



PLANNING COMMISSION

Town Council Chambers, Moncks Corner Municipal
Complex, 118 Carolina Avenue
TUESDAY, JUNE 28, 2022 at 6:00 PM

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Approval of Minutes for the April 26, 2022 meeting

NEW BUSINESS

2. Consider an appeal to the removal of two protected trees at 120 Pinewood Road without a permit.
3. Consider an application to rezone property at 306 N. Live Oak, TMS 142-04-01-004, from C-1, Office & Institutional, to R-2, Single-Family Residential
4. Consider a recommendation to amend Article 6 of the Zoning Ordinance.

OLD BUSINESS

PLANNER'S COMMENTS

MOVE TO ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (843) 719- 7900 within 48 hours prior to the meeting in order to request such assistance.



PLANNING COMMISSION

Town Council Chambers, Moncks Corner Municipal
Complex, 118 Carolina Avenue
TUESDAY, APRIL 26, 2022 at 6:00 PM

MINUTES

CALL TO ORDER

Meeting called to order at 6:00 p.m.

PRESENT

Commissioner Roscoe Haynes
Commissioner Robin McGhee-Frazier
Commissioner Otis Nole
Chairman Connor Salisbury
Commissioner Chris Kondakor
Commissioner Drew Ensor
Commissioner Nick Ross

STAFF PRESENT

Doug Polen, Development Director

APPROVAL OF MINUTES

1. Approval of Minutes for the March 22, 2022 meeting

Motion made by Commissioner Kondakor, Seconded by Commissioner Ensor.

Voting Yea: Commissioner Haynes, Chairwoman McGhee-Frazier, Commissioner Nole, Commissioner Salisbury, Commissioner Kondakor, Commissioner Ensor, Commissioner Ross

Chairman Salisbury explained how he would run the meeting.

NEW BUSINESS

2. Consider an application to rezone property adjacent to 319 W. Main Street, TMS 142-00-01-005 & -037, from R-1, Single Family Residential to Conditional R-2, Single Family Residential

Mr. Polen presented the item, recommending denial. Bob Pickard from Mungo Homes, John O. Williams from the family of landowners, and Buddy Pusser, engineer from Seamon Whiteside, spoke on behalf of the application.

Commissioner Haynes asked how many house plans there would be. Mr. Pickard stated that he wasn't sure yet, but at least five with four elevations each.

Mr. Williams stated that the property belonged entirely to the Williams family, and that they were looking for a builder who would develop something they could be proud of. There are only four adjacent lot owners, and two are family members. The other two lot owners are aware of the plan to develop the property. The average lot size is about 9,000 s.f. They are looking at putting in walking trails along the pond and wetlands.

Commissioner McGhee-Frazier asked about house sizes. Mr. Pickard stated 1,800 – 3,000 s.f.

Commissioner Ensor asked about architectural vs three tab shingles. Mr. Pickard said that he did not know.

Commissioner McGhee-Frazier asked about slabs. Mr. Pickard stated that that would be dependent upon a soil report, but most likely the houses would be on slabs.

Will there be hardiplank on the detached garages. Yes, the garages will be hardi as well.

Commissioner Cruppenink asked if any units would be one story for the handicapped. All units will meet ADA but none are envisioned as one story.

Commissioner Haynes expressed concern over stormwater impacts to the California Branch. Mr. Pusser stated that the Branch is hundreds of feet away and substantially lower than the development. He went on to explain how retention ponds work.

Commissioner Ensor asked how many lots would be lost at a minimum size of 8,500 s.f. That is unknown.

Commissioner Ross asked if there would be buffers from other developed lots. The lots to the north have existing fences, so no.

Have the lots on Jolly been contacted about this development? No.

Commissioner Cruppenink asked if the development was cost prohibitive without the rezoning. Yes. She further asked if a traffic study would be forthcoming. Mr. Polen stated that one would not be required due to the size of the development.

Commissioner Ensor asked about side air conditioner units. These are permissible.

Commissioner Ross asked if all utilities will be underground. Yes.

Commissioner Cruppenink asked about cost. That is unknowable in today's climate.

Commissioner Haynes asked if the project has a name. It will, but not at this time.

