

THE CITY OF GOOSE CREEK

BERKELEY CO. EST. 1961 SO. CAROLINA

PLANNING COMMISSION TUESDAY, NOVEMBER 5, 2019 6:30PM

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

MEMORANDUM

то:	MEMBERS OF THE PLANNING COMMISSION					
FROM:	LILI ORTIZ-LUDLUM ADMINISTRATIVE ASSIST	ANT				
DATE:	October 30, 2019					
SUBJECT:	NOTIFICATION OF PLANNING COMMISSION MEETING					

This is to remind everyone that the next meeting of the Planning Commission is scheduled for Tuesday, November 5, 2019, 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, NOVEMBER 5, 2019 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: October 1, 2019
- 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).
- V. **DISCUSSION** Ordinance language and requirements for murals.

VI. END OF YEAR BUSINESS

- a) Election of Chairman
- b) Election of Vice Chairman
- c) Commission Member Terms
- d) 2020 Calendar Approval

VII. COMMENTS FROM THE COMMISSION

- VIII. COMMENTS FROM STAFF
- IX. ADJOURNMENT

REVIEW OF MINUTES

MINUTES CITY OF GOOSE CREEK PLANNING COMMISSION TUESDAY, October 1, 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:	Josh Johnson; Paul Connerty; Judie Edwards; Jeffrey Smith;
	John Starzyk
Absent:	Heather Byrd; Gary Berenyi
Staff Present:	Planning Director Mark Brodeur; Assistant City Administrator Daniel
	Moore
Council Present:	Councilmember McSwain

II. Approval of Agenda

Motion:	A motion was made to accept the agenda as presented. Moved by Commissioner Edwards ; Seconded by Commissioner Connerty.
Discussion:	There was none.
Vote:	All voted in favor. The motion carried (5-0).

III. Review of Minutes from August 6, 2019

Motion:	A motion was made to approve the August 6, 2019 minutes as presented. Moved by Commissioner Smith; Seconded by Commissioner Edwards.		
Discussion:	Commissioner Connerty stated he was absent and will abstain from voting.		
Vote:	All voted in favor. The motion carried (4-0).		

IV. PUBLIC HEARING – Rezoning Request for property located at 787 St. James Ave., property designated as TMS#234-00-00-147; Request to rezone from Conservation Open Space (CO) to General Commercial (GC).

Chairman Johnson opened the public hearing. Mr. Brodeur presented staff report. He stated this is an annexation for 787 St. James Ave know as Taco Bell. He stated he has not received opposition from the public to rezone. He stated the proposed zoning of GC is consistent with the comprehensive plan. Mr. Brodeur wanted to state for the record the plat book and page is Plat CABQ-212A and has an approximate acreage of 1.92acres.

Mr. Don Wilson who works for the developer of Taco Bell, spoke on behalf of the applicant. He stated he hopes the Commission would consider the request before them.

There was no public present to speak in favor or in opposition.

Chairman Johnson opened discussion to the Commission. A Commissioner inquired what is the benefit of changing the zoning to GC if the business is already there. Mr. Moore stated this is a formality to clean up a unique situation due to a water service area agreement. He stated Taco bell was working with Berkeley County when it was discovered that they needed to annex into the City due to water. He stated due to the City's Ordinance, the property has to be annexed into the City as CO.

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 located at 787 St. James Ave parcel 234-00-00-147 from Conservation				
	Open Space (CO) to General Commercial (GC). Moved by Commissioner Connerty; Seconded by Commissioner Edwards.				
Discussion: Vote:	There was none. All voted in favor. The motion carried (5-0).				

V. PUBLIC HEARING - ANNEXATION AND ZONING PROCESS; regarding the proposal to amend the City of Goose Creek Zoning Ordinance language to Sections: 151.107, specifically requiring concurrent zoning classification assignment at time of annexation request.

Chairman Johnson opened the public hearing. Mr. Brouder presented staff report. He stated the current zoning classification as it pertains to annexations is confusing to the general public. He stated citizens may assume that a classification of CO means that a park will be annexed into the City; only to have the property rezoned at a later date. He stated the properties that come into the city should be designated at the time of the annexation request so that the public is made fully aware of what the ultimate use is going to be.

There was no public present to speak in favor or in opposition.

