

**MINUTES
CITY OF GOOSE CREEK
PLANNING COMMISSION
TUESDAY, FEBRUARY 4, 2020, 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: Heather Byrd; Paul Connerty; Judie Edwards; Josh Johnson; Jeffrey Smith; John Starzyk
Absent: Gary Berenyi
Staff Present: Planning Director Mark Brodeur; Planning Technician Brenda Moneer; Administrative Assistant Lili Ortiz-Ludlum
Council Present: None

II. APPROVAL OF AGENDA

Motion: A motion was made to accept the agenda as presented. **Moved by** Commissioner Smith; **Seconded by** Commissioner Connerty.
Discussion: There was none.
Vote: All voted in favor. The motion carried (6-0).

III. REVIEW OF MINUTES - JANUARY 7, 2020

Motion: A motion was made to approve the January 7, 2020 minutes as presented. **Moved by** Commissioner Edwards; **Seconded by** Commissioner Staryzk.
Discussion: There was none.
Vote: All voted in favor. The motion carried (6-0).

IV. PUBLIC HEARING – REZONING REQUEST FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R1); FOR THE PARCEL IDENTIFIED AS A PORTION OF TMS# 234-08-00-048.

Chairman Johnson opened the public hearing and requested that staff provide a briefing. Mr. Brodeur stated there is a request to rezone a wooded property from GC to R1. The owner, Bernardo Dickerson, would like to develop a residential use on a site that is currently zoned for GC. The site is bounded on four (4) sides with the following: heavy industrial to the North; undeveloped vacant parcel to the South; a church to the East and an undeveloped vacant parcel to the West. Mr. Brodeur stated the term for this request is down zoning. He stated the request is to move from an intense use to a less intense use. He stated the area does not look like a commercial development as most of the parcels on Old Mount Holly are vacant and wooded. He stated the

recommendation from staff is to permit the rezoning from GC to R1; this will allow the owner to build a residential property.

The applicant, Bernardo Dickerson, stated he purchased the property and would like to build one (1) home on the lots. He stated the property consist of two (2) lots and is 2.95 acres. He stated he would like to fence the entire property.

No one from the public spoke in favor or against this request.

Chairman Johnson inquired if the Commission had any questions for the applicant. The Commissioners had no questions. 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 known as TMS# 234-08-00-048 from General Commercial (GC) to Low Density Residential (R1). **Moved by** Commissioner Smith; **Seconded by** Commissioner Connerty.
- Discussion:** There was none
- Vote:** All voted in favor. The motion carried (6-0).

V. PUBLIC HEARING - REZONING REQUEST FROM LOW DENSITY RESIDENTIAL (R1) TO BUSINESS PROFESSIONAL OFFICE (BPO); FOR THE PARCEL IDENTIFIED AS A PORTION OF TMS# 243-12-05-006.

Chairman Johnson opened the public hearing and requested that staff provide a briefing. Mr. Brodeur stated he would like to read his staff report into the record.

PROPOSAL: The applicant, Goose Creek Family Dentistry, has requested to come before the Commission to request a rezoning of the property located on the south side of Evatt Drive. The property, 105 Evatt Drive, is a single-family home in the Camelot neighborhood. The rezoning proposal is to rezone this property from R-1 to Business Professional Office (BPO).

BACKGROUND: The subject property is identified as TMS #243-12-05-006. The property is part of the Camelot neighborhood. Goose Creek Family Dentistry is located directly across Evatt Drive. The offices of the dentistry practice have become crowded and they are seeking a way to relieve the situation by moving their business/billing office into the single-family residential structure. No exterior physical improvements to 105 Evatt Drive are planned at this time other than painting and cleaning.

Business Professional Office (BPO) is a specific zoning designation that permits low intensity professional office development in a quiet, un-congested environment which will not adversely affect adjacent residential uses. The setbacks and building heights in BPO are the same as R-1 zoning, currently on the site.

105 Evatt Drive is currently zoned R-1 Residential. A single-family home currently occupies the site and the property is bounded by R-1 on three sides and General Commercial on the fourth. That fourth site is owned by St. Timothy Lutheran Church.

