



THE CITY OF  
**GOOSE CREEK**

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

**PLANNING COMMISSION**  
**TUESDAY, AUGUST 6, 2019**  
**6:30PM**

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

# MEMORANDUM

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**TO:** MEMBERS OF THE PLANNING COMMISSION

**FROM:** BRENDA M. MONEER  
PLANNING TECHNICIAN

**DATE:** AUGUST 6, 2019

**SUBJECT:** NOTIFICATION OF AUGUST  
PLANNING COMMISSION MEETING

This is to remind everyone that the next meeting of the Planning Commission is scheduled for Tuesday, August 6, 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 myself (x.1116) or Mark Brodeur, Planning Director (x.1118) at 843-797-6220.



**CITY OF GOOSE CREEK  
PLANNING COMMISSION  
AGENDA**

**TUESDAY, AUGUST 6, 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: JUNE 4, 2019**
- IV. PUBLIC HEARING – REQUEST REM OF PARCEL IDENTIFIED AS TMS#234-00-00-001 FROM THE PLANNED DEVELOPMENT (PD) OF WOODLAND LAKES, AND REZONE THE PARCEL TO GENERAL COMMERCIAL (GC).**
- V. STREET NAMING – LIBERTY VILLAGE 6A & 6B: HAWTHORNE LANDING DRIVE, MONCRIEF LANE, CHAPMAN STREET, PATTERSON AVENUE.**
- VI. DISCUSSION - ANNEXATION AND ZONING PROCESS.**
- VII. DISCUSSION – MULTIFAMILY CONDITIONAL USE PERMIT PROCESS.**
- VIII. COMMENTS FROM THE COMMISSION**
- IX. COMMENTS FROM STAFF**
- X. ADJOURNMENT**

**MINUTES  
CITY OF GOOSE CREEK  
PLANNING COMMISSION  
TUESDAY, JUNE 4, 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:** Heather Byrd, Jeffrey Smith, Paul Connerty, Josh Johnson, Judie Edwards  
**Absent:** John Starzyk, Gary Berenyi  
**Staff Present:** Daniel Moore, Lili Ortiz-Ludlum

**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 (5-0).

**III. Review of Minutes from April 2, 2019**

Chairman Johnson stated item five (5) of the April agenda resulted in a vote of 3-2; however, the minutes did not reflect the roll call. Upon further review, a roll call vote did not take place for this item. Chairman Johnson stated the word appeal should be repeal in section eight (8) of the April minutes.

**Motion:** A motion was made to approve the April 2, 2019 minutes with corrections. **Moved by** Commissioner Edwards; **Seconded by** Commissioner Connerty.  
**Discussion:** There was none.  
**Vote:** All voted in favor. The motion carried (5-0).

**IV. PUBLIC HEARING – PROPOSAL TO REPEAL THE CITY OF GOOSE CREEK ZONING ORDINANCE LANGUAGE FOR SECTION 151.088 IN ITS ENTIRETY.**

Chairman Johnson opened the public hearing. He noted there was no public present other than Councilmember McSwain. He inquired if City staff could brief the Commission on this item. Mr. Moore stated Section § **151.088 LAND SET-ASIDE/DEDICATED REQUIREMENTS FOR PARKS AND RECREATIONAL AREAS; ADOPTED BY REFERENCE** is an outdated ordinance made obsolete by the adoption of Section § **151.082 DESIGN STANDARDS**. He stated it should have been repealed when this was updated. Mr. Moore stated it was recommended by the City Attorney

to remove this section. Hearing no discussion, Chairman Johnson closed the public hearing and inquired if the Commission would like to act.

- Motion:** A motion was made to approve the proposal to repeal the City of Goose Creek’s Zoning Ordinance language for Section § **151.088** in its entirety. **Moved by** Commissioner Connerty; **Seconded by** Commissioner Edwards.
- Discussion:** There was none.
- Vote:** All voted in favor. The motion carried (5-0).

**V. PUBLIC HEARING – STREET NAME CHANGE REQUESTS - CARNES CROSSROADS DEVELOPMENT PREVIOUSLY APPROVED STREET NAME: PELL LANE; REQUESTED NAME CHANGE TO PELL COURT**

Chairman Johnson opened the public hearing. He inquired if City staff could brief the Commission on this item. Mr. Moore stated City staff reviewed the site plan that was submitted for this development. He stated City staff noticed that Pell Lane should be change to Pell Court as it ends in a cul-de-sac. Mr. Moore stated the developer does not object to this change.

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

- Motion:** A motion was made to approve the street name change of Pell Lane to Pell Court in the Carnes Crossroads Development. **Moved by** Commissioner Smith; **Seconded by** Commissioner Byrd.
- Discussion:** There was none.
- Vote:** All voted in favor. The motion carried (5-0).

**VI. PUBLIC HEARING – STREET NAME APPROVAL – HEWING FARMS AT MACKY FARMS**

- Headwater Drive
- Fiddleback Drive
- Shiplap Court
- Grange Way
- Siltbank Drive
- Sawlog Drive
- Crosscut Lane
- Pulpwood Drive

Chairman Johnson opened the public hearing. He inquired if City staff could brief the Commission on this item. Mr. Moore stated this is an expansion for Mackey Farms. He stated the developer acquired land from the Carnes development area. He stated per the development agreement; street names need to be assigned.

Chairman Johnson stated the name Siltbank Drive is not listed on the map. Mr. Moore stated the Commission is approving a bank of street names for the developers and the map provided is not final. Chairman Johnson stated Grange Way would be more appropriately name loop or circle. The Commission agreed. Chairman Johnson stated Headwater Drive is shown on the map as connecting

to a phase of Carnes that has not been assigned a street name. He inquired if the nameless portion will be assigned a different street name. Mr. Moore stated it might be assigned a different street name as Carnes will have jurisdiction of that portion.

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

**Motion:** A motion was made to approve the street names for Hewing Farms at Mackey Farms with the following conditions; change Grange Way to Grange Circle and remove Siltbank Drive from the proposed list. **Moved by** Commissioner Connerty; **Seconded by** Commissioner Edwards.

**Discussion:** There was none.

**Vote:** All voted in favor. The motion carried (5-0).

## VII. Comments from the Commission

Commissioner Connerty and Chairman Johnson welcomed the newest Commissioner Mrs. Heather Byrd.

## VIII. Comments from Staff

Mr. Moore introduced Lili Ortiz-Ludlum, his Administrative Assistant. He stated the new Planning Director will attend the next commission meeting.

## IX. Adjournment

Commissioner Smith made a motion to adjourn, Commissioner Byrd seconded. All voted in favor (5-0). The meeting adjourned at approximately 6:46pm.

\_\_\_\_\_  
Mr. Josh Johnson, Chairman

Date: \_\_\_\_\_



THE CITY OF  
**GOOSE CREEK**  
BERKELEY CO. EST. 1961 SO. CAROLINA

## 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

**TO:** Members of the Planning Commission  
**FROM:** Mark Brodeur, Planning and Zoning  
Director  
**DATE:** August 6, 2019  
**SUBJECT:** Public Hearing for Rezone

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### Proposal:

The applicant, Jan V. Dorn (GPH Properties), has requested to come before the Commission to request a rezoning a property located on the north side of the intersection of Windsor Mill Road and Highway 52. The subject 14.53-acre property is currently zoned PD (Planned Development). The rezone proposal is to rezone this 14.53-acre lot from PD to General Commercial.

