, and requirements as otherwise specified in this Chapter shall apply to short-term event specific murals.

(F) *Procedure.*

(1) The Planning and Zoning Department shall submit the application to the Cultural Arts Commission (CAC) who shall review the proposal, solicit public comment, and decide to approve, approve with conditions or deny the application.

(G) *Requirements.*

(1) Upon a change of ownership of the property to which a mural is installed, the new owner may, at the owner's election and without the need for permission from the City, terminate the covenant and remove the mural, subject to the provisions of this Chapter.

(H) *Regulations.* An approved mural shall comply with all the provisions of this Section:

(1) Any alteration to an approved mural shall require approval in accordance with the procedures listed above. An "alteration" includes any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time or that result from the maintenance or repair of the mural. Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

(2) No part of a mural shall exceed the height of the structure to which it is tiled, painted, or affixed.

(3) No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.

(4) Unless otherwise authorized by the Cultural Arts Commission upon making findings of no resulting impacts, no mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image, not including static illumination turned off and back on not more than once every 24 hours).

(5) No mural shall be placed on a residentially zoned lot.

(6) No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three-foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.

(7) Digitally printed image film murals will not be permitted.

(8) No part of a mural shall contain words or letters except for the artist's signature.

(9) A mural shall not be created without the final authorization of the Goose Creek Cultural Arts Commission.

(I) *Violations.*

(1) Nuisance. Any mural created and installed without City approval pursuant to this Chapter, or any mural that is not maintained in accordance with the approved maintenance plan, is and shall be deemed "graffiti" and is a public nuisance pursuant to Section 137.01 (B), subject to abatement pursuant to Chapter 137.22 and the specific penalties and remedies enumerated herein, including without limitation collection by lien or special assessment.

(2) Administrative Penalty. Any person who creates, allows to be created, causes or otherwise maintains any mural identified as a public nuisance pursuant to this Chapter is guilty of a violation of this Subsection, and is subject to an issuance of administrative citation as follows. Prior to the issuance of a citation hereunder, the City shall issue notice to any person that violates this Subsection (b), giving that person thirty (30) days from the issuance of the notice to remove the mural created and installed without City approval. If the mural is timely removed in compliance with the City notice issued, no citation shall

issue. If the mural is not timely removed, an administrative citation shall issue with a fine in the amount of five hundred dollars (\$500.00)