City staff received several inquiries regarding this rezoning proposal. All inquiries were opposed to the zone change. Opposition was primarily centered on the fear of further encroachment into the neighborhood by similar professional office uses. Another common issue was the potential for the expansion of parking on the site, lending to an appearance of office/commercial use. Lastly, there was opposition concerning additional traffic.

DISCUSSION: If this property is rezoned Business Professional Office, there is no doubt that the fears of the neighborhood could be realized without specific conditions being placed upon the property to protect the neighborhood. Staff recommends a series of specific conditions on the approval of this zone change request. They include, but are not limited to the following:

- 1) No on-site signage identifying this as an office use may be permitted on the property.
- 2) The single-family residence may not be physically expanded more than 10% and may only be added in the rear of the property.
- 3) A wider driveway curb cut may not be permitted in the future. The driveway may not be widened.
- 4) In keeping with the open residential concept of Camelot, no front yard fences shall be permitted.
- 5) Any future zone change requests for commercial/office use may not be permitted on adjacent property on Evatt Drive.
- 6) No use other than office may be permitted on this property. No active dentistry may be practiced on this property.
- 7) Parking on the site shall be limited to the employees of Goose Creek Family Dentistry. Customers of the dentistry practice shall not park on this site.

RECOMMENDATION: Staff recommends approval of the zone change ONLY if appropriate conditions cited above are included as part of the motion.

ALTERNATIVE RECOMMENDATION: Staff feels that Goose Creek Family Dentistry has a legitimate concern and not many alternatives to accommodate their growth. Staff also feels the residents have legitimate concerns. Staff suggests that if Goose Creek Dentistry were ever to move to another location, this property would revert back to R-1. The Planning Commission should request a written legal instrument from Goose Creek Family Dentistry agreeing to this condition. The members of the public should know that any recommendation made from the Planning Commission this evening, will be forwarded to City Council who will ultimately decide on the zone change request in a public hearing held in Council Chambers.

Chairman Johnson inquired if the applicant would like to speak.

Ms. Sonja Gilreath stated she understands that there are many concerns about the rezoning of this property; she hopes to alleviate these concerns. She stated she has lived in a neighborhood where a neighbor was doing business out of their garage and she understands the issues that arise from businesses not following the rules. She stated very stringent rules have been established as part of the BPO zoning, as well as the additional conditions that staff just presented. She stated she will follow all rules if this is approved.

Ms. Gilreath stated her company is proposing to have a quiet billing office in the house located at 105 Evatt Drive. She stated no patients will be seen at this location and she foresees a maximum of four (4) people working at this location. She stated presently the dental practice has space limitations at their current facility.

Ms. Gilreath stated if granted the rezoning request, she will ensure that her employees will follow all rules and conditions. She stated her employees are good quality people and she wants to be a good neighbor.

Chairman Johnson asked if there was any public present that wished to speak in favor of the rezoning. No one from the public spoke in favor.

Chairman Johnson inquired if anyone from the public would like to speak in opposition of the rezoning.

Ms. Holly Londergan, whose father is a resident of Camelot, spoke in opposition. She stated she watched Ms. Gilreath do a three-point turn in the driveway because she could not get out of the driveway. She stated Ms. Gilreath already started moving stuff into the house and they had a van sitting on the road to which she took a picture. She shared her concerns regarding traffic and the fact that the driveway is not big enough for four (4) cars. She stated she is concerned because this house is located close to a stop sign. She is also concerned about what will happen when Goose Creek Family Dentistry were to leave. Ms. Londergan stated she was promised this would never happen in the neighborhood. She stated if it is done once, the precedent is set to happen again.

Ms. Cheryl Worrell of Pineview stated she is concerned about a person who should not be near a school, visiting the location at Evatt Drive. She stated St. Timothy is a preschool. She asked if the Commission is willing to take that chance.

Ms. Denise Brackett of Ryan Creek stated she is a registered voter and she represented Camelot and Ryan Creek in a previous issue in front of City Council regarding green space. She stated she is representing them again now. She stated she started a petition with over a hundred signatures. Ms. Brackett stated she is against this rezoning due to traffic and the fact that this is an ill conceive plan. She stated there is an economic enterprise zone across the street. She stated this is setting a precedent that is not wanted.