Chairman Johnson opened discussion to the Commission. Discussion occurred between the Commission and City Staff. Commissioner Johnson stated he had a concern regarding the proposed wording of section 151.107 Change of City Boundaries. He suggested the following text, "to an appropriate city zoning classification, as approved by City Council." Mr. Moore requested the Commission make that amendment in the recommendation as it could be added to the packet for City Council. The Commission agreed.

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

Motion:A motion was made to approve the Goose Creek Zoning Ordinance
language change with Commissioner Johnson's recommendation to

section 151.107. Moved by Commissioner Edwards; Seconded by
Commissioner Connerty.
There was none
All voted in favor. The motion carried (5-0).

VI. PUBLIC HEARING – MULTIFAMILY CONDITIONAL USE PERMIT PROCESS; regarding the proposal to amend the City of Goose Creek Zoning Ordinance language to Sections: 151.171, Duties and Powers; specifically relinquishing the issuance of multi-family conditional use permits by the Zoning Board of Appeals and to move that specific duty to the Goose Creek City Council.

Chairman Johnson opened the public hearing. Mr. Brouder presented staff report. He stated the proposed zoning code amendment would modify the duties of the Zoning Board of Appeals (ZBA) to relinquish the issuance of multi-family conditional use permits and to move that specific duty to City Council. He stated City Council is directly responsible to the residents of the City of Goose Creek. As elected officials, they have been entrusted with the care of our community. The Council is involved with many facets of community development including land use, transportation, economic development, employment, safety, recreation and mainly being the vision-keepers for the community. Mr. Brouder stated due to the very nature of multi-family uses, City Council is better equipped to render decisions and attach the needed conditions to any and all such developments because of this broader view of the entirety of City needs. He stated the role will change just for multi-family conditional use permits from the ZBA to the City Council.

There was no public present to speak in favor or opposition.

Chairman Johnson shared his opposition for this request. He closed the public hearing and inquired if the Commission would like to act. Discussion occurred regarding the role of City Council and the ZBA. Procedural inquiries arose regarding if this commission chose not to vote or if this could be tabled until a future date. City Staff answered all questions.

Motion: Discussion: Vote:	A motion was made to deny the zoning change for 151.171 to City Council. Moved by Commissioner Starzyk; Seconded by None. There was none Motion failed due to no second.
Motion: Discussion:	A second motion was made to approve for recommendation the multifamily conditional use permit process regarding the proposal to amend the City of Goose Creek Zoning Ordinance language to section 151.171 Duties and Powers; specifically relinquishing the issuance of multifamily conditional use permits by the ZBA and to move that specific duty to the Goose Creek City Council. Moved by Commissioner Connary; Seconded by Smith. There was none

Vote:Commissioner Connerty; Commissioner Smith and Commissioner
Edwards voted in favor. Chairman Johnson and Commissioner Starzyk
were opposed. Motion Carried (3-2)

VII. Comments from the Commission

No Comments.

VIII. Comments from Staff

Discussion – Murals: Mr. Brodeur stated there is discussion at the City Council level to permit murals within the City. He stated the proposal would define what types of murals might be permitted and what types of murals may not be permitted. Discussion ensued regarding weather the Cultural Arts Commission or the ARB should approve murals. Mr. Brodeur stated we should specify what kind of mural art we would allow.

Mr. Moore stated there is one more training session on October 23, 2019 and it will be for three (3) hours.

IX. Adjournment

Commissioner Connerty made a motion to adjourn, Commissioner Smith seconded. All voted in favor (5-0). The meeting adjourned at approximately 7:42pm.

Date: _____

Mr. Josh Johnson, Chairman

PUBLIC HEARING



Department of Planning and Zoning

Mark Brodeur

DIRECTOR

519 N. GOOSE CREEK BOULEVARD P.O DRAWER 1768 GOOSE CREEK, SC 29445-1768 TEL (843) 797-6220 EXT. 1118 FAX (843) 863-5208

Memorandum

то:	Members of the Planning Commission
FROM:	Mark Brodeur, Planning and Zoning
	Director
DATE:	November 5, 2019
SUBJECT:	Public Hearing for Rezone

Proposal:

The applicant, D.R. Horton, Inc., has requested to come before the Commission in a Public Hearing to request a rezoning of a property located on the east side of Nello Drive. The subject 18.13-acre property is currently zoned R-2 (Medium Density Residential). The rezone proposal is to rezone the property to R-3 (High Density Residential).

Background:

The subject property is identified as TMS # 2351404007. It is surrounded by residential properties and vacant parcels.

The rezone proposal is accompanied by a development plan for 16 twostory buildings containing a total of approximately 78(+ -) residential units.