### Background:

The subject property is identified as TMS # 2340000001 (14.53 acres). The lot is part of the Planned Development (PD) known as Woodland Lakes.

The entire PD property – including all of Woodland Lakes and the property that City Hall now sits on – was re-zoned from Area-Wide Business AB (no longer exists) to Planned Development Residential PD-R (no longer exists) back in 1985.

In 1990, City Council further approved the regulations for this specific PD. This was done as part of the planning for the City Hall complex, as the drawings from this era depict the large pond behind City Hall for the first time and include a parcel labeled “Town Hall Site.”

At the time, City Council approved a list of uses prohibited in the Woodland Lakes PD. Number one on the list: **multi-family dwellings** and/or apartments. The other items on the prohibited list are heavy machinery / truck sales / service and repair, radio television station or studio, warehousing or mini-warehousing (aka storage), transportation terminals and clubs/bars allowing on-premises alcohol consumption.

### Discussion:

Removing the subject property from a PD constitutes a major modification to the PD Plan and Map and necessitates a review by the Planning Commission, the conduct of a public hearing by both the Planning Commission and then the passage of an ordinance by City Council amending the Plan and Map.

If Council honors the request for Zone Change, it is important to ensure the new zoning designation is consistent with the Comprehensive Plan. The proposed zoning of General Commercial is consistent with the Goose Creek Comprehensive Plan.

At this time, no development is proposed. The owners have stated that

they want a basic commercial zoning without being tied to the nuances of the Planned Development.

If the Zone Change Amendment is approved for General Commercial (GC) zoning, the owners or future owners of the property could apply for the use of multi-family as a “conditional use permit”. Currently, conditional use permits are approved by 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.

One of the key conditions is (2) *Vehicular traffic flow would not increase and pedestrian movement would not be diminished or endangered;*

**Recommendation:**

Staff supports the zone change amendment from PD to General Commercial.

**Alternative Recommendation:**

Staff’s interpretation of the language contained in the proposed General Commercial zoning, that some of the uses may not blend well with the nearby residential character of Woodland Lakes development. Uses such as auto repair and mini storage are clearly out of character. Staff would ask that the Commission consider an alternative recommendation to **rezone the property to Restricted Commercial** and petition the owner to see if that might be an acceptable alternative action.

NOTE: Both recommended actions define a zoning district that permits multi-family uses with a Conditional Use Permit. Staff feels enough safeguards are in place through the auspices of the Board of Appeals to severely restrict any multi-family development in sensitive locations. Any multi-family proposal would be required to follow the Public Hearing process like the process for this Zone Change.





## 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>

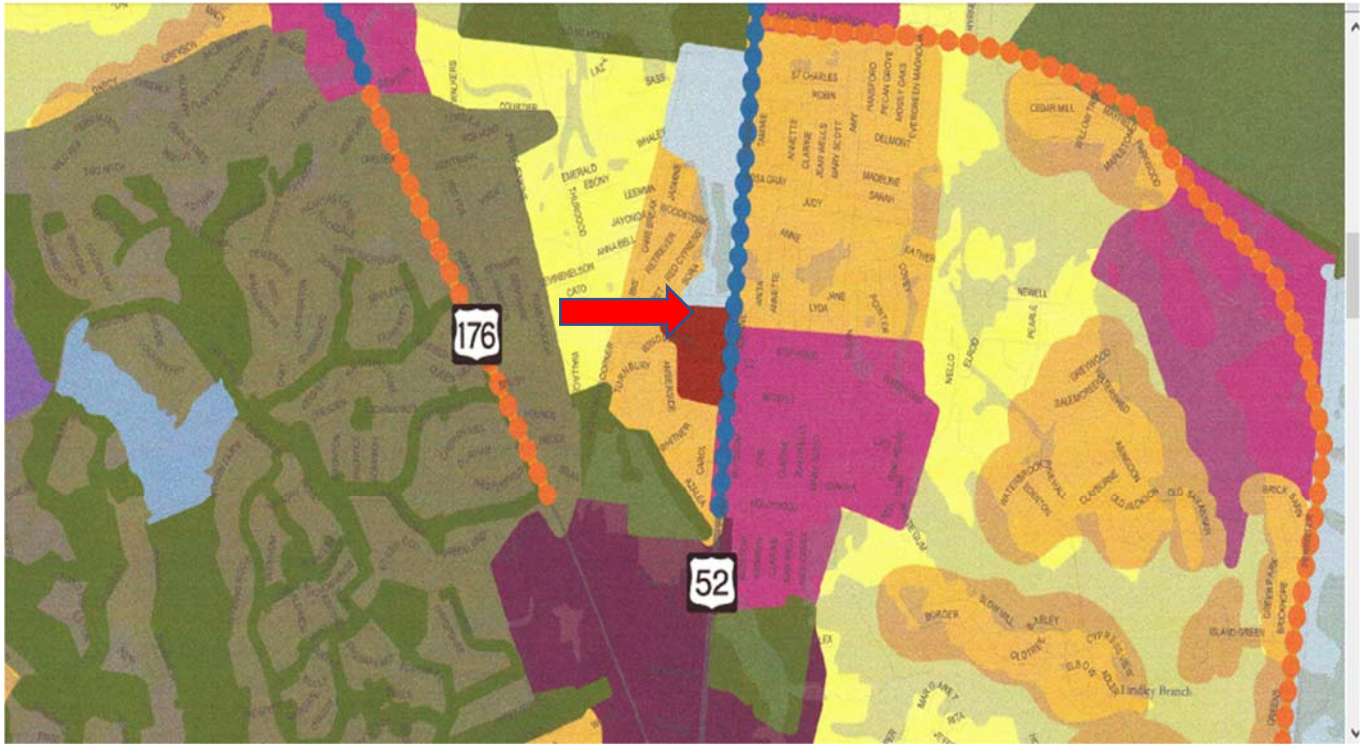
Agenda Item			
<b>Applicant:</b>	GPH Properties L P		
<b>Location/Address:</b>	Located within the PD of Woodland Lakes		
<b>Request:</b>	Rezone from Planned Development (PD) to General Commercial (GC)		
Subject Parcel			
<b>Property Owner:</b>	GPH Properties L P		
<b>Tax Map Number:</b>	234-00-00-001		
<b>Approximate Acreage:</b>	14.53		
<b>Plat Book &amp; Page:</b>	Plat CAB G – 237		
<b>Comprehensive Plan Future Land Use Map Designation:</b>	Commercial District		
Property Zoning to the		Property Uses to the	
<b>North:</b>	CO Conservation Open Space	<b>North:</b>	Residential and Non-developed
<b>South:</b>	GC General Commercial	<b>South:</b>	Gas Station and Non-developed
<b>East:</b>	PD Planned Development	<b>East:</b>	Woodland Lakes Single Family Residential
<b>West:</b>	R2 – Medium Density Residential	<b>West:</b>	Single Family Residential
Anticipated Meeting Schedule			
Body	Meeting Date	Action	
Planning Commission	August 6, 2019	Public Hearing-Rezone Request	
City Council Meeting	September 10, 2019	First Reading	
City Council Meeting	October 8, 2019	Final Reading	
<i>City Council Meeting subject to change. Please check the website for up-to-date information.</i>			