Mr. Wayne Johnson of Camelot stated he wanted to live in Camelot Village because it does not have a Homeowner's Association (HOA). He stated he did not want to be told what to do. He

stated there is a possibility of this changing in a way that he does not want it to change. He stated he has seen similar patterns of the streets that run into Pineview having residences and businesses and he believes it is confusing and does not look good. He stated he enjoys having it as a neighborhood. He also stated he agrees with the concerns regarding traffic.

Ms. Annamarie Gordon of Camelot stated the prior dentist never had issues with traffic and he had a good business. She stated Goose Creek Family Dentistry built the business with parking in the rear and it is difficult to drive to the waffle house. She inquired as to what will stop this dentist from using this facility as a surgery area. She stated she did not like that the bricks were painted white. She stated this is not something she wants or needs.

Mr. Robert James (did not sign in) stated if the applicant did not want a neighbor doing business two (2) doors down, why should we.

Mr. Samuel Wood (did not sign in) of Stuart Street inquired why the applicant painted the house white and stated it is an eye sore.

Mr. William Heilig of Camelot stated there are great restrictions, however the applicant has already moved in. He stated they are not following the rules now as it is zoned residential, he believes they will not follow any restrictions later.

Mr. Frank Rich of Camelot stated he lives next door. He stated he met the doctor and his wife, and they are good people. He stated they did not paint the house white; it was the person who bought the home from auction that repainted. He stated his concern is when Goose Creek Family Dentistry leaves. He stated if they stayed forever, he does not have any concerns, as long as the restrictions are legal and binding. He stated if they do leave, he would like the home to return to residential.

As there were no further comments from the public, Chairman Johnson inquired if the applicant would like to address the concerns of the public and answer questions from the commission.

Ms. Gilreath stated Goose Creek Family Dentistry is diagonal from the property on Evatt Drive. She stated the employees in billing already have vehicles at Goose Creek Family Dentistry. She stated two (2) do not use Evatt Drive as they take an alternate route. She stated this truly would not add additional traffic.

Ms. Gilreath stated the driveway is a concern as there is only a spot for two (2) vehicles. She stated she is not opposed to the employees parking two (2) vehicles at the dentist office. She stated our intention was truly to provide our billing employees with a quiet workspace.

Ms. Gilreath stated we did not paint the house and she is open to repainting. She stated she truly wants to keep peace in the neighborhood.

Ms. Gilreath stated there have been awful things said, even by some people that have spoken tonight, on a Facebook forum. She stated they are not sexual predators, and Goose Creek

Family Dentistry is already located across the street from the school and church. She stated we are already calling 911 when needed.

Ms. Gilreath stated the rules for Business Professional Office (BPO) are strict. She stated the Evatt Drive location will not be a place for patients to exchange money. She stated this facility will be purely computer work. Ms. Gilreath stated the furniture that the neighbors saw moved in were two (2) desks that came from her home, a file cabinet, some living room furniture and a few kitchen items. She stated there was a cable guy that came out as this home was not wired for cable or internet. She stated no work has taken place out of this building. She stated her intention is to have the zoning revert to R1 if the dental practice were to move out, as outlined in the staff report.

Chairman Johnson inquired if there would be any need for customers to visit this billing office. Ms. Gilreath stated none as there is adequate staff at the current office that check people in and out and handle money. She stated for safety concerns she does not want money transactions to take place at the Evatt Drive location.

Chairman Johnson inquired if expanding into this site would increase the number of employees or patients at either building. Ms. Gilreath stated no.

Chairman Johnson inquired if there is any intent to change the aesthetics of the house other than painting. Ms. Gilreath stated she was not aware that the white bricks was a concern. She stated the garage has been enclosed and is of a different style brick. She stated to return it to its original state could be ugly since they did not match.

Chairman Johnson inquired should City Council not approve the recommendation; will she relocate or stay at the current site with insufficient space. She stated we have explored other options. She stated currently we have a space problem with supplies; the idea is to make a supply room if the billing employees could relocate to Evatt Drive.