Mr. Polen spoke, discussing the differences between the old Zoning Ordinance and the new bonus density points. Under the new system the applicants have earned only a 34% bonus. Chairman Salisbury stated that he didn't think it would be fair to hold the applicants to the new system.

A discussion was held on lot size and what the average lot size actually is.

Motion made to allow the rezoning as per the request.

Motion made by Commissioner Haynes, Seconded by Chairwoman McGhee-Frazier.
Voting Yea: Commissioner Haynes, Chairwoman McGhee-Frazier, Commissioner Nole,
Commissioner Salisbury, Commissioner Kondakor, Commissioner Ross
Voting Nay: Commissioner Ensor

OLD BUSINESS

PLANNER'S COMMENTS

Mr. Polen gave an update on the Comprehensive Plan

MOVE TO ADJOURN

Meeting adjourned at 7:07 p.m.

Motion made by Chairwoman McGhee-Frazier, Seconded by Commissioner Ross.
Voting Yea: Commissioner Haynes, Chairwoman McGhee-Frazier, Commissioner Nole,
Commissioner Salisbury, Commissioner Kondakor, Commissioner Ensor, Commissioner Ross

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Staff Report

120 Pinewood Drive Tree Removal

DATES: June 28, 2022

TO: Moncks Corner Planning Commission

FROM: Douglas Polen, Community Development Director

SUBJECT: Protected Tree Removal

SUBJECT PROPERTY: 120 Pinewood Drive

ACTION REQUESTED: Consider an appeal to remove protected trees

Background:

The applicant, Angela Horne, removed two trees from her property at 120 Pinewood Drive on or about November 16, 2021 without a permit. Both trees were protected, measuring 23" and 17" at the stump. Measuring at breast height was impossible as the trees were cut at the time of measure.

Code enforcement became involved when Town trash services found the piles of trees along Pinewood Drive. Code Enforcement reached out to the property owner and received no response. By January 18, 2022 the debris along the road was removed. An official Notice of Public Nuisance was sent to Ms. Horne on April 22, at which point her neighbor Ben Coker reached out to the Town and requested this appeal on her behalf. Ms. Horne has yet to file an application for a tree permit.

Due to the size of the trees, mitigation would either be 40" of new plantings or \$75 per inch of tree, or \$3,000.

Analysis:

Per the Town Tree Ordinance, protected trees may be removed without mitigation under the following circumstances:

- A. Tree(s) is/are dead.
- B. Tree(s) which pose(s) an imminent safety hazard to nearby buildings, persons, utility lines or vehicular traffic.
- C. Trees which are located in the footprint of a proposed building or drive which cannot be reasonably relocated.
- D. Trees which are being cut as a commercial timber operation in accordance with the South Carolina Right to Practice Forestry Act. The Town requests but does not require that a 50-foot wide perimeter buffer of all existing trees be maintained in an undisturbed manner. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this article with respect to their removal from the commercial site upon which they are grown.
- E. Protected trees required to be removed to carry out a permitted wetland alteration and/or mitigation plan approved by the Army Corps of Engineers or South Carolina Office of Coastal Resource Management are exempt from the provisions of this article.
- F. Removal because of density or interference with the development of other trees.
- G. Removal of pine trees, unless permit is for multiple trees in which removal would constitute clear-cutting.
- H. Trees identified by the South Carolina Exotic Pest Plant Council Non-Native Plant Species List.

Furthermore, per the Town Tree Ordinance:

Protected trees removed without a permit shall be mitigated at a rate of one hundred (100) percent of the diameter of the protected trees removed, unless otherwise approved by the Planning Commission. Illegally removed trees shall be mitigated on site unless otherwise approved by the Planning Commission. The funds generated by this provision shall be deposited in the Town Tree Fund.

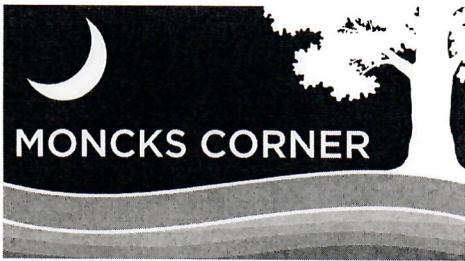
Per the Town Tree Ordinance, any person aggrieved by a Staff decision pursuant to the ordinance may appeal Staff's decision to the Planning Commission. The Zoning Ordinance states the following concerning appeals:

"The board of appeals shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance."