Zoning Map



**PROPERTY TMS# 234-00-00-001**

**COMPREHENSIVE LAND USE MAP WITH PROPERTY LOCATION DESIGNATION**



**COMPREHENSIVE LAND USE MAP LEGEND**

**Future Land Use Districts**

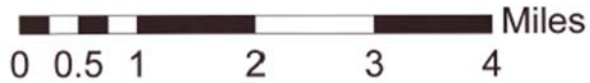
- Commercial District
- Conservation/Recreation
- Developed
- Downtown Mixed Use
- Employment
- Institutional
- Low Density Residential
- Moderate Density Residential
- Neighborhood Mixed Use

**Corridors**

- Commercial
- Limited Access
- Community Oriented
- Development Constraints

**Goose Creek Planning Area**

- Interstate
- US Highway
- SC Highway
- Local road
- Lakes & Rivers



AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR AMENDMENTS TO A PLANNED DISTRICT OF THE CITY

WHEREAS, the Planning and Zoning Commission of the City of Goose Creek, South Carolina, conducted a public hearing on November 7, 1989 to receive public comment and to consider an amendment to the approved Woodland Lakes Planned District as reflected on the official zoning map of the City and dated May 14, 1985, and;

WHEREAS, the specific proposed amendments are as follows:

- (1) the recreational set-aside requirement (open space/park) shall be realigned to abutt and border Phase II of Woodland Lakes Subdivision and shall serve as park space and a buffer area;
- (2) a 17.2 acre tract on the northern boundary of the aforementioned park shall be classified as commercial property with stipulations as specified by the Planning and Zoning Commission, and attached to the revised plan;
- (3) an approximate 6 acre tract located at the intersection of Old Moncks Corner Road and Old Mt. Holly Road shall be classified as commercial property with stipulations as specified by the Planning and Zoning Commission, and attached to the revised plan;
- (4) a twenty-five foot (25') buffer shall be established around the southernmost lake of the Planned District with said buffer to be deeded to the City;
- (5) a fifty-foot (50') buffer shall be established around the northernmost lake of the Planned District with said buffer to be deeded to the City;
- (6) a fifty-foot (50') buffer along the westernmost portion of the Planned District extending from the northern boundary of the proposed park area to the intersection of Old Moncks Corner Road and Old Mt. Holly Road;
- (7) the primary means of access and egress to the new commercial areas shall be from US Highway 52;
- (8) only emergency access and egress to the areas shall be allowed from Old Moncks Corner Road.

WHEREAS, a revised plan of the Woodland Lakes Planned District, with stipulations as specified by the Planning and Zoning Commission, is attached hereto and made a part hereof by reference, and

WHEREAS, pursuant to the public hearing on November 7, 1989, the Planning and Zoning Commission has recommended that the aforementioned amendments to the Woodland Lakes Planned District be approved by the Mayor and City Council.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council, in Council duly assembled, that the Zoning Ordinance of the City of Goose Creek be amended to reflect the changes as set out hereinabove, and on the attached revised plan of the Woodland Lakes Planned District.

This ordinance shall become effective immediately upon adoption.

INTRODUCED the 9th day of January, 1990

DONE the 16th day of JANUARY, 1990

*Michael J. Deitzler*

Mayor Michael J. Deitzler

ATTEST:

*Barbara K. Nimocks*

City Clerk Barbara K. Nimocks

*Trudy P. Aull*

Mayor Pro Tem Trudy P. Aull

*Marguerite Brown*

Councilmember Marguerite H. Brown

*Orris F. Caldwell*

Councilmember Orris F. Caldwell

*Dina H. Dukes*

Councilmember Dina H. Dukes

*Wendell E. McRae*

Councilmember Wendell E. McRae

*Mark A. Phillips*

Councilmember Mark A. Phillips

Attachment "A"

Restrictions  
Woodland Lakes Planned District

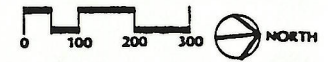
The following restrictions on development of the Woodland Lakes Planned District have been established as a condition of redesignation from Residential and Multi-family Residential zoning to Commercial.

Prohibited Developments are;

- (a) Multi-family Dwellings, Apartments including Garden Apartments, Townhouses, Patio Homes and the like.
- (b) Implement, Heavy Machinery, Heavy Truck Sales, Service and Repair.
- (c) Radio/Television station or studio with transmission tower on the premises.
- (d) Warehousing or Mini-Warehouses of any type.
- (e) Transportation Terminals for Heavy Trucks, Commercial Freight Transfer and Distribution Centers.
- (f) Clubs/Bars allowing on premises consumption.