Commissioner Connerty inquired if the seven (7) items discussed in the staff report have been discussed with the applicant and if Goose Creek Family Dentistry agreed to the terms. Mr. Brodeur stated the applicant seemed to agree to all seven items verbally. He stated in terms of a legal instrument, we would seek a deed restriction that the property would revert back to R1 residential. He stated the other elements could be written into a legal instrument which would depend on the applicant.

Commissioner Connerty inquired if the applicant is willing to enter into a legally binding agreement regarding these conditions. Ms. Gilreath stated she contacted her real estate attorney today and she is on board with all items.

Commissioner Smith inquired if there are any plans internally for the structure, in the event that they leave, would this restrict the possible resale and limitations of the future buyer. Ms. Gilreath stated no. She said it is a four (4) bedroom home with three (3) baths. She stated there would be no wall changes.

Commissioner Smith inquired if reverting back to R1 would have to come before the Planning Commission or will it automatically revert. Mr. Broder stated if it is a deed restriction, it will be enforced. His recommendation is to have it written in the deed restriction to require the applicant to go back through the rezoning process to rezone from BPO to Residential in order to make it official in the City's zoning map. He stated during the sale process, the deed restriction would be placed on the seller as part of the condition of the sale.

Commissioner Starzyk inquired if this would be a permanent or temporary solution to use the Evatt Drive location as a billing office space for employees. Ms. Gilreath stated if the dental practice is able to expand its current footprint, this would be a temporary solution.

Commissioner Edwards inquired if the applicant has looked at other properties. She stated we have.

Commissioner Byrd inquired if this impacts all of Goose Creek or just this location. She stated she works in her home and lives in an HOA and her company employs billers and coders all over the world. She stated this is not unique. She stated Ms. Gilreath is employing people who live in the City and creating jobs in the City and believes that is important. Ms. Byrd wanted to know if she is going to be impacted because she is a stay at home worker. Mrs. Moneer stated the difference between someone who works out of her home with a quiet job is called a Home Occupation. Mrs. Moneer stated you cannot have an employee work for you in that home within a residential zoning classification. Mrs. Moneer stated in speaking with the applicant, they want to have employees at this location. She stated having anyone other than the property owner work there would require a zoning class that allows employees to come to that site.

Commissioner Edwards inquired if City Council has the ability to negate the Planning Commission's decision. Mr. Brodeur stated the Planning Commission makes a recommendation to City Council. He stated City Council could choose to endorse, modify, or change the recommendation.

Chairman Johnson closed the public hearing. He stated he shares the concerns that the public has as he is in a similar situation. He stated he has nothing against a wonderful business and hopes they are able to find a solution to continue to expand and support the City by providing jobs to its residents. He stated having residents who live and work in the City, is the best kind of development as far as a traffic perspective. He stated he will not support the rezoning because he lives in a similar situation and all the concerns that arose tonight are valid.

Chairman Johnson stated he would like to make one additional point. He stated if anyone is hiding behind a computer, writing things on social media that is not true about someone, is distasteful and disgraceful. He stated it is really easy to sit behind a computer and type something that you would not say to someone's face.

Commissioner Edwards stated she would like to see the word "shall" be replace with word "may" in the documents if this proposal passes.

Motion: A motion was made to deny the request to rezone the property located at 105 Evatt Drive, TMS# 243-12-05-006, from Low Density

Residential (R1) to Business Professional Office (BPO). **Moved by** Commissioner Smith; **Seconded by** Commissioner Edwards.

Discussion: Chairman Johnson provided clarification. He stated that a vote in favor would be to deny the rezoning. A vote against would support the rezoning.

Roll Call Vote: Commissioner Starzyk, Commissioner Smith, Chairman Johnson, Commissioner Edwards voted in favor of the motion. Commissioner Byrd and Commissioner Connerty opposed. Motion carried to deny the request (4-2).

VI. COMMENTS FROM THE COMMISSION

There was none.

VII. COMMENTS FROM STAFF

There was none.

VIII. ADJOURNMENT

Commissioner Smith made a motion to adjourn, Commissioner Connerty seconded. All voted in favor (6-0). The meeting adjourned at approximately 7:23pm.

Mr. Josh Johnson, Chairman

Date: _____