MINUTES

CITY OF GOOSE CREEK

**PLANNING COMMISSION**

**TUESDAY, AUGUST 1, 2017, 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 6:31 p.m.

Present: Gary Berenyi, Paul Connerty, Jeanette Fowler, Josh Johnson, Jeffrey Smith, Allen Wall, Barry Washington

Absent: None

Staff Present: Kara Browder

1. **Approval of Agenda**

*Motion:* Ms. Fowler made a motion to accept the Agenda as presented. Mr. Connerty seconded.

*Discussion:* There was none.

*Vote:* All voted in favor.

1. **Review of Minutes from May 2, 2017, and June 6, 2017**

*Motion:* Mr. Smith made a motion to approve the minutes as submitted. Mr. Connerty seconded.

*Discussion:* There was none.

*Vote:* All voted in favor.

1. **Street Naming – Cobblestone Dialysis**

Chairman Wall opened the discussion to Staff. Ms. Browder stated that the developer was not moving forward with that access road at this time.

1. **Discussion – Development of Storage Facilities, Presentation by Gary Berenyi**

Mr. Berenyi provided the Commission with a presentation illustrating several types of storage facilities with distinct types of development criteria. He outlined types of preferred and un-preferred storage facilities on the overhead. He also mentioned the role the Architectural Review Board could have in creating the aesthetics of the desired design for Storage Facilities. Chairman Wall thanked Mr. Berenyi for his presentation, and asked if there were any comments from the Commission. Mr. Berenyi asked what does the Commission do with it now. Chairman Wall stated that it is the Commissions responsibility to implement the communication that Council has given the Commission to meet those requirements. There was a detailed discussion about Council’s discussion of the design criteria for storage facilities. Chairman Wall suggested sending a letter from the Commission to the Architectural Review Board outlining the guidelines for storage facilities. He deferred to Staff for input. Ms. Browder stated the Boards and Commissions rely on the ordinance language for specifics on design guidelines. She mentioned it would be the task of the Commission to provide specific language to outline exact specifications for the Architectural Review Board to lean on when reviewing development of storage facilities. There was discussion about the purview of the Architectural Review Board, the origination of the discussion of storage facilities zoning classification as outlined in Appendix B of the zoning ordinance outlining where the facilities are permitted. Chairman Wall inquired what Staff felt would be appropriate to task the ARB with. Ms. Browder mentioned the different districts, and different types of storage facilities permitted. There was discussion about the ordinance language and criteria to amend the ordinance to provide direction for the design criteria of storage facilities. Chairman Wall inquired if he could meet with Staff to come up with a rough draft to prepare some language to discuss at the next Planning Commission meeting. Staff agreed to meet with the Chair to draft a proposal for the Commission to review.

1. **Public Hearing – Rezoning Request for property located on within the Quail Hill community designated as TMS#235-10-03-138; Request to Rezone from Residential Medium Density (R2) to Conservation Open Space (CO)**

Chairman Wall opened the public hearing and floor to Staff. Ms. Browder stated the location of the property behind the Quail Hill subdivision, and referred to the rezoning profile report given to each Commission member. Staff outlined the current zoning and the requested zoning, giving a brief history of the parcel. Ms. Browder outlined the property was previously part of the open space requirement for the development of the subdivision. She added that it then went up for auction and the property was purchased by Mr. Phillip Obie. Staff mentioned that Mr. Obie was requesting the property be rezoned to keep the property undeveloped, and still have an opportunity to develop the other property as residential. There was discussion about the zoning of surrounding properties and wetlands. Mr. Berenyi stated concerns for the open space being part of the deed to the property.

Chairman Wall invited the representative for the parcel to speak on behalf of the request. Mr. Obie agreed that Staff outlined the request accordingly. He had no additional comments. He invited the Commission to address any questions or concerns they had. Chairman Wall inquired if the parcel was land locked. Mr. Obie stated it was not. Chairman Wall inquired about the access. Mr. Obie stated that he owns the lot in front of it as well, and allows him access to the eight acres. Mr. Bereyni asked for clarification. The applicant stated the triangle portion of property as presented. Chairman Wall thanked the applicant for his input.

Chairman Wall invited anyone to speak for the issue. There was no one. Chairman Wall invited anyone to speak against the issue. A resident on Pointer drive expressed concerns for landlocking the back parcel if the triangle area is developed. There was discussion about local areas for parks, and the property being land locked. A resident on Stephanie Drive inquired if the owner would be open to subdividing the triangle portion to other property owners. There was discussion about the original intent of the triangle portion to be open space with potential for future development for the community. Mr. Berenyi inquired if the HOA was still active. The resident from Stephanie stated that the HOA had dissolved prior to his purchase of his home in 2011. He added he did not want to personally see it come back. Ms. Browder stated that the taxes were not being paid on the HOA triangular piece, and then the property went up for a tax sale. There was discussion about the deed restrictions, and if it includes language for an HOA. Mr. Berenyi expressed concerns for the legalities when an HOA dissolves, and the use of land. He asked the owner if he was informed by his attorney of any legal issues associated with the HOA. Mr. Obie stated it was a tax sale, and there was a detailed discussion about the surrounding properties, and the process when buying land through a tax sale. Mr. Joel Arenson asked for clarification of the property that the applicant requested to be rezoned conservation open space. Staff addressed the location on the overhead, and summarized the intent for the request. Mr. Arenson inquired who would be responsible for maintaining the property. Chairman Wall stated it would be the responsibility of the owner of the property. There was discussion about the triangular portion remaining R2, with access easement to provide access to the property. The was a lengthy discussion pertaining to the HOA responsibilities and what happens when the ownership is turned over, and the rights to the property owners of the development.