# WOODLAND LAKES

Goose Creek, South Carolina



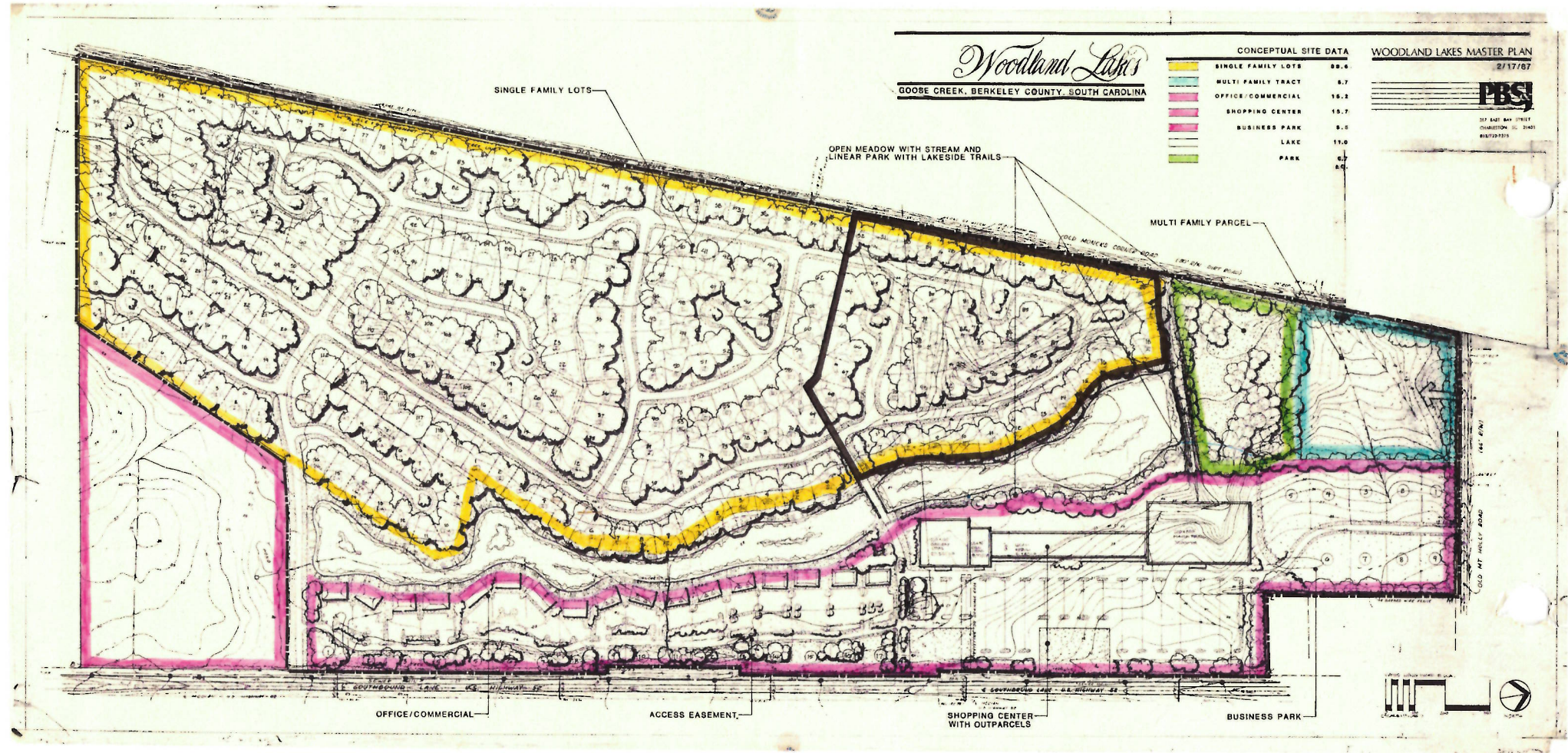
# Woodland Lakes

GOOSE CREEK, BERKELEY COUNTY, SOUTH CAROLINA

CONCEPTUAL SITE DATA

SINGLE FAMILY LOTS	89.6
MULTI FAMILY TRACT	8.7
OFFICE/COMMERCIAL	16.2
SHOPPING CENTER	16.7
BUSINESS PARK	9.0
LAKE	11.0
PARK	6.7
	8.0