Discussion:

The subject site is constrained by large expanses of freshwater wetlands. To develop the property in a site-sensitive way, the applicant is proposing attached dwelling units (2 to 5 units) on their own small parcels. This has been referred to a 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 R-3 zoned property. For the applicant to build these attached units, the project proposal must receive approval of the Zone Change Amendment from City Council and a Conditional Use Permit from the Zoning Board of Appeals.

The proposed multi-family development would need to meet 17 distinct conditions as part of the approval by the Zoning Board of Appeals.

Recommendation:

Staff supports the zone change amendment from R2 to R3.

See image of Development Proposal on the next page.





NELLO FARMS Goose Creek, Berkley County, SC

October 17, 2019



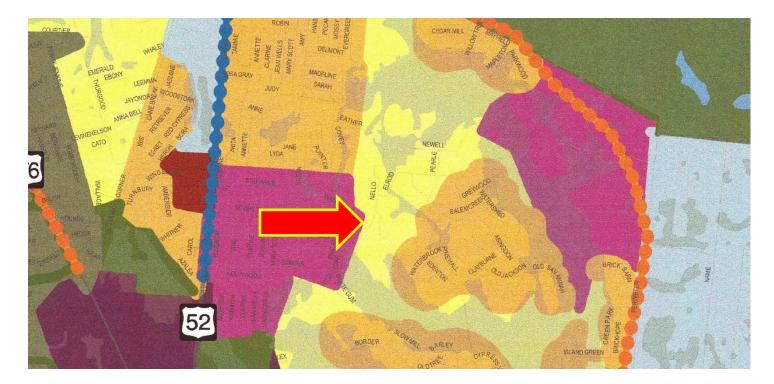
STAFF REPORT FOR THE CITY OF GOOSE CREEK PLANNING COMMISSION

For reference, the City of Goose Creek Code of Ordinances are available online at https://www.cityofgoosecreek.com/government/codeordinances

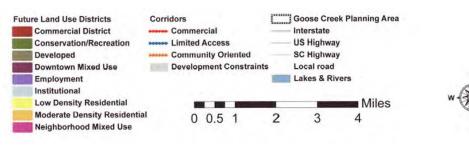
Agenda Item						
Applicant:		D.R. Horton, Inc				
Location/A	Address:		503 Wand	o Park Blvd	l. Unit 2	200, Mount Pleasant, SC
Request:						ty Residential (R2) to
			High Dens	ity Residen	tial (R3)
Subject Pa	rcel					
Property C)wner:		D.R. Horto	on, Inc		
Tax Map N	lumber:		235-14-04	-007		
Approxima	ate Acreage:		18.13			
Plat Book	& Page:		CAB N - 2	51H		
Comprehe	nsive Plan Future Land		Low Density Residential (R1) to Medium Density Residential			
Use Map D	Designation:		(R2)			
Property Z	oning to the		Property Uses to the			
North:	North: R2 Medium Density Reside		ential/City	North:	: Nello Farms Residential	
South:	h: R1 Berkeley County			South:	Cou	nty Residential
East:	East: PD Planned Development/		/City	East:	Mult	perry Park Residential
West:	R1 Berkeley County			West:	Cou	nty Residential
Anticipated Rezoning Meeting Schedule						
Body Mee		Mee	eting Date			Action
Planning Commission Nov		vember 5, 2019			Public Hearing-Rezone Request	
City Council Meeting Nov		rember 12, 2019			First Reading (TBD)	
City Council Meeting Dece		ember 10, 2019			Final Reading (TBD)	
City Council Meeting subject to change. Please check the website for up-to-date information.						



Zoning Map showing TMS 235-14-04-007. Located off of Nello Drive



COMPREHENSIVE LAND USE MAP LEGEND



DISCUSSION



Department of Planning and Zoning

Mark Brodeur

DIRECTOR

519 N. GOOSE CREEK BOULEVARD P.O DRAWER 1768 GOOSE CREEK, SC 29445-1768 TEL (843) 797-6220 EXT. 1118 FAX (843) 863-5208

TO: Members of the Planning Commission FROM: Mark Brodeur, Planning and Zoning Director DATE: November 5, 2019 SUBJECT: Discussion Item to consider merits of a draft ordinance to permit MURALS in the City

Proposal:

The proposed early draft of a Zoning Code Amendment would create a process and review path for the review of murals.

