MINUTES

CITY OF GOOSE CREEK

**PLANNING COMMISSION**

**TUESDAY, DECEMBER 6, 2016, 6:30 P.M.**

**GOOSE CREEK MUNICIPAL CENTER**

**519 N. GOOSE CREEK BLVD.**

# Call to Order – Chairman Allen Wall

Chairman Wall called the meeting to order at 6:30 p.m.

Present: Gary Berenyi, Paul Connerty, Joshua Johnson, Jeffrey Smith, Allen Wall

Absent: Jeanette Fowler, Barry Washington

Staff Present: Sarah Hanson

1. **Approval of Agenda**

*Motion:* Mr. Jeffrey Smith made a motion to accept the Agenda as posted. Mr. Connerty seconded.

*Discussion:* There was none.

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

1. **Review of Minutes from November 1, 2016**

*Motion:* Mr. Smith made a motion to accept the minutes as amended. Mr. Berenyi seconded.

*Discussion:* There was none.

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

1. **Public Hearing – Rezoning TMS#222-00-00-140 from CO to R3**

Chairman Wall opened the public hearing, and requested Staff present the request. Ms. Hanson stated in December of 2015 the tract designated as TMS#222-00-00-006 was annexed into the City and a development agreement was adopted for the creation of a single family residential subdivision with High Density Residential (R3) zoning. She noted the development agreement expressly allows additional acreage to be added to the original tract, and now the property owner is in the process of annexing an additional 70.34 acres which are immediately adjacent to the original 29.37 acres. Staff also mentioned as a property is annexed into the City it is automatically zoned CO, and therefore the property owner is requesting that the new tract be zoned R3 as well.

Chairman Wall asked if the representative for the property was present. Mr. Walt Martin, representative for the property, stated they would be happy to answer any questions. Chairman Wall inquired if anyone wished to speak in favor of the proposal. There were no comments. Chairman Wall inquired if anyone wished to speak against the proposal. A gentleman from the audience inquired for further details on the location of the parcel and surrounding properties. Chairman Wall stated the property is located off Old Summerville Road and mentioned this property would join the property previously annexed and zoned R3. Chairman Wall inquired to Staff if the properties would be combined. Staff stated that the properties would eventually be combined into one parcel. Ms. Hanson added that the properties were immediately adjacent to the Carnes Crossroads properties as well, which are also zoned R3. The same gentleman from the audience inquired if all surrounding properties are R3. Staff stated yes. A lady from the audience inquired for further description of what a R3 zoning is. Ms. Hanson stated that R3 is high density residential, which refers to the minimum property size of 6,500 square feet, with a minimum frontage of 60 feet, and a minimum depth of 100 feet. Chairman Wall inquired if Staff had a recommendation on the request. Ms. Hanson deferred to the Planning Commission for judgement.

Chairman Wall closed the public hearing.

Chairman Wall opened the discussion to the Commission. Mr. Berenyi inquired about the total acreage combined. Staff stated it would be right at 100 acres. Mr. Berenyi inquired about what type of density the project would be looking at, size of units, along with the amenities and what type of development. Mr. Martin stated it would be approximately 236 units, with the average home being 2,200 square feet within a traditional single family neighborhood layout with front access driveways. Mr. Martin also added that a mailbox kiosk, open field, regulated dog park, fire pit, along with planned walking trails, and benches were also planned. There was some discussion about the property connecting to the front parcel close to Old Summerville Road. A lady from the audience inquired about the timeline. Mr. Martin stated it would be approximately a year to get the subdivision plans together and start construction, and then approximately four years for completion.

*Motion:* Mr. Smith motioned to accept the request to rezone TMS#222-00-00-140 from CO to R3. Mr. Berenyi seconded.

*Discussion:* There was none.

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

1. **Public Hearing – Rezoning TMS#234-00-00-016 and 234-00-00-103 Crowfield Blvd. and Corporate Parkway from PDLI to PD**

Chairman Wall opened the public hearing, and requested Staff brief the Commission on the rezoning. Staff stated that the applicant is requesting that their properties located on the corner of Crowfield Boulevard and Corporate Parkway be down zoned from Planned Development Light Industrial (PDLI) to Planned Development (PD). These two properties are on the outer perimeter of the Crowfield Industrial Park.