WOODLAND LAKES MASTER PLAN  
2/17/87



OFFICE/COMMERCIAL

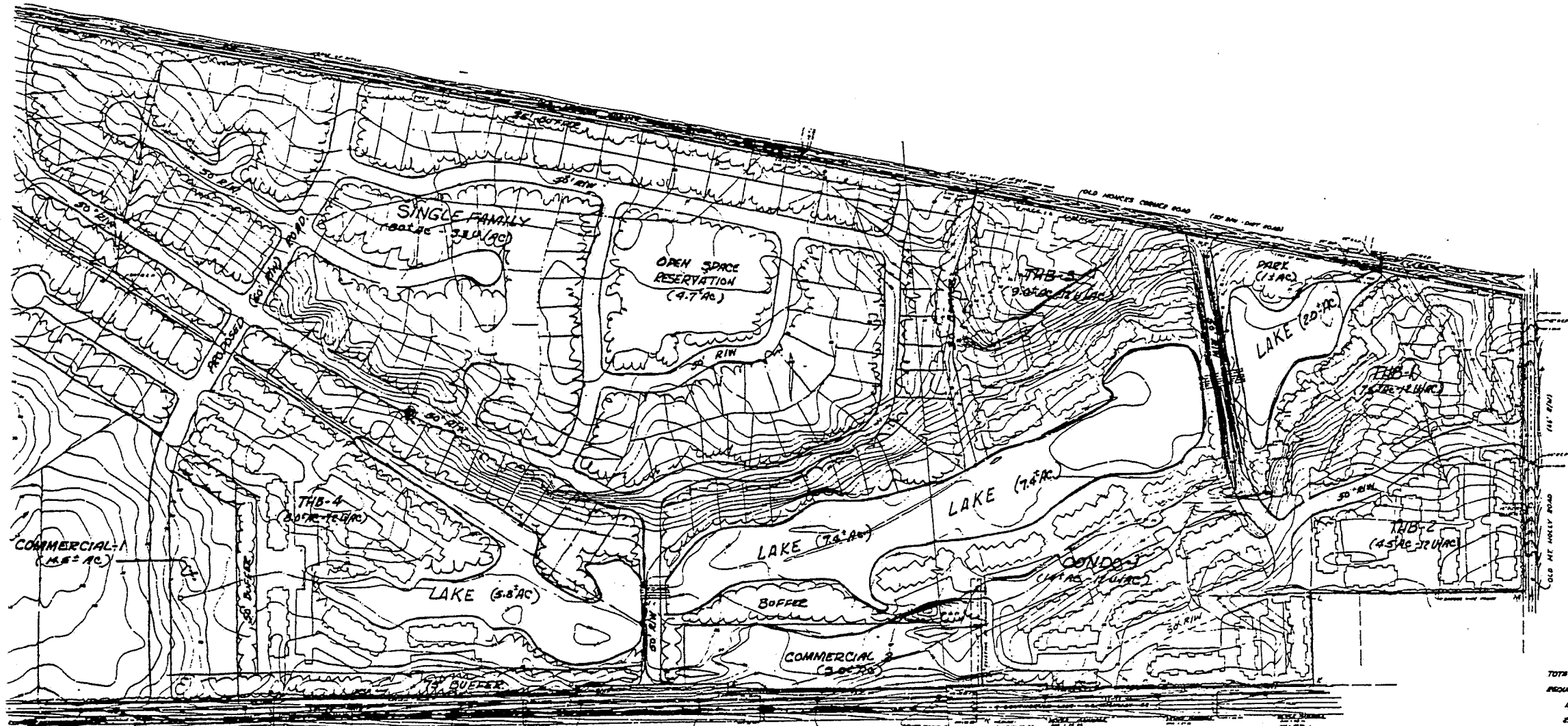
ACCESS EASEMENT

SHOPPING CENTER WITH OUTPARCELS

BUSINESS PARK







TOTAL ACREAGE = 144.882

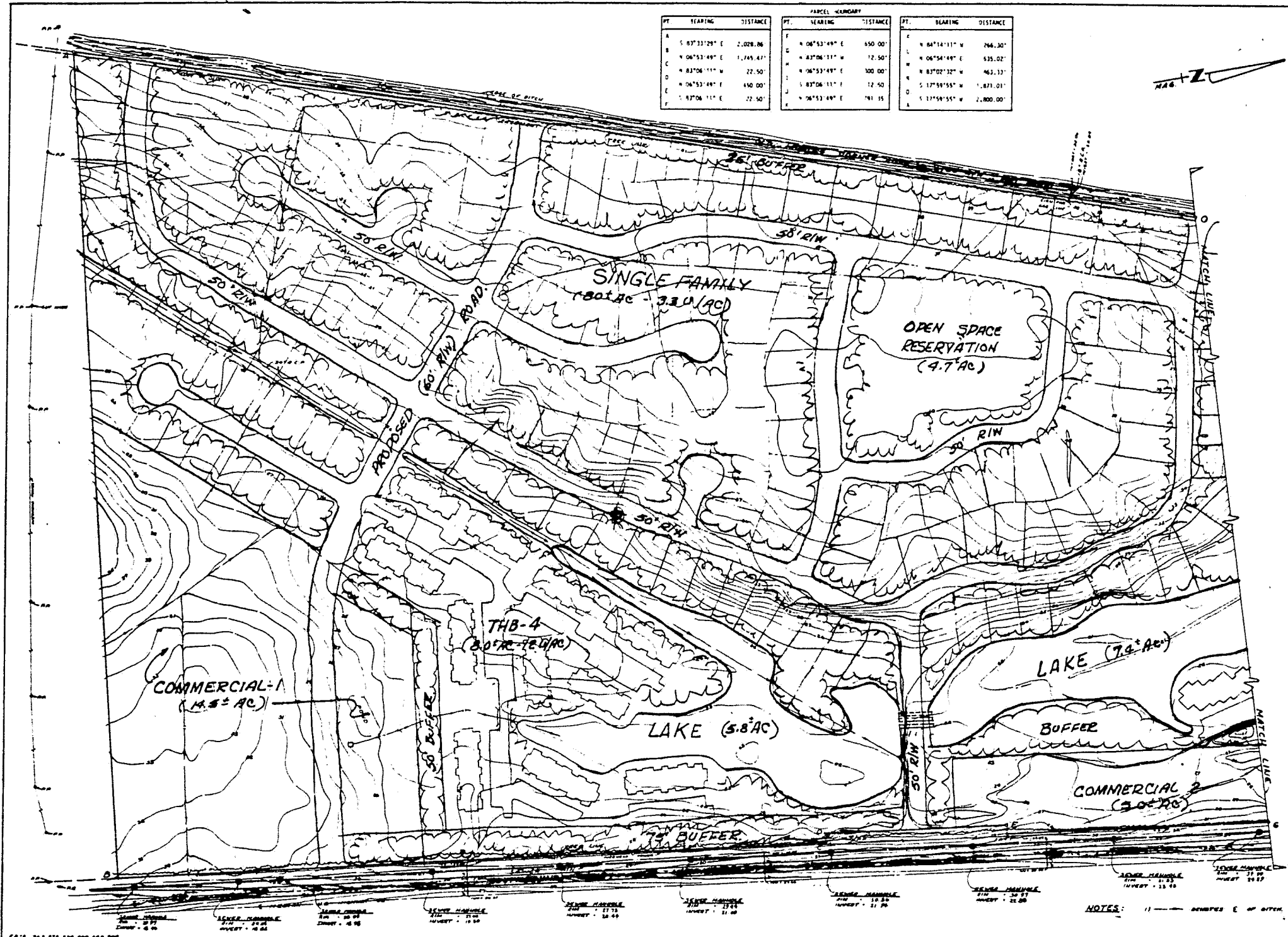
REQUESTED ZONING REGULATIONS:

1. SINGLE FAMILY - 3000 S.F. MIN. LOT SIZE - 50' X 100'
2. SINGLE FAMILY - THB 1 - 7,000 S.F. MIN. LOT SIZE - 40' X 100'
3. SINGLE FAMILY - THB 2 - 5,000 S.F. MIN. LOT SIZE - 30' X 100'
4. SINGLE FAMILY - THB 3 - 3,000 S.F. MIN. LOT SIZE - 20' X 100'
5. COMMERCIAL - 10,000 S.F. MIN. LOT SIZE - 20' X 100'
6. LAKE - 1.0 AC MIN.

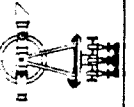
NOTE: DIMENSIONS AND SPACING SHALL BE PROVIDED.

NOTES: 1. ALL DIMENSIONS SHALL BE PROVIDED.

PARCEL BOUNDARY		
PT.	BEARING	DISTANCE
A	S 83°33'29" E	2,028.06
B	N 06°53'49" E	1,745.47
C	N 83°06'11" W	22.50
D	N 06°53'49" E	450.00
E	S 83°06'11" E	22.50
F	N 06°53'49" E	650.00
G	N 83°06'11" W	12.50
H	N 06°53'49" E	300.00
I	S 83°06'11" E	12.50
J	N 06°53'49" E	791.35
K	N 84°18'11" W	246.30
L	N 06°54'48" E	535.02
M	N 83°02'32" W	463.33
N	S 13°58'55" W	1,871.01
O	S 13°58'55" W	2,800.00



GEORGE A. Z. JOHNSON, JR., INC.  
 ENGINEERS · PLANNERS · LAND SURVEYORS  
 207 CALHOUN ST  
 CHARLESTON S.C. 29403  
 803-722-3892



TOPOGRAPHIC MAP OF A  
 161.507 AC TRACT LOCATED ON THE SW CORNER  
 OF U.S. HIGHWAY 52 & OLD MT. BELLY ROAD  
 TOWN OF HOUSE CREEK, ABERDEEN COUNTY, S.C.  
 OWNERS: LEWIS C. WHITE, SR & LOUISE E. CARVIN, JR.  
 SCALE: 1" = 100' DATE: 10 MARCH, 1988

SHEET  
 1  
 OF  
 2

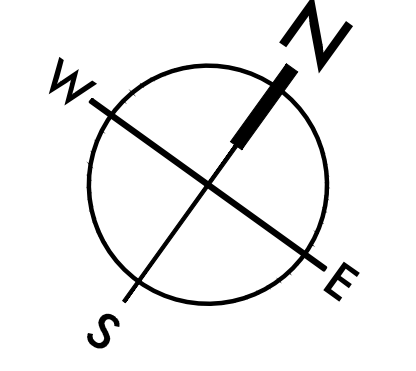
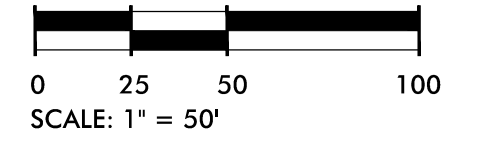
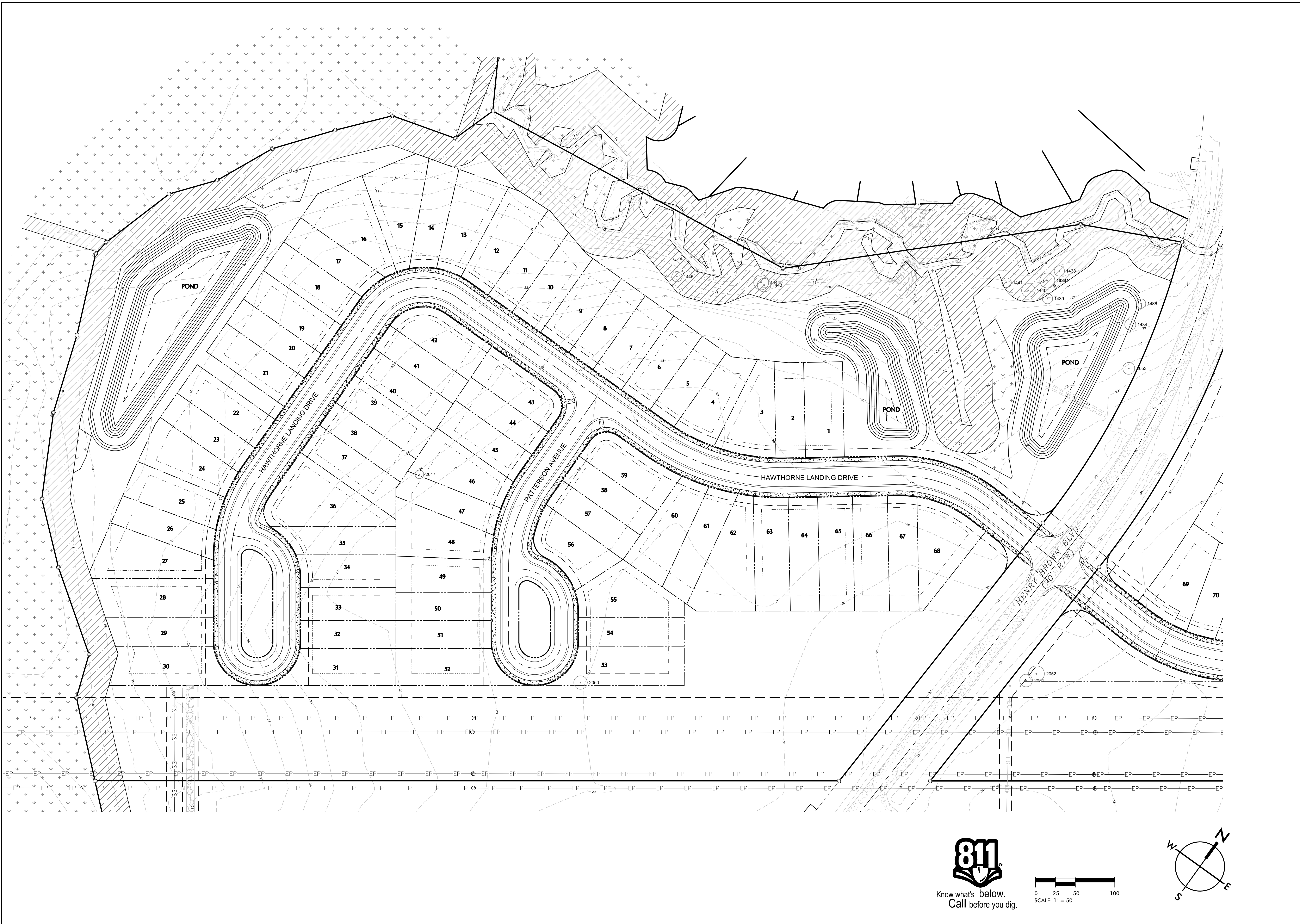
NOTES: 11 — DIMENSIONS E. OF CENTER