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 review this early draft before the Zone Code Amendment is set for Public Hearing in December.

An important matter that staff wishes to engage the Planning Commission on is the path a mural proposal would take. As currently drafted, the mural would be submitted to and approved by the Cultural Arts Commission.

Recommendation:

Open the item, invite any public opinion and discuss the merits of the draft ordinance for murals.

Memorandum

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; (iv) preserving existing murals that are a valued part of the history of the City; and (v) visually activating dormant and/or vacant properties and construction sites.

(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.

(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 Planning 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.

(2) The Planning and Zoning Department shall submit the application to the CAC for authorization.

(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 or message, 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) 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 <u>137.01 (B)</u>, subject to abatement pursuant to Chapter <u>137.22</u> 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)

END OF YEAR BUSINESS



CITY OF GOOSE CREEK BOARDS AND COMMISSIONS

MEETING SCHEDULES & APPLICATION DEADLINES

JANUARY 2020 - DECEMBER 2020

PLANNING COMMISSION

Application deadline is 5:00 p.m. of the deadline date, to include fees paid, documents submitted, and application approval given by the Zoning Administrator.

MEETING DATE	MEETING DAY	MEETING TIME	MEETING PLACE	APPLICATION DEADLINE
January 7	Wednesday	6:30 P.M.	City Hall	December 6, 2019 - Friday
February 4	Tuesday	6:30 P.M.	City Hall	January 3, 2020 - Friday
March 3	Tuesday	6:30 P.M.	City Hall	January 31, 2020 – Friday
April 7	Tuesday	6:30 P.M.	City Hall	March 6, 2020 – Friday
May 5	Tuesday	6:30 P.M.	City Hall	April 3, 2020 – Friday
June 2	Tuesday	6:30 P.M.	City Hall	May 1, 2020 – Friday
July 7	Tuesday	6:30 P.M.	City Hall	June 5, 2020 – Friday
August 4	Tuesday	6:30 P.M.	City Hall	July 2, 2020 – Thursday
September 8	Tuesday	6:30 P.M.	City Hall	August 7, 2020 – Friday
October 6	Tuesday	6:30 P.M.	City Hall	September 4, 2020 – Friday
November 3	Tuesday	6:30 P.M.	City Hall	October 4, 2020 – Friday
December 1	Tuesday	6:30 P.M.	City Hall	October 30, 2020 - Friday

ARCHITECTURAL REVIEW BOARD

Application deadline is 5:00 p.m. of the deadline date.

For Major Applications, the project will need to be reviewed by staff, comments/corrections issued to the applicant/architect/engineer, and comments addressed/corrections made by the applicant/architect/engineer prior to submittal of the application on the deadline.

ii Monday, January 20th, is Martin Luther King, Jr.'s birthday and is recognized as an official City holiday-meeting Tuesday, January 21st

MEETING DATE	MEETING DAY	MEETING TIME	MEETING PLACE	APPLICATION DEADLINE ¹	
January 21 ii	Tuesday	6:30 P.M.	City Hall	January 6, 2020 Monday	
February 17	Monday	6:30 P.M.	City Hall	February 3, 2020 Monday	
March 16	Monday	6:30 P.M.	City Hall	March 2, 2020 Monday	
April 20	Monday	6:30 P.M.	City Hall	April 6, 2020 Monday	
May 18	Monday	6:30 P.M.	City Hall	May 4, 2020 Monday	
June 15	Monday	6:30 P.M.	City Hall	June 1, 2020 Monday	
July 20	Monday	6:30 P.M.	City Hall	July 6, 2020 Monday	
August 17	Monday	6:30 P.M.	City Hall	August 3, 2020 Monday	
September 21	Monday	6:30 P.M.	City Hall	September 7, 2020 Monday	
October 19	Monday	6:30 P.M.	City Hall	October 5, 2020 Monday	
November 16	Monday	6:30 P.M.	City Hall	November 2, 2020 Monday	
December 21	Monday	6:30 P.M.	City Hall	December 7, 2020 Monday	

Please visit the City Website at <u>www.cityofgoosecreek.com</u> for Agendas and Meeting Packet Information, or feel free to contact the Department of Planning and Zoning at (843)797-6220.

- Mark Brodeur, Planning and Zoning Director ~ ext. 1118, email: <u>mbrodeur@cityofgoosecreek.com</u>
- Brenda Moneer, Planning and Zoning Technician ~ext. 1116, email: <u>bmoneer@cityofgoosecreek.com</u>