Ms. Hanson gave a summary of the history of the park to include the original land use map created by Westvaco Development Company in 1986 which indicated that all Crowfield was zoned PD with underlying approved uses detailed on a land use map and then revised in 1992. Ms. Hanson added the original map indicated the larger parcel, TMS#234-00-00-016, at 18.61 acres was to be used as residential and the smaller 5.78 acres’ parcel, TMS#234-00-00-103, to be used for commercial uses. Staff also mentioned that later Westvaco issued a land use map of the Industrial Park, with these two parcels included. She added that with that information, and because the Park had been developed accordingly, the Planning Commission recommended in 2010 that the parcels included in the Industrial Park per the map as well as the covenants and restrictions of the park, be zoned to indicate the light industrial use as the underlying zoning within the planned development. Ms. Hanson noted that City Council then approved this recommendation. Staff stated that the applicant now wishes to rezone the parcels as Planned Development to allow any approved uses for the planned development zoning classification. Ms. Hanson outlined that with all zoning request, the Commission is tasked with deciding if the requested Planned Development zoning classification is the best and highest use for the property, given its location and the surrounding development. She also added it is the Commissions responsibility to determine if the approved uses for the PD zoning and their possible impact will make sense for the location and for the developments located within the vicinity of the property, and if this requested zoning classification is consistent with the City’s Comprehensive Plan. Staff presented the map that Westvaco had put together, along with Appendix B. Ms. Hanson outlined Appendix B of the zoning ordinance, mentioning the Appendix indicates the flexibility of PD zoning, as almost any use, if consistent with the immediate area is an approved use. She added the Land Use map is general at best, though it does provide for separation of intensity of uses, providing the office park area, the industrial park, the two apartment complexes at different perimeter areas of the community, each of these separated from the residential pods throughout the community. Ms. Hanson stated that if the property is rezoned PD there would be no specified underlying zoning, so any of the approved uses noted in Appendix B, other than multi-family, would be approved uses by right, and that proposed multi-family use would require a conditional use permit from the City’s Zoning Board of Appeals. Staff specified, in regards to the requested zoning being consistent with the City’s Comprehensive Plan, the Plan’s land use map indicates this area to be developed as an Employment Center. Ms. Hanson offered copies of the land use map from the Comprehensive Plan. She ended her summary stating that a PD zoning is a very flexible zoning, with the rest of Crowfield Plantation zoned PD and the development throughout the years of Crowfield has been guided by this very primitive land use map that Westvaco developed in the 1980’s and 1990’s.

Ms. Hanson introduced Mr. Bill Peebles, and Mr. Steve Vaughn, representatives of the owners and developers. Mr. Vaughn, owner of the property, summarized the history of the Corporate Center and his ownership of the properties. He reiterated his personal commitment to Crowfield and his wish that the most appropriate and least intensive development for this location to be approved.

Chairman Wall inquired if there was anyone who wished to speak for the issue. There were no comments. Chairman Wall inquired if there was anyone who wished to speak against the issue. Mr. Tom Jeffries, CFO of Quoizel, which is located immediately adjacent to the subject property. Mr. Jeffries disagreed with the interpretation made by Mr. Vaughn in regards to the original intent of the property, specifically mentioning the covenants of the industrial park, clearly stating light industrial, dating back to the late 1980’s. Mr. Jeffries stated concerns and possible issues with residential development. Mr. Vaughn commented that he preferred not to see industrial building adjacent from the Hamlets. Chairman Wall inquired if there were any others wished to speak against the issue. There were no further comments. Chairman Wall inquired if Staff had a recommendation. Ms. Hanson deferred to the Commission.

Chairman Wall closed the public hearing.

There was discussion about the setback requirements, per the use, if the zoning is changed. Staff added that the project would also be required to meet the Crowfield HOA requirements. Staff recommend individual consideration for the parcels. Mr. Connerty recused himself.

Chairman Wall inquired if Mr. Vaughn had a buyer for the property. Mr. Vaughn stated he wished to develop the property himself. There was an extensive conversation between Mr. Vaughn and Commissioner Berenyi regarding their differing opinions in regards to the original concept of the Corporate Park property and whether the intent was that it be developed solely as a Light Industrial park. There was discussion about requiring a CUP for multi-family if the property was rezoned. Mr. Jefferies stated he felt the covenants described the original intent of the corporate industrial park. Staff offered to review the covenants to determine the language that included the intent for these particular properties. Ms. Hanson stated it would involve researching the covenants, and may involve more time. She added she would be happy to research on behalf of the Commission upon their request. Chairman Wall stated consideration of the current zoning and potential for what type of development would be the focus of review by the Commission.

*Motion:* Mr. Berenyi made a recommendation to disapprove the rezoning of TMS#234-00-00-016 and TMS#234-00-00-103 from PD Light Industrial to PD. Mr. Smith seconded.

*Discussion:* There was discussion about the zoning classification, current and requested.

*Vote:* The vote was (2-2) with 1 abstention.

Chairman Wall stated the property would stay as is under light industrial, as a recommendation to City Council.

1. **Public Hearing – Rezoning TMS#234-00-00-019 and 234-00-00-074 from R1 to RC**

Chairman Wall opened the public hearing, and requested Staff brief the Commission on the rezoning. Ms. Hanson stated the applicant is requesting that the two properties identified as TMS#234-00-00-019, which fronts Highway 52 directly, as well as TMS#234-00-00-074 which is located on Carol Drive be rezoned from low density residential (R1) to restricted commercial (RC). Staff outlined the duties of the Commission for the best and highest use for the property given the location and surrounding development, and if it is consistent with the City’s Comprehensive Plan. Ms. Hanson described the Colonial Heights subdivision to the West of these two properties, which is zoned in its entirety as low density residential (R1). She added that Carol Drive extends from one end of the subdivision to the other, which dead ends at both perimeters of the subdivision. Staff mentioned that the northern end borders the remaining undeveloped properties along Highway 52. Ms. Hanson quoted the restricted commercial (RC) zoning classification per the City’s zoning ordinance. She summarized the restricted commercial zoning classification was created for small individual office professional buildings, etc., but not general commercial uses. Staff presented appendix “B” to the Commission with the schedule of the approved land use table, mentioning some of the RC approved uses by right. Ms. Hanson noted the City’s Comprehensive Plan notes these properties were reserved for commercial use, adding the plan indicates commercial use along Highway 52, with the property fronting Highway 52, the RC zoning is much less intense than (GC) general commercial for the adjacent property. Staff added that if the RC zoning was approved, Staff would be diligent in requiring a more than sufficient screening and buffering, to ensure that significant consideration is given to the placement of any structures, grant no access or egress to or from Carol Drive, and require that the property remain as natural as practical. Staff clarified the process to notify residents that are closest to the properties in general, the posting of signs, along with the ad in the newspaper.

Mr. Rhett Reidenbach, of the Reveer Group and representative on behalf of The Edge of Folly, introduced himself, and Mr. Randy Bates of The Edge of Folly. Mr. Reidenbach stated that Mr. Bates is not the developer of the property. Mr. Reidenbach gave a brief history of the property, to include owners and the previous commercial zoning, and a rezoning request for general commercial (GC) last year. He mentioned that The Edge of Folly had purchased this property because of the location fronting Highway 52. Mr. Reidenbach stated that if the property was developed into residential properties, it would have a bigger impact on traffic within the neighborhood. He added that they currently already have some interest in medical offices at this location. Mr. Reidenbach mentioned that there would be more traffic if the land was developed for six houses than a restricted commercial use.

Chairman Wall opened the floor to those that wished to speak for the issue. There were no comments. Chairman Wall opened the floor to those that wished to speak against the issue. Ms. Marilyn Wade, a resident of Colonial Heights, stated concerns in regards to the traffic for entrance and egress, along with buffer needs. Mr. Jerry Glass, also a resident, gave a brief history of the vision and intent of the property along Highway 52 and Colonial Heights. He stated concerns for the zoning classification with the unknown business that could be built there, and urged the Commission to leave the property as residential. Mr. Guy Lookabill, stated he preferred homes to be built on the property, and did not wish for it to be commercial. Mr. James Wade, inquired how rezoning the property to commercial would benefit the neighborhood. Mr. Rowland Ford, of Carol Drive, stated concerns for the traffic incidents and safety of Highway 52. Mr. John Niland, a longtime resident of Colonial Heights, stated concerns for the type of commercial business, such as a bar. Chairman Wall inquired to Staff if a bar is on the permitted uses for restricted commercial. Staff stated no. Mr. Alan Parks, of Carol Drive, stated concerns for traffic in and out of the neighborhood, and suggested a traffic study be completed with SCDOT. Mr. Earl E. Pinckney stated favor in keeping Colonial Heights the type of neighborhood it currently is.

Chairman Wall closed the floor, and asked Staff for a recommendation. Ms. Hanson stated Staff deferred to the Commission in determining if this is a consistent use for this piece of property.

Chairman Wall closed the public hearing, and inquired if the owner had further input. Mr. Bates outlined the specific concerns of Mr. Lookabill, Mr. Ford, and Mr. Parks. He added that he wished to create a win-win situation for the neighborhood and the proposed business with a restricted commercial zoning. Chairman Wall inquired about the parcel that fronts Carol Drive, and if the plans included any entrance from Carol Drive. Mr. Bates stated that they would propose the retention pond on the parcel that fronts Carol Drive, and they had no plans to have access or egress off Carol Drive. Mr. Berenyi inquired to Mr. Reidenbach if there were any plans to connect this subdivision to the traffic light through the commercial area. Mr. Reidenbach stated the properties were separate from the other commercial properties. There was discussion about the property building and the size of the property. Chairman Wall inquired about the intent for the property to Mr. Bates, the property owner, and if there was any desire to build homes on the property. Mr. Bates stated they envisioned a small 9-5 type business office for the property. Chairman Wall inquired to Staff if this coincided with the Comprehensive Plan. Staff stated it did, and presented the Commission with the land use map showing the commercial use for this area. Chairman inquired if the Commission had any further questions. Mr. Johnson inquired to Staff regarding the buffer to Carol Drive, how it would be required per the ordinance, and if Staff would require a significant landscaped buffer. Ms. Hanson stated absolutely, adding that the road is not complete at the smaller property that fronts Carol Drive, and is heavily vegetated. She stated that it would be Staff’s intent that there would be significant buffer along Carol Drive as well as between the other property adjacent to Mr. Lookabill. There was discussion about the process with SCDOT to warrant an additional traffic signal. Mr. Berenyi stated the neighboring properties are commercial, and this is a good opportunity to develop this property to transition from commercial to residential.

*Motion:* Mr. Berenyi made a motion to recommend the rezoning of TMS#234-00-00-019 and TMS#234-00-00-074 from (R1) low density residential to (RC) restricted commercial. Mr. Smith seconded.

*Discussion:* There was discussion about the potential to combine the properties to allow traffic to access Highway 52 through the existing light.

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

Chairman Wall reminded the audience that the recommendation would go before City Council for two hearings. Mr. Glass suggested notification to the neighborhood for the meetings to be held by City Council.

1. Public Hearing to amend the Zoning Ordinance Section 151.190 ARB Duties and Powers

Chairman Wall opened the public hearing and requested Staff present the information for the amendment of Section 151.190 – ARB Duties and Powers. Ms. Hanson stated the request for the amendment of Section 151.190 – ARB Duties and Powers be amended to read: “approvals issued by the ARB, regardless of the scope of work, shall expire one year from the date of approval. Approved projects not yet under construction; i.e., vertical construction has not commenced, must resubmitted for approval of all site and landscaping plans, elevations, materials, and colors.” Staff suggested also adding the language as follows: “An extension may be granted by the Zoning Administrator when deemed appropriate.” Ms. Hanson mentioned this would keep development current with the design criteria if it is modified. Chairman Wall inquired about the specifics of the responsibility of the Zoning Administrator. Staff stated that if the project needed an extension, the Zoning Administrator could grant an extension if it deemed a reasonable request.

Chairman Wall opened the floor to those that wished to speak for the issue. There were no comments. Chairman Wall opened the floor to those that wished to speak against the issue. There were no comments. Chairman Wall closed the public hearing.

Chairman Wall inquired if the Commission had any further questions or comments.

*Motion:* Mr. Berenyi made a motion to accept the amendment of the Zoning Ordinance Section 151.190 ARB Duties and Powers as submitted by Staff. Mr. Connerty seconded.

*Discussion:* There was none.

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

1. **Public Hearing to amend the Zoning Ordinance Section 151.028 Definitions of Words and Terms**

Chairman Wall opened the public hearing and requested Staff present the information for the amendment of Section 151.028 – Definitions of Words and Terms. Ms. Hanson stated the request for the amendment of Section 151.028 – Definitions of Words and Terms be amended to add the flood terms to the current existing definitions of the zoning ordinance.

Chairman Wall opened the floor to those that wished to speak for the issue. There were no comments. Chairman Wall opened the floor to those that wished to speak against the issue. There were no comments. Chairman Wall closed the public hearing.

Chairman Wall inquired if the Commission had any further questions or comments. There was discussion in regards to the term “substantial improvement” to be cumulative over a period of five years.

*Motion:* Mr. Connerty made a motion to accept the amendment of the Zoning Ordinance Section 151.028 Definitions of Words and Terms as recommended by Staff. Mr. Smith seconded.

*Discussion:* There was none.

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

1. **Public Hearing to amend the Zoning Ordinance Section 151.081 Flood Hazard Controls**

Chairman Wall opened the public hearing and requested Staff present the information for the amendment of Section 151.081 – Flood Hazard Controls. Ms. Hanson stated the request for the amendment of Section 151.081 – Flood Hazard Controls be amended to incorporate the FEMA language and procedures into the City zoning ordinance.

Chairman Wall opened the floor to those that wished to speak for the issue. There were no comments. Chairman Wall opened the floor to those that wished to speak against the issue. There were no comments. Chairman Wall closed the public hearing.

*Motion:* Mr. Connerty made a motion to accept the amendment of the Zoning Ordinance Section 151.081 Flood Hazard Controls as recommended by Staff. Mr. Johnson seconded.

*Discussion:* There was none.

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

1. **Public Hearing to amend the Zoning Ordinance Appendix A - Parking Requirements**

Chairman Wall opened the public hearing and requested Staff present the information for the amendment of Appendix A – Parking Requirements. Ms. Hanson stated the request for the amendment of Appendix A – Parking Requirements. Chairman Wall inquired to Staff if this pertained to parking lots for auto sales use only. Staff stated yes, and added that the current parking requirements per the ordinance requires a minimum of seven parking spaces. Ms. Hanson noted this creates a congested parking lot, and suggested amending Appendix A – parking requirements to state as follows: “All autos held on the lot must be parked within a regulation sized paved parking space (9’x18’) with adequate space for access from the roadway, ADA accessibility, as well as safe auto movement within the site, including emergency response vehicles. These criteria shall be determined by the Zoning Administrator. An exception may be made for autos being temporarily (less than 10 days) stored for repair as long as they are parked in a screened area at the rear of the building.” There was discussion about current requirements, and the need to keep the parking lots safe and attractive to the community.

Chairman Wall opened the floor to those that wished to speak for the issue. There were no comments. Chairman Wall opened the floor to those that wished to speak against the issue. There were no comments. Chairman Wall closed the public hearing.

There was discussion about the public notice, and the notice included on the Agenda as posted at City Hall and on the City website. Chairman Wall inquired how approval of the amendment would impact existing conditions. There was discussion how Staff would work with business owners to comply, should the amendment pass with City Council. Mr. Johnson inquired if this applied to automobile sales lots and/or automobile repair lots. Staff stated it would be beneficial to incorporate it to both uses, in keeping accessibility, appearance and safety in mind. There was some discussion about conducting auto repairs inside, regulations and adding auto repair to the suggested language of the zoning ordinance as proposed. Staff suggested keeping the language pertaining to the auto sales and service, with a ten-space minimum, and in addition all autos parked on the lot must be parked within a regulation sized parking space with adequate space. Ms. Hanson added that the two could be combined, the sales and the service, since it is already combined in Appendix A. Mr. Johnson inquired about the location of parking the auto’s, as to parking in front of, beside of, or behind the building. Staff stated the ordinance states all parking lots are required to be paved. Ms. Hanson mentioned that if the area is paved they could use it. There was discussion about parking cars of grass, and raised hoods.

*Motion:* Mr. Berenyi made a motion to accept the amendment of the Zoning Ordinance Appendix A – Parking Requirements with the addition of service vehicles as recommended by Staff. Mr. Connerty seconded.

*Discussion:* There was a suggestion to add the language for screened areas, and the size requirement for vehicles not visible from the front of the business.

*Motion:* Mr. Johnson made a motion to amend the motion to include the parking space size requirement only pertaining to the unscreened portion of the lot. Mr. Berenyi seconded.

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

1. **Public Hearing to amend the Zoning Ordinance Appendix B - Table of Land Uses**

Chairman Wall opened the public hearing and requested Staff present and explain the information for the amendment of Appendix B - Table of Land Uses. Ms. Hanson addressed the Commission in regards to the zoning classification, specifically permitting the use of storage facilities. There was a brief discussion about classifying storage facilities under the commercial industrial zoning classification, existing storage facilities and the permits that are required. Chairman Wall inquired if the Commission wished to address the subject or continue the public hearing at a future meeting. There was discussion about the requirements for all storage facilities to be within a Commercial Industrial (CI) zoning classification.

*Motion:* Mr. Connerty made a motion to continue the public hearing at another time. Mr. Smith seconded.

*Discussion:* There was none.

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

1. Comments from the Commission

There were none.

1. **Comments from Staff**

Ms. Hanson mentioned her upcoming retirement, and thanked the Commission for their time and patience with this full agenda.

1. **Adjournment**

Mr. Berenyi made a motion to adjourn, and Mr. Washington seconded. All voted in favor (5-0). The meeting adjourned at approximately 8:10 p.m.

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Allen Wall, Chairman