**Street Naming**

**Liberty Village**

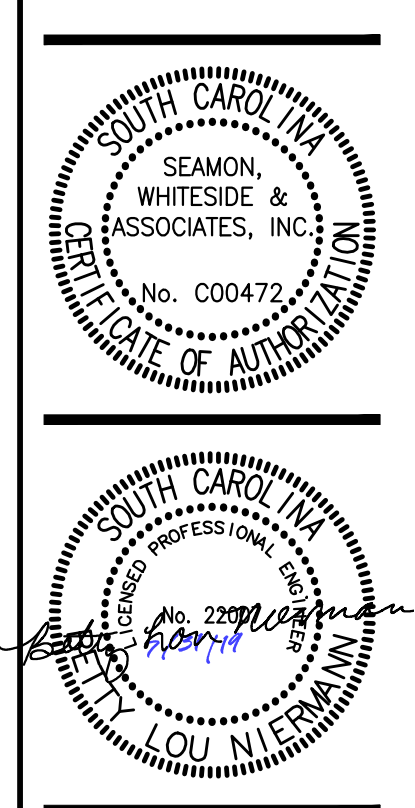
**Phase 6A and 6B**

501 WANDO PARK BOULEVARD, SUITE 200 | MOUNT PLEASANT, SC 29464 | 508 RHETT STREET, SUITE 101 | GREENVILLE, SC 29601  
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**SW**  
SEAMONWHITESIDE

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GREENVILLE, SC 864.298.0534  
SUMMERVILLE, SC 843.972.0710  
SPARTANBURG, SC 864.298.0534  
CHARLOTTE, NC 980.312.5450  
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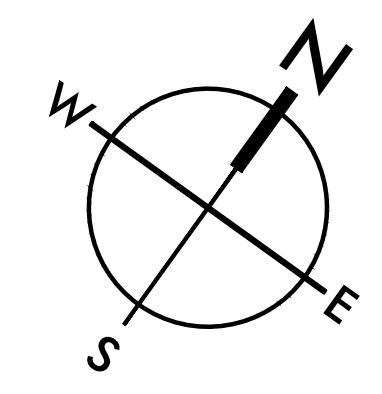
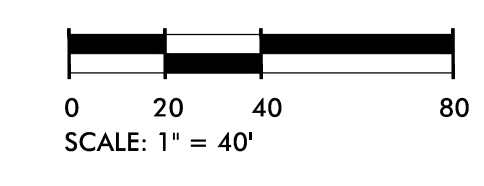
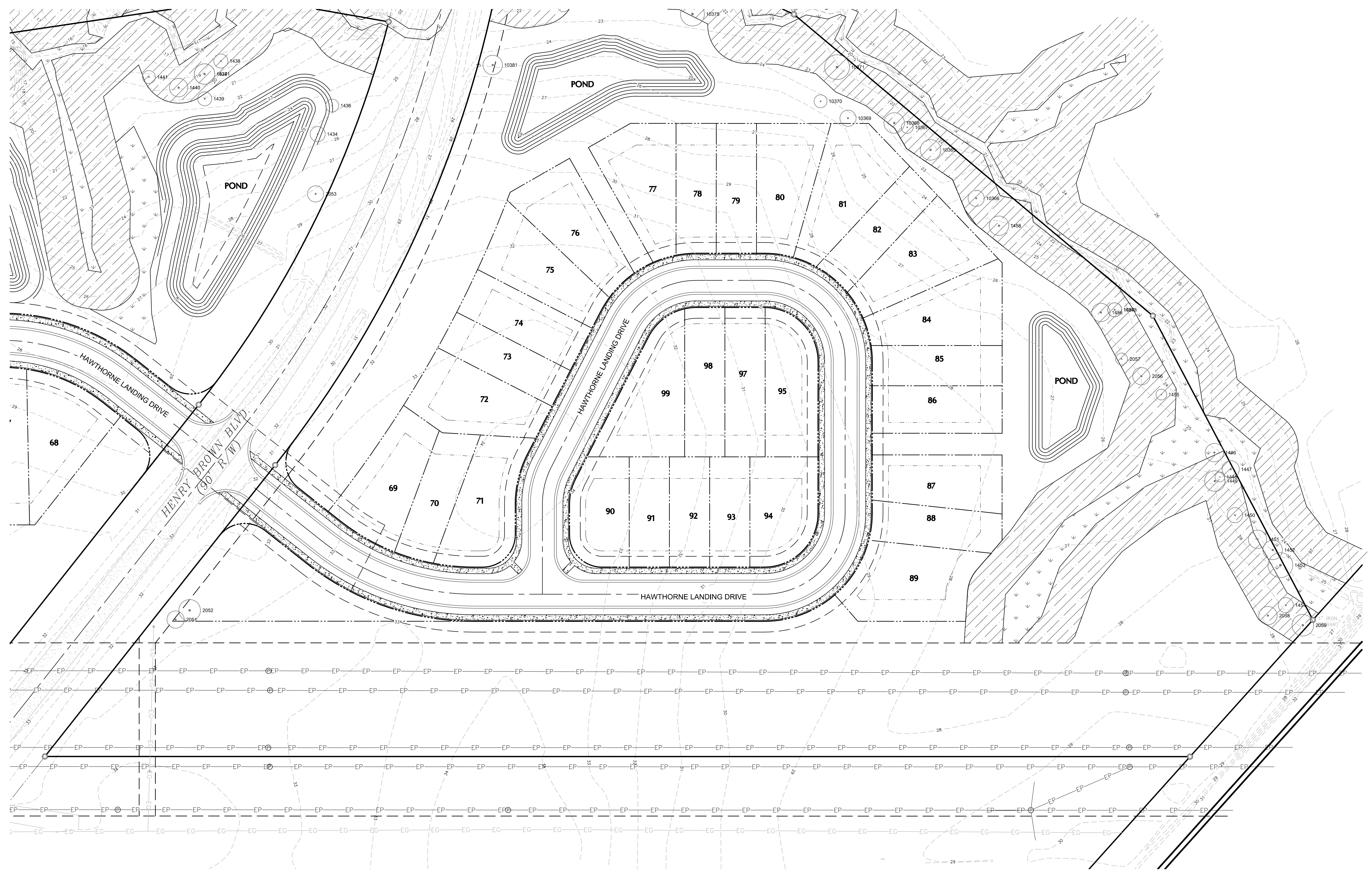
**HAWTHORNE LANDING**  
PHASE 1  
SABAL HOMES, LLC  
GOOSE CREEK, BERKELEY COUNTY, SOUTH CAROLINA  
TMS# 235-00-00-064