Chairman Wall asked Staff for a summary or recommendation. Ms. Browder restated that the 8.07 acres parcel was being requested to be rezoned from R2 medium density residential to CO conservation open space in order to ensure that this parcel will remain part of the open space, as permanent green space for the Quail Hill Subdivision, and in exchange for the triangular portion to be subdivided with additional homes to be built. She added this was originally intended to be utilized as open space for the development of the subdivision.

Chairman Wall invited the land owner, Mr. Obie, to add any final comments. Mr. Obie stated that he agreed with Staff’s comments. He added that the development would create improvements for the community.

Chairman Wall closed the public hearing.

Chairman Wall requested the Commission address any questions pertaining to the request. Mr. Johnson inquired to Staff if the rezoning of this property is tied to subdividing the triangle parcel. Ms. Browder stated that the triangle parcel would be part of the agreement for residential development with the rezoning of the 8.07 acres to conservation open space. Mr. Johnson stated concerns for the rezoning the 8.07 acres to keep the triangular piece from being developed anyway because it is currently zoned R2. Staff stated it is zoned R2 but is designated on the recorded plat as open space. There was discussion about the open space requirements of the ordinance to develop a subdivision. Chairman Wall inquired about how much of the property is designated as wetlands. There was discussion about the drainage ditch. Chairman Wall inquired to Staff who owned the triangular portion of the property to begin with. Staff stated the developer. There was continued discussion about the past owner, HOA, and the plans for future development and open space, and lot size. Chairman Wall inquired about the acreage of the triangular parcel. The applicant stated the size of the lots would be consistent with the requirements of the R2 regulations. Chairman Wall inquired if there are any areas of the 8.07 acres that could be developed as residential property. The applicant stated that there are some higher areas that could be developed residentially. Chairman Wall inquired if the Commission had any further questions. There were none. He asked if the Commission was ready to address the request. Chairman Wall inquired with the applicant how many homeowners would buy an additional 35’. The applicant was not sure. Ms. Fowler stated that she felt the rezoning would not affect the use of the land. Mr. Connerty inquired if Staff is recommending approval of the rezoning request contingent upon the agreements that was made to include access to the 8.07 acres. Staff deferred to the Commission. There was discussion about the formula in the ordinance for open space requirements, and wetland areas.

*Motion:* Mr. Connerty made a motion to approve the rezoning request for property designated as TMS#235-10-03-138; to rezone from Residential Medium Density (R2) to Conservation Open Space (CO). Ms. Fowler seconded.

*Discussion:* Mr. Johnson stated that the vote should include that the 8.07 acres requesting CO zoning would remain open space, wooded and that nothing would happen with it, and also vote for the triangular portion of the development to be subdivided into three to four homes and be developed. Mr. Johnson expressed concerns for the triangular property, and the guarantee for how it would be developed if the Commission denied the request. There was discussion about the 8.07 acres, access to it, and the triangular property to include the access easement. The applicant explained the development plan to include some type of access to the property within the triangular property in working in conjunction with the zoning administrator. There were various opinions on the hearing, vote and use of the properties.

*Vote:* 4 members approved the rezoning; 3 members opposed. The motion carried.

1. Comments from the Commission

Chairman Wall inquired if Mr. Johnson had comments about dumpsters. Mr. Johnson stated the question regarding the initial motion that was made that Mr. Smith added to have the fifteen-day non-construction dumpster. He added that the way it was left 2 meetings ago was that some of the Commission members felt that the portion did not make it to Council, and had not yet been resolved. Staff cited the previous minutes containing the discussion regarding dumpsters. Mr. Johnson stated concerns that he felt the fifteen-day portion never made it to council, not that they denied that part, not that they separated that part out, but that it literally did not make it to them. He stated that because of the fact after Council approved it, at the meeting, he was told that it was an oversite that the Commission presented a recommendation that did not consider a non-construction dumpster. He added that this brought it to my attention that it was dropped from the proposal to the Council. Staff stated that it may have un-intentionally been omitted from the recommendation. There was discussion regarding amending the ordinance to include all the recommended language from the Commission to City Council. Staff agreed to check into the best way to handle the amendment, and see what was presented to City Council. Mr. Johnson offered assistance to Staff if necessary.

Chairman Wall commented on the location of tattoo facilities, with the Planning Commission proposal including requiring 1500 feet from any facility; church, school. Staff was tasked to look and see if a 1000-foot radius would work, or a lesser distance. Ms. Browder stated that the state heavily regulates the tattoo facility industry, and that they use the 1000 feet from any church, school, playground. She added that Council would like to see church, school, playground and add residential occupied and zoned properties. There was a discussion about the state regulations, and incorporate the residential occupied and zoned properties as per Council’s suggestion. Chairman Wall inquired to Staff about the letter for staffing in the Planning Department. There was discussion regarding preparing the letter for the Commission to sign. Staff stated they would present the draft to the Commission for the next meeting.

1. **Comments from Staff**

Ms. Browder pointed out City Council conducts public workshops each month. She also added that Staff is working on getting training lined up for the 2017 year.

1. **Adjournment**

Mr. Connerty made a motion to adjourn, and Mr. Johnson seconded. All voted in favor. The meeting adjourned at approximately 8:32p.m.

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Allen Wall, Chairman