As such, the Planning Commission is to decide whether there is an error in judgment as to how Staff came to their decision.

Staff Findings & Recommendation:

The trees were removed without a permit, the debris was left on the side of the road for two months, and Staff attempted to communicate with Ms. Horne for five months before any response was granted. Staff recommends that the trees be mitigated as per the Ordinance.



The Lowcountry's Hometown

PO Box 700 | Moncks Corner, SC 29461 | 843.719.7900 | monckscornersc.gov

December 20, 2021

Angela Horne
120 Pinewood Drive
Moncks Corner, SC 29461

RE: 120 Pinewood Drive, TMS: 142-01-03-024

Dear Property Owner:

We have not received your permit application and payment for the trees that were removed on your property. Please see the options below to remedy this matter.

Option: 1: Pay \$10.00 for the tree permit and replant with new trees of similar species. Trees must be 6-8 feet tall and at least 2.5 inches in diameter. Total diameter of all trees planted must equal at least 26 inches.

Option 2: Pay \$10.00 for the tree permit, appear at the next planning commission meeting, and plead your case and request your newly planted trees to be an acceptable substitution.

Option 3: Pay \$75.00 per inch of tree that was removed the Town of Moncks Corner Tree Fund. $\$75.00 \times 39 \text{ inches of tree} = \2925.00

The Tree debris on the shoulder of the road also needs to be removed.

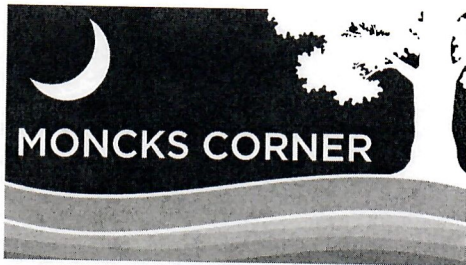
We need to hear from you within 7 days of receiving this notice to let us know which option you would like to choose.

We appreciate your prompt attention to this matter and ask that you take action to clear up this nuisance, please contact our office at 843-719-7913.

Thank you in advance for doing your part to help us keep Moncks Corner beautiful.

Sincerely,

Jennifer Shensky
Building & Codes Enforcement



The Lowcountry's Hometown

PO Box 700 | Moncks Corner, SC 29461 | 843.719.7900 | monckscornersc.gov

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE 2nd NOTICE

NAME AND MAILING ADDRESS OF OWNER(S): Ms. Angela Horne
120 Pinewood Drive
ADDRESS OF PROPERTY IN VIOLATION: 120 Pinewood Drive
TAX MAP NUMBER: 142-01-03-024

NOTICE IS HEREBY GIVEN that an inspection of the property listed above on the 15th day of September has identified the following violation(s) of the Code of Ordinances of the Town of Moncks Corner:

- ___ The growth of grass, weeds, or undergrowth above the height of twelve inches. (Code §16-26(1))
- ___ Lumber or other wood materials, building materials, glass, trash, garbage, litter, rubbish or debris. (Code §16-26(3))
- ___ Abandoned, discarded or unused objects or equipment which is no longer safely usable for the purpose for which it was manufactured. (Code §16-26(4))
- ___ Accumulation of tree trimmings, yard clippings, stagnant water or other matter deleterious to good health and public sanitation. (Code §16-26(5))
- ___ Rodents, pests, and other vermin. (Code §16-26(6))
- ___ Unsafe structure, unsafe equipment, structure unfit for human occupancy, or unlawful structure (IPMC §108)
- ___ Exterior maintenance required (IPMC § 302)

X **Reconcile the two trees that were cut down without a permit. I have attached the letter that was sent to you on December 20, 2021 for you to review your options.**

PURSUANT TO CODE § 16-30, YOU ARE HEREBY ORDERED to abate the above-described violations within twenty **(20) days** after service of this notice, not including the date of receipt (or posting). When you have completed abatement, please contact the Code Enforcement Officer listed at the bottom of this letter. If a time extension is needed to abate the nuisance, please contact the Code Enforcement Officer.

RIGHT TO APPEAL: You have the right to appeal this order by submitting a written request for hearing no later than twenty (20) days after service (by delivery or posting) of this notice. Such request shall be made to the Town Administrator at the address listed below and must include your contact information.

FAILURE TO ABATE NUISANCE: If you fail to abate the nuisance and do not request an appeals hearing within twenty (20) days, the Town may correct or abate the nuisance and assess all costs of abatement as a lien against the property (Code §16-31).

Jennifer Shensky

Code Enforcement Officer

843-719-7900

Address for Appeals: Town Administrator
 PO Box 700
 Moncks Corner, SC 29461

CODE ENFORCEMENT CASE 21MON-00221

Summary for Cited Violation Tree ordinance Violation

Case Number: 21MON-00221

Case Status: Open

Property:

120 Pinewood Drive
Moncks Corner, South Carolina 29461

Property Owner:

11/16/2021 : Failed Inspection logged by Jennifer Shensky

Notes	Corrections	Next Inspection
Trees measure 16" in diameter and 23"	Two trees were cut down in front yard without obtaining permits. Tree remnants are lined up at the curb in large piles.	11/16/2021

11/22/2021 : Update logged by Jennifer Shensky

Notes
Called Wilson Storm he said Stephanie is dropping off the tree permit application today

12/16/2021 : Update logged by Jennifer Shensky

Notes
Property owner still has not come in for permit. Debris remains on curb

12/29/2021 : Update logged by Jennifer Shensky

Notes
Letter was sent giving them 3 options for cutting the trees down without permission. Debris still remains on property

12/29/2021 : Update logged by Jennifer Shensky

Notes
Letter attached

01/10/2022 : Update logged by Jennifer Shensky

Notes
No response from letter sent 12/29. Debris is slowly being removed from property.

01/18/2022 : Update logged by Jennifer Shensky

Notes
Debris has been removed from curb

02/26/2022 : Update logged by Jennifer Shensky

Notes

Sent two letters to property owner informing them that trees were cut down without a permit and mitigation permit fees and penalties are going to be assessed and applied to property owner. I also informed them that they can go in front of the planning commission and plead their case and ask for complete dismissal of penalties and mitigation all with no response.

04/22/2022 : Update logged by Jennifer Shensky

Notes

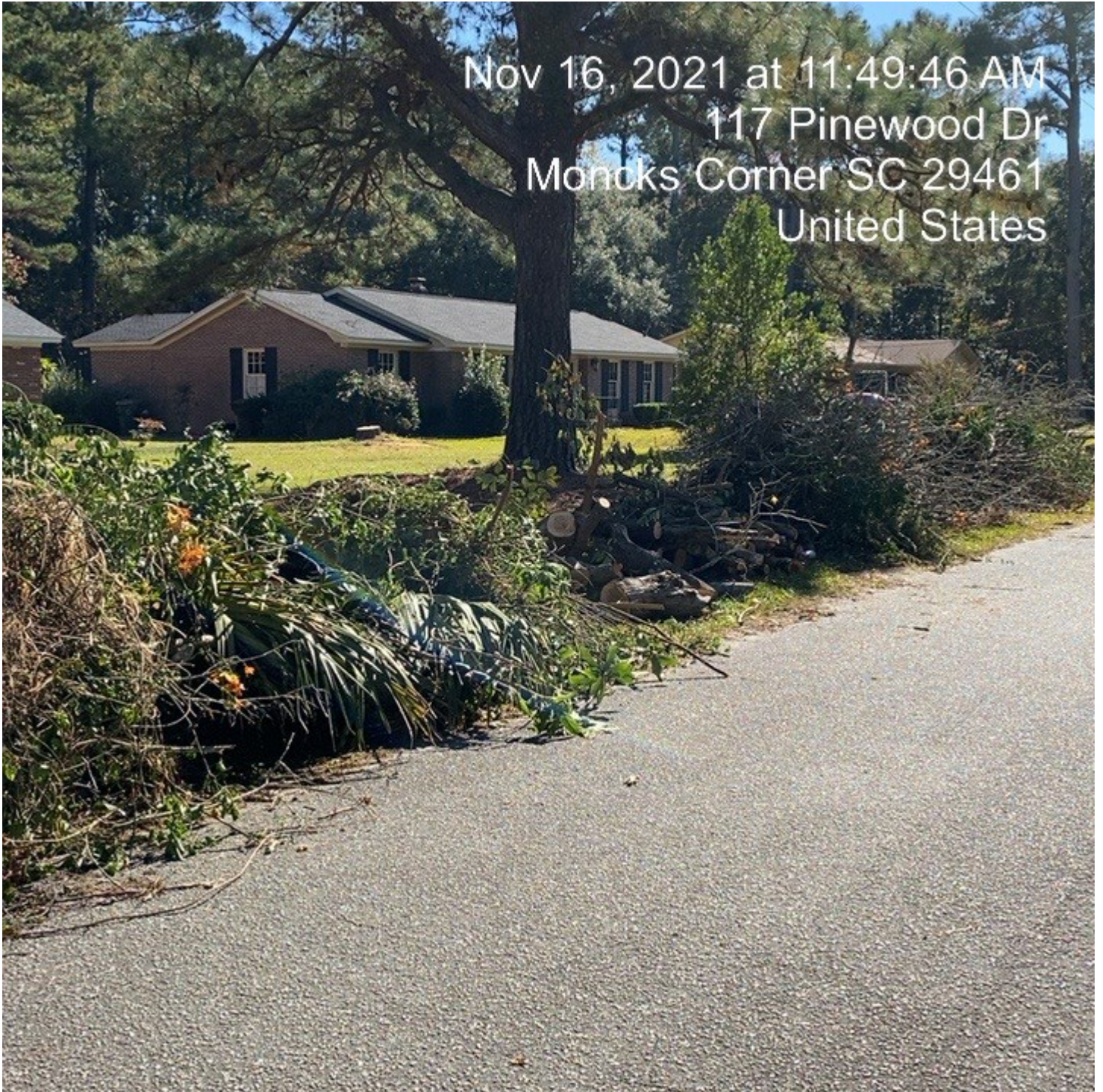
Sent certified NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE 4/22/22. Letter is attached.

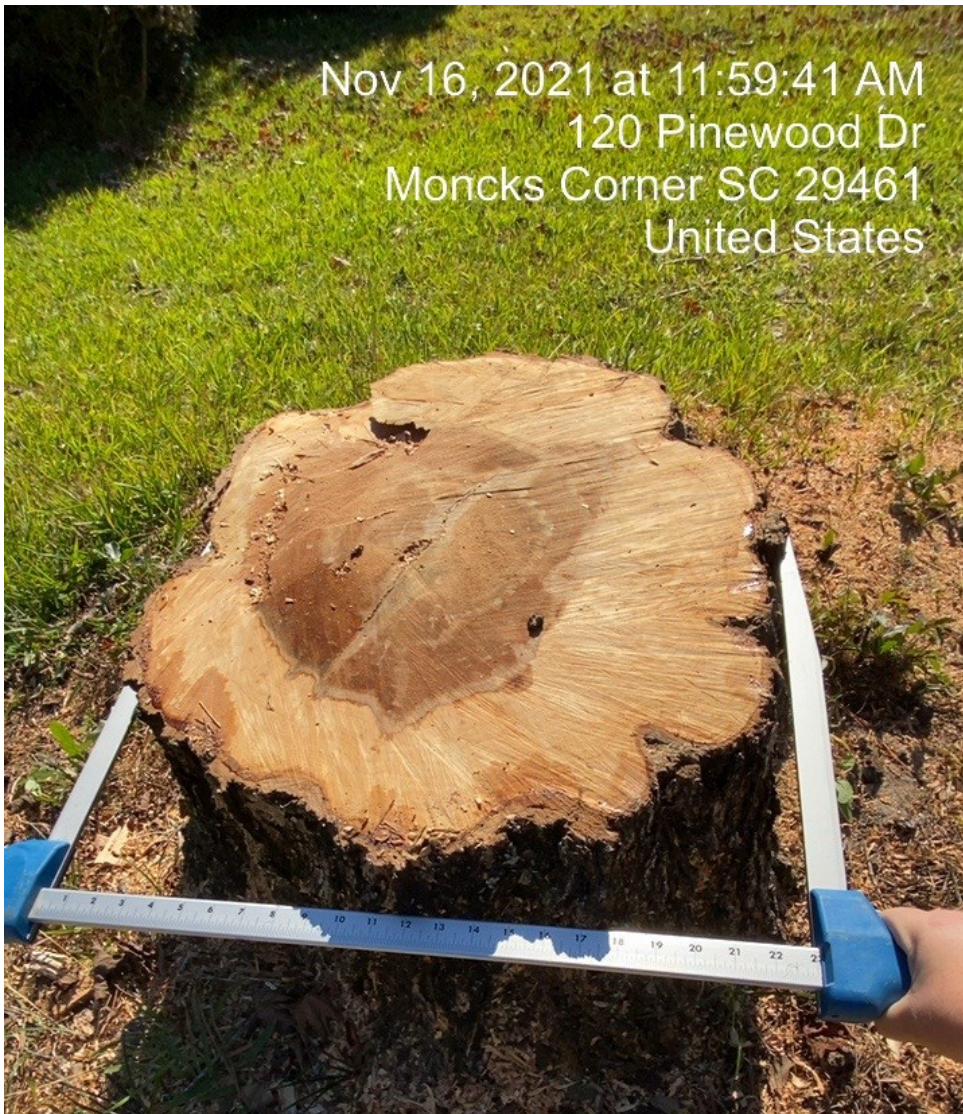
04/22/2022 : Update logged by Jennifer Shensky

Notes

Certified mail receipt

Nov 16, 2021 at 11:49:46 AM
117 Pinewood Dr
Moncks Corner SC 29461
United States





Nov 16, 2021 at 11:59:41 AM
120 Pinewood Dr
Moncks Corner SC 29461
United States

23" Stump



Nov 16, 2021 at 11:58:46 AM
120 Pinewood Dr
Moncks Corner SC 29461
United States

17" Stump



Staff Report

Amendment to the Official Zoning Map

DATES: Planning Commission: June 28, 2022
Town Council:
First Reading: July 19, 2022
Second Reading & Public Hearing: August 16, 2022

TO: Moncks Corner Planning Commission/Town Council

FROM: Douglas Polen, Community Development Director

SUBJECT: Rezoning Request

SUBJECT PROPERTY: 0.49 acres at 306 N. Live Oak Drive, TMS 142-04-01-004

ACTION REQUESTED: Consider an Ordinance to rezone real property within the corporate limits of the Town of Moncks Corner from C-1, Office & Institutional, to R-2, Single Family Residential, and to amend the official zoning map of the Town to so reflect.

Background:

The applicant wishes to rezone +/- 0.49 acres along N. Live Oak Drive from C-1, Office & Institutional, to R-2, Single Family Residential. The immediate area is largely zoned C-1 but only one nearby structure, 310 N. Live Oak, is used commercially. 310 N. Live Oak is the old location of Pop's BBQ.

The applicant wishes to subdivide the property and build houses off of Roper Circle.

Current Zoning - Definition and Uses:

C-1, Office & Institutional, Sec. 6-8

This district is intended to accommodate a variety of general light commercial uses characterized primarily by professional office and service establishments, as well as boutique retail and restaurants, and oriented primarily to major traffic

arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or as permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-1 district may be used for the following purposes:

1. Generally recognized personal service establishments which perform services on the premises similar but not limited to: professional and administrative offices (doctors, attorneys, insurance, real estate), repair shops (watches, radio, television, shoe), tailor shops, beauty shops and barbershops, laundries and dry cleaners, photographic studios, copy services and banks and financial institutions.
2. All non-residential uses allowed in R-1, R-2, R-3 within the requirements of each district.
3. Boutique retail and restaurants less than two-thousand (2,000) sq. ft. in size, not including gasoline filling stations. Restaurant drive throughs are prohibited.
4. Hotels and lodging houses
5. Colleges, universities, business and vocational schools
6. Private clubs, walk-in theaters, museums, and art galleries
7. Engineering, architectural, scientific, and research organization and non-commercial laboratory.
8. Professional, political and religious organizations, labor unions and similar labor organizations.
9. Utility services and stations (excluding communications)
10. Funeral services and crematories
11. Hospitals
12. Automotive repair services, garages, renting and leasing
13. Parks, recreation facilities, and golf courses
14. Railroads
15. Veterinary services
16. Agricultural services
17. Private commercial storage, not including mini-warehouses

Proposed Zoning - Definition and Uses:

R-1 & R-2, Single Family Residential, Sec. 6-3

These districts are intended as single-family residential areas with detached units with low to medium population densities. Use regulations for the single family districts are identical, but contain two (2) classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain

structures and uses required to serve governmental, educational, religious, recreational, and other needs of such areas are permitted subject to restrictions and requirements intended to assure compatibility of uses within the district and adjacent thereto.

Permitted Uses: A building or premises in the R-1 or R-2 district may be used for the following purposes:

- 1. One-family detached dwellings*
- 2. Guest cottages, garage apartments*

Summary of Adjacent Zoning & Uses

Zone		Present Use
North	Flex 1 & GC	Single Family Residential & Tour Bus Company
East	C-2	Single Family Residential
South	R-2	Single Family Residential
West	C-2	Single Family Residential

Moncks Corner Future Land Use Map

The Future Land Use Map of the 2017 Comprehensive Plan shows this property as Commercial.

Staff Findings & Recommendation:

Staff is of two minds about this rezoning. With Highway 17 being a large arterial roadway it makes planning sense for the area to transition to a commercial use, as shown by the current zoning and future land use. However, almost all lots adjacent to Highway 17 in this area are residential, and many are so small that they would require combination with adjacent plats in order to be viable for commercial construction. As such, staff recommends **APPROVAL** of this rezoning.

306 N. Live Oak Rezoning TMS 142-04-01-004

Planning Commission | June 28, 2022

Town Council First Reading | July 19, 2022

Town Council Second Reading & Public Hearing | August 16, 2022

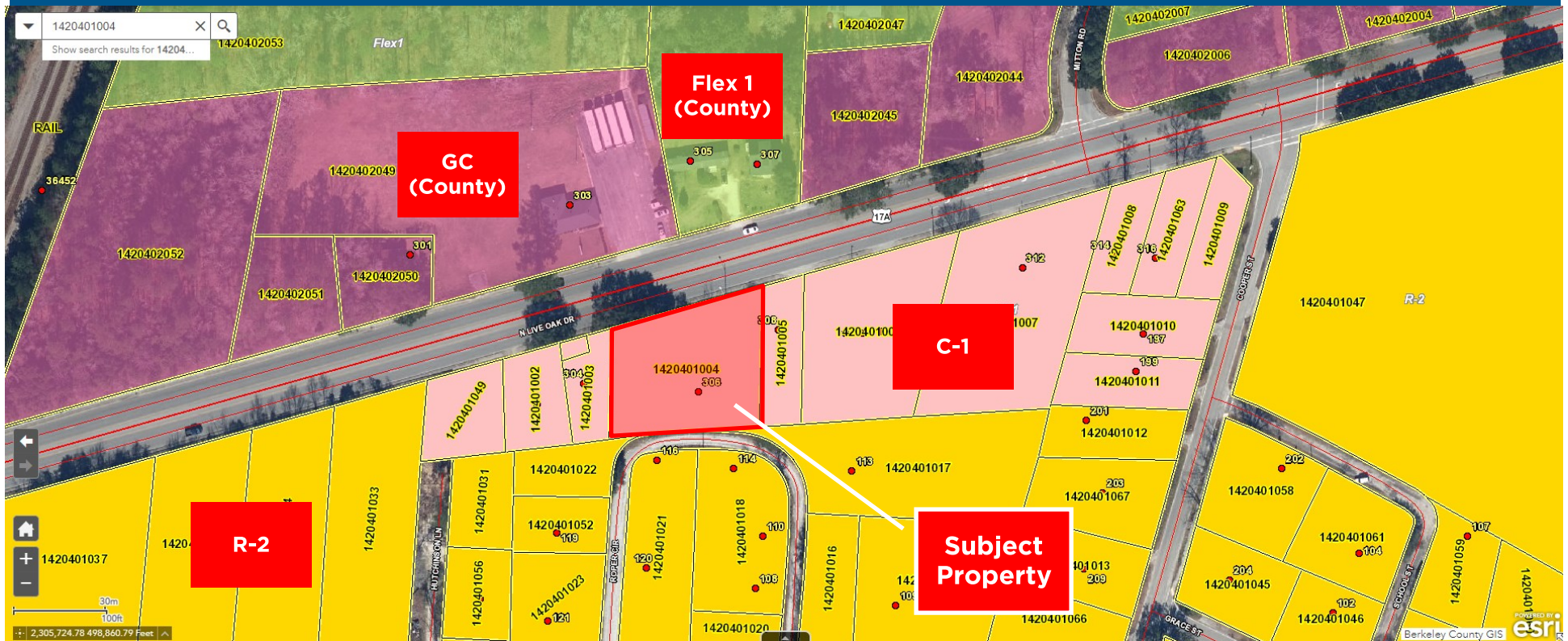


306 N. Live Oak Rezoning TMS 142-04-01-004

Planning Commission | June 28, 2022

Town Council First Reading | July 19, 2022

Town Council Second Reading & Public Hearing | August 16, 2022



306 N. Live Oak Rezoning TMS 142-04-01-004

Planning Commission | June 28, 2022

Town Council First Reading | July 19, 2022

Town Council Second Reading & Public Hearing | August 16, 2022





REZONING APPLICATION

Moncks Corner Community Development

**MONCKS
CORNER**
The Lowcountry's Heartland

Applicant Information

Name: Pointe North Community Church, Inc. Address: 110 BiLo Drive, Ste. C, Moncks Corner, SC
Phone: 843-258-1155 E-Mail: jprouse@pointenorth.org

Property Owner Information (If Different)

Name: _____ Address: _____
Phone: 843-258-1155 E-Mail: jprouse@pointenorth.org
TMS #: 1420401004 Address: 306 N. Live Oak Drive, Moncks Corner, SC
Current Zoning: Moncks Corner - C-1 Requested Zoning: R1

Current Use of Property: Vacant Lot

Proposed Use of Property: Residential Homesite

Has any application involving this property been previously considered by the Moncks Corner Planning Commission or Board of Zoning Appeals? If yes, please state details.

NO

I (we) certify that I (we) are the free holder(s) of the property(s) involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning.

Owner's Signature: [Signature] Date: June 06, 2022

Applicant's Signature: [Signature] Date: June 06, 2022

For Official Use Only

Received: _____ Property Posted: _____
Receipt #: _____ Hearing: _____
Advertised: _____ Approved: _____



Staff Report

Zoning Ordinance Amendment

DATE: Planning Commission: June 28, 2022
Town Council:
First Reading: July 19, 2022
Second Reading & Public Hearing: August 16, 2022

TO: Moncks Corner Planning Commission/Town Council

FROM: Douglas Polen, Community Development Director

SUBJECT: Amendments to Article 6 of the Zoning Ordinance

ACTION REQUESTED: Consider an Ordinance to amend Article 6 of the Zoning Ordinance

Background:

When changes were made to Section 6-12, Negotiated Zoning Districts, in April 2022, a line was erroneously omitted. The change is as follows in **bold**:

Sec. 6-12; 8. Requirements – All negotiated developments require the following to be maintained by a Home or Property Owner's Association

- a. Sidewalks
- b. Streetlights**
- c. Street Trees
- d. Stormwater facilities outside of the Right of Way
- e. Customized Street Signs
- f. Crosswalks
- g. Amenities
- h. Private streets

Note: Private streets are prohibited in any developments unless by law they cannot be brought into the Berkeley County maintenance program, such as rear access alleys or in a townhome development.

Staff Findings and Recommendation:

Staff recommends **APPROVAL** of this ordinance.