SW+ PROJECT: 7770  
DATE: 8/12/2019  
DRAWN BY: CAK  
CHECKED BY: BLN

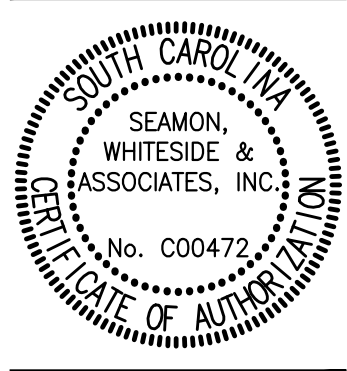
REVISION HISTORY			
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ROADNAME  
EXHIBIT  
PHASE 1

501 WANDO PARK BOULEVARD, SUITE 200 | MOUNT PLEASANT, SC 29464 | 508 RHETT STREET, SUITE 101 | GREENVILLE, SC 29601  
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GREENVILLE, SC 864.298.0534  
SUMMERVILLE, SC 843.972.0710  
SPARTANBURG, SC 864.298.0534  
CHARLOTTE, NC 980.312.5450  
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**HAWTHORNE LANDING**  
PHASE 2  
SABAL HOMES, LLC  
GOOSE CREEK, BERKELEY COUNTY, SOUTH CAROLINA  
TMS# 235-00-00-066

SW+ PROJECT: 7770  
DATE: 8/12/2019  
DRAWN BY: CAK  
CHECKED BY: BLN

REVISION HISTORY			
##	####	##	####
##	####	##	####
##	####	##	####
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##	####	##	####

ROADNAME  
EXHIBIT  
PHASE 2

**Ordinance #: 19 - xxx**

**AN ORDINANCE**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE FOR CHANGES IN THE ZONING DISTRICTS OF THE FOLLOWING PROPERTY:**

**THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 52 AND WINDSOR MILL ROAD, DESIGNATED AS TMS #234-00-00-001 FROM PLANNED DEVELOPMENT (PD) TO GENERAL COMMERCIAL (GC).**

**WHEREAS**, the Planning Commission of the City of Goose Creek held public hearings on August 6, to receive public comment and to consider a change in zoning classification from Planned Development (PD) to General Commercial (GC) for the above-mentioned properties,

**WHEREAS**, pursuant to said public hearing, the Planning Commission has recommended that the zoning classification of the property aforesaid be changed to the General Commercial (GC) zoning district.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, that the Zoning Map of the City of Goose Creek, South Carolina, is hereby amended by changing the zoning district classification of the properties located the northwest corner of Highway 52 and Windsor Mill Road designated as TMS #234-00-00-001 from Planned Development (PD) to General Commercial (GC).

All ordinances and provisions in conflict herewith are repealed, and if any sentence, clause, phrase or word contained herein shall be held invalid, such invalidity shall not affect the validity of the remainder of this ordinance.

This ordinance shall become effective immediately upon adoption.

INTRODUCED the 6<sup>th</sup> day August 2019.

DONE the x<sup>th</sup> day of September, 2019.

\_\_\_\_\_  
Greg Habib, Mayor

Attest: \_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk

\_\_\_\_\_  
Mayor Pro Tem Mark A. Phillips

\_\_\_\_\_  
Councilmember John B. McCants

\_\_\_\_\_  
Councilmember Kimo Esarey

\_\_\_\_\_  
Councilmember Franklin Moore

\_\_\_\_\_  
Councilmember Debra Green-Fletcher

\_\_\_\_\_  
Councilmember Jerry Tekac



THE CITY OF  
**GOOSE CREEK**  
BERKELEY CO. EST. 1961 SO. CAROLINA

## 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  
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## Memorandum

**TO:** Members of the Planning Commission  
**FROM:** Mark Brodeur, Planning and Zoning  
Director  
**DATE:** August 6, 2019  
**SUBJECT:** Annexation and Zoning Designation

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### Proposal:

The City Council would like to request having the Planning Commission discuss and recommend the merits of requiring all new land annexation requests to be supported by a concurrent zoning designation request.

### Background:

Under the current annexation process, the annexation of new lands into the City are in the Conservation/Open Space zoning category. Upon annexation by the City Council, the ultimate use for the property is not considered as part of the record for consideration by Council.

### Discussion:

Most annexed land in Goose Creek is vacant and thus the property is appropriately designated as Conservation/Open Space. An applicant for annexation would be seeking to come into the City if a higher and better use. So, in a sense, the affected residents of the City who might adjoin the annexed lands may be led to believe that a wooded plot might exist forever in that state. That is rarely the case. The resident has not opposed the annexation because they think that the vacant parcel may remain that way because it is zoned for Conservation Open Space.

Conversely, the applicant for property annexation is coming forward with a development proposal in mind. It would be rare for the applicant to want to come into the City simply to have Conservation/Open Space zoning. In this case, the applicant could go through the entire annexation process only to be denied fair use of their property in a Zone Change Request. That presents the City with potential litigation for denial of basic property rights.

For these reasons, the proposal is to have the property owner wishing to annex into the City to request the appropriate zoning designation at the same time.

### Recommendation:

Discuss the pros and cons of having the owners of property to be annexed into the City, request the proposed zoning on the site at the time of consideration of the annexation.

Vote on the appropriateness of this proposal and send that recommendation to the City Council.

## **§ 151.107 CHANGE OF CITY BOUNDARIES.**

In the event of changes in the city limits removing lands from the city, the district boundaries shall be construed as moving with the city limits. In the event of annexation of new lands, the ~~areas~~ **lands** shall be ~~considered to be in the CO District until otherwise~~ re-zoned **to an appropriate city zoning classification** in accordance with these regulations, or when otherwise approved by City Council prior to a referendum of annexation. All changes shall be recorded on the zoning map approved by City Council and on file with the Planning Director and City Clerk. Non-conforming uses in newly annexed areas shall cease according to the schedule in § [151.152](#)(G).





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## PLANNING COMMISSION

August 6, 2019

Mayor Gregory Habib  
City Council Members  
City of Goose Creek  
Marguerite H. Brown Municipal Center  
P.O. Drawer 1768  
Goose Creek, SC 29445

RE: Annexation and Concurrent Zoning Request

Dear Mayor Habib and City Council Members:

Please be advised that on Tuesday, August 6, 2019 the Planning Commission held a public meeting to discuss the merits of requiring properties being annexed into the City to have a concurrent request for zoning designation accompany the petition for annexation.

The Planning Commission discussed the item and voted (TBD) to support/not support the recommendation to require any new properties being annexed into the City to declare which zoning district is being applied to the properties.

If you have any questions or need additional information, please do not hesitate to contact Mark Brodeur, Planning and Zoning Director at 797-6220, ext. 1118.

Sincerely,

Joshua Johnson  
Chairman  
Planning Commission



**Department of  
Planning and Zoning**

**Mark Brodeur**  
DIRECTOR

519 N. GOOSE CREEK BOULEVARD  
P.O DRAWER 1768  
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**Memorandum**

**TO:** Members of the Planning Commission  
**FROM:** Mark Brodeur, Planning and Zoning  
Director  
**DATE:** August 6, 2019  
**SUBJECT:** Discussion Item “Multi-Family Conditional Use  
Permits”

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**Proposal:**

The proposed Zoning Code Amendment would modify the duties of the Zoning Board of Appeals to relinquish the issuance of multi-family conditional use permits and to move that specific duty to the Goose Creek City Council.

**Background:**

Within a land use zone there are typically permitted uses, conditional uses, and uses that are not allowed. Conditional uses fulfill an important role in land use planning. These uses are intended to provide flexibility to municipalities and prevent the negative externalities of those uses. Without conditional uses, a use that may be beneficial to the character and nature of a zone, but that also produces negative externalities, would either be allowed without restrictions or not allowed under any circumstances. This all-or-nothing approach can cripple a community’s ability to provide the necessary spectrum of land uses.

One of those conditionally permitted uses in Goose Creek is multi-family residential. This use is typically a controversial one in most communities and Goose Creek is no exception. That is why they are not simply permitted in any zone by-right and they are only conditionally allowed in four zoning districts (R-3, R-C, N-C, and G-C).

**Discussion:**

The 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.

Due to the very nature of multi-family uses, including apartments, condo’s and townhomes, they are 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.

**Recommendation:**

Discuss the item and send a recommendation to the City Council.

**Language added ( in red) to CHAPTER 31 – CITY COUNCIL, REGARDING THE DUTIES OF THE CITY COUNCIL**

**§31.0XX Power to Permit Multi-Family Conditional Use Permits**

*To permit multi-family conditional uses subject to the terms and conditions for the uses as set forth below. A conditional use is a use not otherwise permitted in a district, and which would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood and subject to the conditions noted, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare of the city. A multi-family conditional uses may be allowed after determination by the City Council of additional controls required, and after the holding of a public hearing. A multi-family development is eligible for location within the subject zoning district, if all the following conditions can be clearly demonstrated to exist:*

- (1) Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;*
- (2) Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered;*
- (3) Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design;*
- (4) Property values, general character and welfare of nearby areas will not be deteriorated;*
- (5) The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations;*
- (6) The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district;*
- (7) The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures;*
- (8) The proposed use complies with all applicable development standards of the city;*
- (9) The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens;*
- (10) The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity;*
- (11) The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site;*
- (12) The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts;*
- (13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;*
- (14) In the consideration of a conditional use, the City Council shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;*
- (15) The City Council reserves the right to revoke any multi-family conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The City Council shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the City Council shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit;*

*(16) The provisions for revocation of multi-family conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city; and*

*(17) In approving a multi-family conditional use, the City Council may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.*

(17) In approving a conditional use, the ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.

(D) In exercising the above powers, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify the fact to the circuit court having jurisdiction.

*(E) The City Council shall issue conditional use permits for all multi family development subject to the terms and conditions as set forth in (C) above. In approving a multifamily conditional use, the City Council may impose conditions and restrictions as in its opinion will accomplish the intent of this chapter.*

(1985 Code, Art. IX, § 902) (Ord. 99-006, passed 4-13-1999; Ord. 99-013, passed 8-10-1999)

 § 151.172 ANNUAL REPORT.



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## PLANNING COMMISSION

August 6, 2019

Mayor Gregory Habib  
City Council Members  
City of Goose Creek  
Marguerite H. Brown Municipal Center  
P.O. Drawer 1768  
Goose Creek, SC 29445

RE: Zoning Ordinance Modification Regarding Multi Family Residential

Dear Mayor Habib and City Council Members:

Please be advised that on Tuesday, August 6, 2019 the Planning Commission held a public meeting to discuss the merits of a proposal to amend the duties of the Zoning Board of Appeals to relinquish their approval of multi-family developments and to turn over that duty to the City Council.

The Planning Commission voted (TBD) to approve and recommend modifying **Chapter 151.171(C) thereby moving the conditional use permit review on multi-family residential uses to the City Council and further modifying the duties of the City Council found under Chapter 31.**

Please find attached a copy of the proposed modifications to said ordinances for your consideration.

If you have any questions or need additional information, please do not hesitate to Mark Brodeur, Director of Planning at 797-6220, ext. 1118.

Sincerely,

Joshua Johnson  
Chairman  
Planning Commission

## AN ORDINANCE

### AN ORDINANCE TO AMEND THE “CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA”, BY AMENDING TITLE III – ADMINISTRATION, CHAPTER 31 – CITY COUNCIL, REGARDING THE DUTIES OF THE CITY COUNCIL TO INCLUDE HEARING AND DECIDING ON THE DISPOSITION OF MULTI-FAMILY CONDITIONAL USE PERMITS AND TO AMEND THE ZONING CODE, CHAPTER 151 TO REMOVE MULTI-FAMILY CONDITIONAL USE PERMIT DUTIES FROM THE ZONING BOARD OF APPEALS

**WHEREAS**, the City Council of the City of Goose Creek held a public hearing on September XX, 2019, to receive public comment and to consider an amendment to the Municipal Code by changing the governing body for approvals of multi-family residential conditional use permits from the Zoning Board of Appeals to the City Council and;

**WHEREAS**, the City Council of Goose Creek desires to be the approving body for the issuance or denial of future conditional use permits specifically for multi-family residential use, and;

**WHEREAS**, the Zoning Board of Adjustment will no longer hear conditional use permit requests for multi-family development, and;

**WHEREAS**, South Carolina Code of Laws permits the governing body to approve, approve with conditions or deny conditional uses heard by the City, and;

**WHEREAS**, a new Code Section 31.0xx will be added to the *Powers and Duties* of the City Council under Title III, Chapter 31 of the Code of Ordinances for the City of Goose Creek, outlining the conditions to be met by the development and;

**WHEREAS**, the Duties and Powers of the Zoning Board of Appeals (Chapter 151.171) shall be amended to add a new subsection (E) making the review on multi-family residential uses as conditionally allowed by the City Council; and

**WHEREAS**, pursuant to said public hearing, the City Council approved the amendments to the Municipal Code, granting the approval of multi-family conditional use permits to the City Council, and

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, that the Code of Ordinances of the City of Goose Creek, South Carolina, is hereby amended by changing the governing body for approvals of multi-family residential conditional use permits from the Zoning Board of Appeals to the City Council.

All ordinances and provisions in conflict herewith are repealed, and if any sentence, clause, phrase or word contained herein shall be held invalid, such invalidity shall not affect the validity of the remainder of this ordinance.

This ordinance shall become effective immediately upon adoption.

**INTRODUCED** the XXth day of September 2019.

**DONE** the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor Gregory S. Habib

Attest: \_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk