



TOWN COUNCIL REGULAR MEETING

Town Council Chambers, Moncks Corner Municipal
Complex, 118 Carolina Avenue
TUESDAY, APRIL 16, 2024 at 6:00 PM

AGENDA

CALL TO ORDER

INVOCATION

1. **Invocation Delivered By:** Reverend Leon Brown, Pastor of Moncks Corner Baptist Church

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

2. **Regular Meeting Minutes:** March 19, 2024

REPORTS

3. **Mayor's Report:** Thomas J. Hamilton, Jr.
4. **Administrator's Report:** Jeffrey V. Lord

NEW BUSINESS

5. **First Reading By Title Only:** An Ordinance to amend Chapter 22, Parks and Recreation of the Town of Moncks Corner, South Carolina, Code of Ordinances
6. **First Reading By Title Only:** An Ordinance to amend Chapter 20, Article III Offenses Against Property of the Town of Moncks Corner, South Carolina, Code of Ordinances
7. **First Reading By Title Only:** An Ordinance to amend Chapter 10, Article I, Section 10-1, and Section 10-9 (G), and adopt the language contained therein all relating to Peddlers, Charitable Solicitors, Buskers and Panhandlers and to repeal Chapter 20, Article IV, Section 20-107 in its entirety of the Town of Moncks Corner Code of Ordinances.
8. **First Reading By Title Only:** Consider a Conditional Zoning Map Amendment (CZ-24-01) request for one (1) parcel (142-00-01-012) totaling 15.75 acres, located on Heatley Street, from R-2 (Single Family Residential) to CZ R-2 (Conditional Zoning Single Family Residential) to allow for up to thirty-seven (37) dwelling units.

OLD BUSINESS

9. **Ordinance Second Reading and Public Hearing:** Consider a Zoning Map Amendment (ZA-24-01) request for approximately 2.2 acres located on Rembert C. Dennis Blvd. (143-09-04-034 & 143-09-04-033) from Office & Institutional (C-1) to General Commercial (C-2).

PUBLIC INPUT - Public Input will be limited to 3 minutes per individual

EXECUTIVE SESSION - Council may take action regarding matters discussed

10. **Discussions:** Proposed contractual agreement regarding the intersection improvement at HWY 52 and Foxbank Blvd. and Personnel Matter pertaining to the

Public Service Department and to discuss contractual matters pertaining to Mutual Aid Agreements.

ADJOURNMENT

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.



TOWN COUNCIL REGULAR MEETING

Town Council Chambers, Moncks Corner Municipal
Complex, 118 Carolina Avenue
TUESDAY, MARCH 19, 2024 at 6:00 PM

MINUTES

CALL TO ORDER

The regular meeting of the Town Council was called to order by Mayor Thomas J. Hamilton, Jr. at 6:00 p.m.

Present:

Mayor Thomas J. Hamilton, Jr.
Mayor Pro-Tem David A. Dennis, Jr.
Council Member DeWayne G. Kitts
Council Member James N. Law, Jr.
Council Member Latorie S. Lloyd
Council Member Chadwick D. Sweatman
Council Member James B. Ware, III

Staff Present:

James E. Brogdon, Town Attorney
Jeffrey V. Lord, Town Administrator
Marilyn M. Baker, Administrative Services Director/Clerk to Council
Justine H. Lovell, Finance Director
Rebecca T. Ellison, Recreation Director
R. Logan Faulkner, Public Service Director
Robert L. Gass, III, Fire Chief
Stephen G. Young, Police Chief
Lee W. Mixon, Jr., Police Captain
Justin S. Westbrook, Community Development Director
Rebecca Vetter, Business Development Manager
Mohamed A. Ibrahim, Technology Manager

INVOCATION

Invocation Delivered By: Kyle Driggers, Pastor of Moncks Corner Pentecostal Holiness Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Council Member Latorie Lloyd.

APPROVAL OF MINUTES

1. **Regular Meeting Minutes:** February 20, 2024

Motion made by Mayor Pro-Tem Dennis to approve the regular meeting minutes of February 20, 2024. Motion was seconded by Council Member Sweatman and approved unanimously as follows:

Voting Yea: Mayor Pro-Tem Dennis, Council Member Law, Council Member Kitts, Council Member Lloyd, Council Member Sweatman, Council Member Ware.

REPORTS

2. **Mayor's Report:** Thomas J. Hamilton, Jr.

Mayor Hamilton reported the following:

- On February 29th the Police Department held an Awards Banquet for their staff. He along with Councilman Dennis, Councilman Ware attended. He added that it was a true honor to be there along with the woman and men of the MCPD.
- On March 5th the Town in partnership with Santee Cooper held a Ribbon cutting ceremony at the Rec Complex for a newly installed electric vehicle charging station. The electric vehicle charging station was donated by Santee Cooper. Also, during that event, Santee Cooper presented the Town with a check in the amount of \$56,345.00 from the proceeds collected from the Celebrate the Season Festivities. This money will go towards the Miracle League.
- March 7th he was invited to Bonner Elementary for a tour of the school and to watch their play Beauty and the Beast. During his visit they discussed some art projects that they would like to do for the Town.
- On March 11th there was a Ribbon cutting ceremony for WakeUp Carolina. WakeUp Carolina is a community-based movement born out of one family's heartbreaking loss of their son, Creighton, in the summer of 2016. They honor Creighton's memory by supporting the battle against substance misuse disorder. The organization is located at 325 E. Main Street here in the heart of Moncks Corner.
- On March 14th the Town hosted the Westview Middle School special needs children at the Miracle League Field.
- On March 16th the Town celebrated our second annual St. Patrick's Festival "Let the Shenanigans Begin". We had great crowds, great music, and many great vendors. He thanked our Staff who worked very hard to put this together.
- On March 18th the Town held a Ribbon Cutting for Copy's Italian Restaurant.
- On March 19th he met with the Kiwanis of Berkeley County to introduce himself and talked about some of the visions and activities going on with the town.
- On March 25th the Police Department will hold a memorial service at the Train Depot for fallen Police Officers Marcus Stiles and Lonnie Wells. The two officers lost their lives in the line of duty.
- Spring Sports will begin soon. The first Baseball game is scheduled on March 25th.
- Town Council will hold a planning retreat on March 26th and 27th at Wampee Conference Center.

- On April 12th he plans to attend the Lowcountry Mayor's Council.
- On April 25th he plans to attend a Mayor's Briefing through the Berkeley County Chamber of Commerce. The Chamber has invited Mayor's from all municipalities in the Berkeley County area to brief the public on future plans for their areas.

3. **Administrator's Report:** Jeffrey V. Lord

Administrator Lord reported the following:

- Administrator Lord updated Council on the three demolition projects under the Demolition Program. Two of the projects are on Presidents Circle and one on Main Street. All three demos are complete, and the sites have been cleared.
- The construction on the Miracle League restrooms is complete. He thanked Public Service Director Logan Faulkner for overseeing the project.
- Every few years, we ask for qualifications from different engineering firms for site work as well as the storm water review process. The Town sent out an RFQ for engineering services. We received 10 different qualifications that will be reviewed and ranked by staff. We hope to make a recommendation for consideration at the next Council meeting.
- The mast arms project with the SCDOT on Stony Landing Road and Sterling Oaks are going up. We anticipate these to be complete in the next few weeks.
- We expect to have the new Fire truck delivered in the next few weeks. We currently have a team that will inspect it prior to delivery. It has taken approximately 18 months to build.
- The Recreation face book page will be taken down effective April 1st. Recreation will be migrated over to the Town's main page. We only had approximately 4000 followers. The main page has over 20,000 followers.

NEW BUSINESS

4. **First Reading By Title Only:** Consider a Zoning Map Amendment (ZA-24-01) request for approximately 2.2 acres located on Rembert C. Dennis Blvd. (143-09-04-034 & 143-09-04-033) from Office & Institutional (C-1) to General Commercial (C-2).

Recusal: Council Member James N. Law, Jr. recused himself due to his professional relationship with the property owner.

Community Development Director Justin Westbrook gave Council some background information on the zoning amendment. Staff recommends approval of the requested C-2, General Commercial zoning district designation for the subject properties. Staff has reached the recommendation due to the existing adjacent C-2, General Commercial parcels, cohesion with the Future Land Use Map from the 2017 Comprehensive Plan, and the two (2) Land Use Policies the request appear to meet. While not promoting compatible uses adjacent to single-family residential, the request does appear to maximize efficient use of existing infrastructure and guide growth to adjacent existing zoning boundaries. The Planning Commission heard the request and voted at their February 27th meeting and recommended approval.

Council expressed concerns of commercial vehicles and the design of the facility.

Applicant Michael Flanery of 206 Pine Street, Summerville, SC spoke and added that their goal is not to allow any commercial vehicles, landscape trailers or anything similar, but to cater to the local residents who live in a HOA or Town Home that cannot park a boat or RV at their residence. Their design plan includes nice landscaping, buffers between the residence and facility, wooden fencing, down lighting, and palm trees. They plan to work with the Town on the design.

Resident Taylor Zachary of Maple Leaf Dr., Moncks Corner expressed concerns of a large corporation owning the business. Mr. Flanery responded that this will be a family-owned local business.

Motion was made by Council Member Sweatman to approve the request to re-zone. Motion was seconded by Mayor Pro-Tem Dennis. Motion to approve was passed by majority vote as follows:

Voting Yea: Mayor Pro-Tem Dennis, Council Member Lloyd, Council Member Sweatman, Council Member Ware.

Opposed: Council Member Kitts

- 5. First Reading By Title Only:** Consider an Annexation (AN-23-03) & Zoning Map Amendment request for 9.99 acres located on US Hwy 52 & Westbury Lane (181-00-01-024), Planned Development (PD) to allow for up to sixty-seven (67) dwelling units.

Community Development Director Justin Westbrook gave Council some background information on the annexation. Staff recommends denial of the Planned Development zoning district designation due to the proposed zoning district being undersized, the uncertainty of the deed restricted housing, potential for undesirable commercial uses by-right, a significant request for additional density in an otherwise existing rural area, with little to no additional connectivity from the proposed development to other amenities, existing neighborhood centers or commercial development. The Planning Commission recommended denial based on the plan conflicting with two land use policies in the 2017 Comprehensive Plan, unresolved concerns regarding architectural styles, density of the proposal compared to surrounding developments, and age-limited deed restrictions.

Council expressed concerns of use, location, traffic impact, architectural standards, and density.

Brandon Gaskins, of Moore & VanAllen Law Firm, the attorney for the applicant, addressed Council. He stated that they are open to any discussion to address any concerns Council may have with respect to uses, traffic impact, architectural standards. A decrease in density may be possible but would have to make economic sense. He expressed concerns with staff's analysis and the inconsistencies with the Comprehensive plan.

Motion was made by Council Member Law to deny the request based on the information they received at this time. Motion was seconded by Council Member Sweatman and approved for denial by majority vote as follows:

Voting to Deny: Council Member Law, Council Member Lloyd, Council Member Kitts
Council Member Sweatman, Council Member Ware.

Opposed: Mayor Pro-Tem Dennis

6. Consideration of Bids: Whitesville Road and Jolly Lane Drainage Project

Administrator Lord explained that bids were solicited by our engineers, Stantec Consulting Services, for the Whitesville Road and Jolly Lane Drainage Improvement Project. A total of three bids were received as follows:

- Truluck Construction, LLC - \$1,456,843.69,
- Gulfstream Construction, LLC - \$1,777,855.68
- Lowcountry Sitework, LLC - \$2,163,030.00

Low bid was submitted by Truluck Construction, LLC located in Charleston. Based on Stantec's investigation, they recommended that the construction contract be awarded to Truluck.

The Whitesville Road project is partially funded by an RIA grant of \$319,503 and a Town match of \$186,200 with a total project cost of \$505,703. However, it has taken about 2 years to get through the permitting process which required several changes to the design and a grant extension. The delay and the design changes greatly impacted the scope of the project causing it to come in at \$857,777. Therefore, the Town will need to commit an additional \$352,074. Further delay will result in the loss of the grant.

The Jolly Road project was funded by an allocation of \$575,000 from the ARPA Fund. This bid was also affected by design changes and delays, but not as much. At \$599,066 it will only require an additional \$24,066.

Together they will require an additional \$376,141. There is \$189,873 available in the Stormwater Fund, but the balance (\$186,268) would need to come from the ARPA Fund.

These two projects are 2/3 of the improvements planned for the California Branch (Winter Street is the other and is currently funded by CTC). All three projects must be done to improve the flow as each creates a choking point in the branch.

Motion was made by Council Member Sweatman to award the bid to Truluck Construction, LLC and to use \$186,268 of ARPA Funds to pay the balance of the project. Motion was seconded by Council Member Ware and unanimously approved as follows:

Voting Yea: Mayor Pro-Tem Dennis, Council Member Law, Council Member Kitts,
Council Member Lloyd, Council Member Sweatman, Council Member Ware.

OLD BUSINESS

7. **Old Business:** There was no old business brought before Council

PUBLIC INPUT:

Joey Edens of 218 Read Street expressed concerns about traffic issues and excessive speeding in the Mitten Park area. He thanked the Police Department for patrolling the area. He requested that the Town consider placing speed bumps in the neighborhood to help slow down traffic. Mayor Hamilton and Administrator Lord responded that they would check into it.

ADJOURNMENT

Motion was made by Council Member Law, seconded by Council Member Sweatman to adjourn the regular meeting of Council. Motion was approved unanimously as follows.

Voting Yea: Mayor Pro-Tem Dennis, Council Member Law, Council Member Lloyd, Council Member Kitts, Council Member Sweatman, Council Member Ware

The meeting was adjourned at 7:16 p.m.

A copy of this meeting's agenda was e-mailed to the Post and Courier, The Berkeley Independent, Live 5 News, Channel 4, Channel 2, and The News Journal Scene. As required, the agenda was posted on the Municipal Complex bulletin board and the Town Website at least 24 hours prior to the meeting.

Minutes Approved and Adopted:

April 16, 2024



The Lowcountry's Hometown

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

To: Mayor and Council
Jeff Lord, Town Administrator

From: Chief Stephen Young and Lieutenant Matthew Hoffer

Date: April 4, 2024

RE: Homeless Population Approach with New Ordinances

The Police Department has partnered with Serve and Connect, Jean's Angels, the Hill Finklea Detention Center, 180 Place, and Pam Veurink from the Public Defender's Office (who conducts homeless outreach) to develop and implement a three-pronged approach to assisting people experiencing homelessness in Moncks Corner over the past year. The first prong has focused on offering resources to the homeless; the second prong involves bolstering and adding to our current Town ordinances while respecting their constitutional rights; and the third prong helps homeless persons transitioning out of jail.

Our Victim Advocate, Zelda Holmes, was designated as the Police Department's point of contact for offering resources related to people experiencing homelessness. Over the past year, Ms. Holmes has contacted and offered services to all identified homeless individuals in the Town. As officers continue to encounter new homeless person(s), they will continue to provide the opportunity to be connected with Ms. Holmes to explore resource opportunities. If resources are desired, Ms. Holmes and/or Mrs. Veurink are responding to the officer's location to meet with the homeless person.

The potential resource opportunities include, but are not limited to, access to drug/alcohol treatment programs, mental health assistance, transportation, legal assistance, help getting a driver's license, social security card, and help finding shelter. In addition to Serve and Connect, Ms. Holmes has assisted Jean's Angels when they hold events to provide people experiencing homelessness with access to food and showers, as well as providing washing machines and driers to individuals so they can have clean clothing. This has helped us identify and offer services to individuals not identified by police officers.

Ms. Holmes and Lieutenant Merchand have also met with 180 Place in Charleston, and they will be bringing an outreach team to Berkeley County to contact all persons experiencing

homelessness again to offer services. 180 Place aids in obtaining housing, needed documents such as photo IDs and Social Security cards, employment, and training opportunities.

The proposed ordinances aim to address various community concerns while navigating legal and constitutional considerations. First, the amendment to the soliciting and panhandling ordinance seeks to mitigate aggressive begging behaviors while avoiding potential infringements on free speech, as seen in past legal challenges. Secondly, the camping ordinance streamlines the process of removing unauthorized campers from both private and public property, balancing the rights of property owners with the need to address property destruction and unauthorized occupation. Lastly, enhancements to the parks and recreation ordinance include additional rules prohibiting certain activities in parks, along with the establishment of standardized park hours for improved safety and reduced vandalism. These measures also, give our officers and our outreach cause to engage those experiencing homelessness.

The Hill Finklea Detention Center has assisted us in identifying homeless persons entering the detention facility and has allowed Ms. Holmes to identify those individuals who need assistance.

Our resource plan has already shown results, and the new ordinances, along with the new partnership with 180 Place, will continue to enhance our ability to preserve the quality of life in Moncks Corner.

ORDINANCE NO. 2024-

AN ORDINANCE TO AMEND CHAPTER 22, PARKS AND RECREATION OF THE TOWN OF MONCK'S CORNER, SOUTH CAROLINA, CODE OF ORDINANCES.

WHEREAS, the Mayor and Town Council find it necessary to authorize the Town Administrator to post necessary rules and regulations for the protection of property and the preservation of peace and order in all public parks, playgrounds, gathering areas, and public facilities owned and maintained by the Town; and

WHEREAS, the Mayor and Town Council find it to be in the best interest of the Town to revise Chapter 22, describe and to provide the penalty for certain prohibited acts; and,

WHEREAS, the Mayor and Town Council find it necessary and prudent to repeal the existing Chapter 22, Parks and Recreation of the Town of Monck's Corner Code of Ordinances in its entirety and to adopt in lieu thereof the following.

Chapter 22 – PARKS AND RECREATION

Sec. 22-1. - Rules and regulations for public parks, playgrounds, gathering areas, and public facilities.

- (a) The Town Administrator is hereby authorized to post necessary rules and regulations for the protection of property and the preservation of peace and order in all public parks, playgrounds, gathering areas, and public facilities owned and maintained by the Town.
- (b) Such rules and regulations are hereby adopted by reference as if fully contained in this section.
- (c) Violations of these rules and regulations adopted and posted pursuant to this section shall be treated severally for each such violation of this section.

Sec. 22-2. – Prohibited Acts

- (a) The following acts are prohibited in all public parks and other publicly owned facilities/grounds:
 - (1) Because of the interference of the park use by others is inherent in the conduct of sleeping or reclining in a horizontal position in inappropriate places, no person shall sleep or recline, except in medically exigent circumstances, behind, on or in as the circumstances apply to park buildings, pavilions, shelters, restrooms, trash receptacles, benches, picnic tables, as well as recreational activity areas (such as athletic courts and playing fields, dug outs, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as mulched flower gardens, hedge planting areas, and cultivated planters).

- (2) *Unlawful to use the parks after hours.* No person shall enter upon the premises of any park, playground, public gathering area or public facility during the hours that such are closed to the public. No person shall use, occupy or congregate in these facilities at times other than the approved hours of access. No person shall remain upon the premises of any of these facilities during the hours that such are closed to the public.
- (3) *Town Property.* It shall be unlawful to camp or to store personal property in any park, playground, public gathering area, and or publicly owned area or facility owned by the Town.
- (4) *Public streets.* It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street.
- (5) *Other public property—Blocking ingress and egress.* It shall be unlawful to camp, to sleep, to store personal property, to sit or lie down on any public property so as to interfere with ingress or egress from public property and buildings.
- (6) No person may be arrested for violating this Code section until he or she has received an oral and written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for violation of this section.
- (7) *Exceptions.* This Code section shall not be construed to prohibit the following behavior:
- a. Persons sitting or lying down as a result of a medical emergency;
 - b. Persons in wheelchairs sitting on sidewalks;
 - c. Persons sitting down while attending parades and which do not impede the parade;
 - d. Persons sitting down while patronizing sidewalk cafes;
 - e. Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
 - f. Persons sitting on chairs or benches supplied by a public agency or the abutting private property owner;
 - g. Persons sitting on seats in bus zones occupied by people waiting for the bus;
 - h. Persons sitting, lying down, or sleeping while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
 - i. Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals;
 - j. Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage;
 - k. Camping as permitted by the Town; or
 - l. Individuals or families picnicking.
- (b) It shall be unlawful and prohibited for any person or entity to make, continue, or allow to be made or continued, any clamorous singing, yelling, shouting, whooping, bellowing, hollering, or other loud disruptive, wanton and unseemly noises by mouth and/or with the use of any device used to amplify sound which disturbs the peace and quiet of the facility or prohibits or substantially affects the ability to

conduct business within the facility, whether said disruptive behavior is generated from within or from the outside of the facility. It shall be unlawful and prohibited for any person or group to picket, demonstrate or parade within the confines of any public facility.

Sec. 22-3. - Park hours.

- (a) All parks and playgrounds within the town shall close between the hours of 10:01 p.m. and 7:00 a.m. on each day of the week, except when an activity has been officially authorized by the recreation department or town officials during those hours. Any person who shall go onto a park or playground within the town during the closing hours, as herein set out, without the permission of the recreation department or town officials, shall be guilty of a misdemeanor.

Sec. 22-4 - Penalties for violation of chapter.

- (a) Any person found to have violated this section shall be guilty of a guilty of a misdemeanor, punishable as provided in section 1-9 of this Code.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on May 21, 2024, that Chapter 22, of the Town of Moncks Corner Code of Ordinances is amended.

Done in Council Assembled this 21st day of May, 2024.

First Reading:

Thomas J. Hamilton, Jr. Mayor

April 16, 2024

Second Reading and Public Hearing:

May 21 2024

Attest:

Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

James E. Brogdon, Town Attorney

ORDINANCE NO. 2024-**AN ORDINANCE TO AMEND CHAPTER 20, ARTICLE III, OFFENSES AGAINST PROPERTY OF THE TOWN OF MONCK'S CORNER, SOUTH CAROLINA, CODE OF ORDINANCES.**

WHEREAS, the Mayor and Town Council find it necessary to protect public and private property within the incorporated area of the Town from the destruction that accompanies camping; and

WHEREAS, the Mayor and Town Council find it to be in the best interest of the Town to ensure that proper health and safety accommodations are provided to those who do camp; and,

WHEREAS, the Mayor and Town Council find it to be in the best interest of the Town to prevent degradation of public and private lands and assure that such lands can be utilized for their intended purpose; and,

WHEREAS, the Mayor and Town Council find it necessary and prudent to adopt the following.

Sec. 20-71- CAMPING

- (a) For purposes of this chapter, camping is defined as residing in or using any public or private property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings (including, but not limited to clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire or using any tents, regularly cooking meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using public or private property as a living accommodation for one or more nights, with the intent to camp.
- (b) Camping on public property. Except as may be permitted within parks by the Town, it is unlawful to camp or squat upon any public property owned or maintained by the Town, including, without limitation, streets, easements, parks, dump sites, creek beds, parking lots, or corporation yards. No person shall set up tents, shacks, house trailers, motor homes, campers, or any other temporary or permanent shelter for the purpose of overnight camping or squatting, nor shall any person leave in any such place any movable structure or special vehicle to be used or that could be used for such a purpose, such as a house trailer, tent, automobile, or the like.

- (c) Camping on private property. Except as otherwise provided in this section, it is unlawful to camp or squat upon private property within the incorporated area of the Town. No person shall set up tents, shacks, campers, or any other temporary or permanent shelter for the purpose of overnight camping or squatting, nor shall any person leave upon any private property any movable structure or special vehicle to be used or that could be used for such a purpose, such as a tent or automobile, or the like.
- (d) Exceptions. This section shall not apply to persons camping upon their own land or camping with the owner of the land, or to persons camping with the written consent of the owner of the land, provided that such written consent is in their possession at the time and is shown upon demand of any peace officer, and provided that all local zoning ordinances of the Town are met and all State regulations are complied with. This section shall not apply to persons lawfully camping within campgrounds or trailer parks specifically designated or approved for such use pursuant to the Zoning Ordinance of the Town.
- (e) *Penalty.* Any person who violates any provision of this section shall severally for each such violation be guilty of a misdemeanor, punishable as provided in section 1-9 of this Code.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on May 21, 2024, that Chapter 20, of the Town of Moncks Corner Code of Ordinances is amended.

Done in Council Assembled this 21st day of May, 2024.

First Reading:

Thomas J. Hamilton, Jr. Mayor

April 16, 2024

Second Reading and Public Hearing:

May 21 2024

Attest:

 Marilyn M. Baker, Clerk to Council

Approved As To Form:

 James E. Brogdon, Town Attorney

ORDINANCE NO. 2024-

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1, AND SECTION 10-9 (G), AND ADOPT THE LANGUAGE CONTAINED THEREIN, ALL RELATING TO PEDDLERS, CHARITABLE SOLICITORS, BUSKERS, AND PANHANDLERS AND TO REPEAL CHAPTER 20, ARTICLE IV, SECTION 20-107 IN ITS ENTIRETY OF THE TOWN OF MONCK'S CORNER CODE OF ORDINANCES

WHEREAS, the Mayor and Town Council finds adoption of this ordinance to be in the public's best interest as it will amend the Code of Ordinances of the Town of Moncks Corner in order to address changing community needs, address deficiencies and ambiguities in the Code of Ordinances, and promote public health, safety, and well-being; and

WHEREAS, the following additions and text amendments to Chapter 10, Article I of the Town of Moncks Corner Code of Ordinances have been proposed by Staff as follows:

Chapter 10, Article I

Sec. 10-1. - Peddlers, charitable solicitors, buskers and panhandlers

(a) *Definitions*. The following words and terms when used in this section shall have the meaning respectively ascribed to them in this subsection:

(1) *Aggressive manner* shall mean any of the following:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or to otherwise be intimidated into giving money or other thing of value;
- b. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a

pedestrian or vehicle operator to take evasive action to avoid physical contact with the solicitor;

- d. Using violent or threatening gestures toward a person before, during, or after soliciting;
 - e. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
 - f. Using profane, offensive or abusive language which is likely to cause the person solicited to be intimidated by such language before, during, or after the solicitation.
- (2) *Busking* is playing music or performing for entertainment on the public rights-of-way and other publicly owned places.
- (3) *Charitable organization* shall mean any person, organization, rescue squad, volunteer fire department or any other charitable or eleemosynary organization that is established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic or eleemosynary purpose, or for the benefit of law enforcement officers, firefighters or other persons who protect the public safety.
- (4) *Charitable soliciting* shall mean any person on behalf of a charitable organization is traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, requesting, directly or indirectly, money, credit, property, financial assistance, remuneration, or other thing of value.

- (5) *Panhandling* shall mean the solicitation of money, food, or other donations whether by offering something of nominal value in exchange for a donation or not.
- (6) *Peddling* shall mean any person traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take refundable security or seek deposits, or requesting a person's commitment of time, or orders for the sale of goods, wares, and merchandise, or other personal property of any nature whatsoever for immediate or future delivery or for services to be furnished immediately or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.
- (7) *Peddler* shall mean any individual who engages in panhandling or peddling as defined above.
- (8) *Perform* includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomiming, painting, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of or the offer of items for sale at the location of the performance.
- (9) *Person* shall mean an applicant, individual, corporation, limited liability company, association, partnership, trust, foundation, or any other entity however styled.
- (10) *Right-of-way* or *rights-of-way* means a public road over which a person or entity has the legal right to access.

- (11) *Soliciting* shall mean peddling, charitable soliciting, busking, panhandling, and vending as herein defined.
- (12) *Solicitor* means a person who solicits.
- (13) *Special event* shall mean a pre-planned activity sponsored by an individual, group, organization, or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the Town of Moncks Corner which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of Town services, and which shall include, but not be limited to, a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.
- (14) *Travelway* means the public or private right of way used for vehicular travel, including parking lots.
- (b) *Obstructing public ways and means of ingress to and egress from private property.*
- (1) Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic on any public rights-of-way or public property even when transacting a sale.
- (2) Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.
- (c) *Conducting of business during certain hours prohibited.*
- (1) No person shall engage in peddling or charitable soliciting, as defined in this section, between the hours of 8:00 p.m. and 8:00 a.m.

(2) No person shall engage in busking between the hours of 11:00 p.m. and 8:00 a.m.

- (d) *Sale of food or drink with any alcohol contained therein prohibited.* No person shall engage in the sale or selling of food or drink with any alcohol contained therein. Notwithstanding the foregoing, the Town may authorize the sale of food or drink containing alcohol during a Town-sponsored event or a permitted special event.
- (e) *Approaching vehicular traffic prohibited.* Under no circumstances shall any moving vehicle, any vehicle in a parking area, or any vehicle in a travelway be approached by a person soliciting.
- (f) *Use of traffic islands, medians or other traffic control devices for storage of sale of tangible property prohibited.* Solicitors shall not store, keep or offer for sale any tangible property or service on any traffic island, median or other traffic control device located within the corporate limits of the Town.
- (g) *Peddling, charitable soliciting, and busking is unlawful on private property.* It shall be unlawful to engage in soliciting on any property without permission of the property owner or their representative.
- (h) *Peddling, charitable soliciting, and busking is unlawful on Town property.* It shall be unlawful to engage in soliciting on any Town property unless authorized by the Town during a Town-sponsored event or a permitted special event.
- (i) *Blocking rights-of-way.*
- (1) Solicitors shall not block roadways, fire apparatus access roads, fire lanes sidewalks, crosswalks, driveways, doors, stairways, curb cuts, handicapped access ramps, handicapped parking or block access to buildings, parks, conveyances, businesses, traffic control poles containing pedestrian crosswalk button(s), or be within 20 feet of a fire hydrant, fire department connection

- (FDC), or within 20 feet of any fire alarm or other emergency communication device, either by their location, or by the location of any crowd that they may draw.
- (2) Solicitors shall not attract a crowd sufficient to obstruct the public right-of-way; a police officer may disperse the portion of the crowd that is creating the obstruction. At a minimum there shall be at least a five-foot passageway on the sidewalk as required by the Americans with Disabilities Act.
- (3) Personal property used for soliciting shall not be left unattended on any public rights-of-way or other publicly owned places.
- (j) *Aggressive solicitation prohibited.*
- (1) No person shall solicit in an aggressive manner on the public rights-of-way or other publicly owned property.
- (k) *Penalty.* Any person who violates any provision of this section shall severally for each such violation be guilty of a misdemeanor, punishable as provided in section 1-9 of this Code.

Section 10-9 (g) is amended to read as follows:

- (g) Hours of operation shall be the same as that for peddlers and solicitors, as described in_section 10-01. At the end of each business day's operation, the vendor shall remove from the parcel the mobile food vendor vehicle and all materials associated with the business.

WHEREAS, the Mayor and Town Council find it necessary to repeal the existing Chapter 20, Article IV, Section 20-107 in its entirety as it relates to offenses against the public peace.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on May 21st, 2024, that Chapter 10, Article I and Chapter 20 Article IV of the Town of Moncks-Corner Code of Ordinances is amended.

Done in Council Assembled this 21st day of May, 2024.

Item 7.

First Reading:

Thomas J. Hamilton, Jr. Mayor

April 16, 2024

Second Reading and Public Hearing:

May 21 2024

Attest:

Marilyn M. Baker, Clerk to Council

Approved As To Form:

James E. Brogdon, Town Attorney



STAFF REPORT

TO: Planning Commission

FROM: Justin Westbrook, Community Development Director

SUBJECT: Zoning Map Amendment (CZ-24-01) – Elizabeth Watson & Kathleen Robuck

DATE: March 26, 2024

Background: The applicant, DR Horton on behalf of Elizabeth Watson & Kathleen Robuck, has applied for a Conditional Zoning Map Amendment (CZ-24-01) for a parcel (TMS # 142-00-01-012). The applicant is seeking the parcel to be zoned from **Single-family Residential (R-2)** to **Conditional Zoning – Single-family Residential (CZ R-2)**.

Existing Zoning: The subject parcels are currently in the **Single-family Residential** zoning district. Per the Town’s Zoning Ordinance, the Office & Institutional zoning district is intended to:

“...as single-family residential areas with detached units with low to medium population densities.”

	Adjacent Zoning	Adjacent Land Use
North	TD	Berkeley County School
South	R-3	Single-family Attached Dwellings
East	R-1	Single-family Detached Dwellings
West	C-2	Electrical Contractor
	R-1	Single-family Detached Dwellings

Existing Site Conditions: The subject parcel comprises approximately 15.75 acres, which currently utilizes a single-family residence, but is primarily vacant. Per the National Wetlands Inventory map there does not appear to be any wetlands on the subject parcel. The subject parcel is currently accessible by US-17A with approximately 577-feet of frontage, Heatley Street with approximately 523-feet of frontage, and Newell Street with approximately 297-feet of frontage. The parcel is largely wooded.

Proposed Zoning Request: The applicant has requested to amend the Zoning Map apply the **Conditional Zoning – Single-family Residential (CZ R-2)** zoning district to the subject parcel. Per the Town’s Zoning Ordinance, a **Single-family Residential (R-2)** district is intended to provide:

“... single-family residential areas with detached units with low to medium population densities.”

Per the Town’s Zoning Ordinance, a **Conditional Zoning (CZ)** district is intended to:

“...encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach.”

Per Section 6-12-8 of the Zoning Ordinance, the development is required to provide homeowner’s association maintained sidewalks, streetlights, street trees, stormwater facilities, customized street signs, crosswalks, amenities, and private streets where applicable. Private streets are not proposed for this development.

In an effort to allow for a reduction in lot size and an increase in density, the developer and applicant may negotiate with Staff to reduce the minimum lot size, from 12,000 square feet, down to 6,000 square feet, based upon density bonus percentages for eligible items. Those items include, but are not limited to a voluntary contribution to the Town’s Neighborhood Revitalization Program, rear access alleys/rear entry garages, wider side setbacks and minimal repetition of floor plans. In working with the applicant, Staff was able to finalize a density bonus chart indicating a number of improvements to the neighborhood to help reduce lot size and increase density.

Density Bonus Incentives		
Bonus Type	Bonus	Square Feet
Neighborhood Revitalization	20%	2,400
Type B Bufferyard/Increased Plantings	5%	600
Off-site Traffic Calming Devices	5%	600
Trail/Open Space/Playground	5%	600
Connectivity (ROW)	3%	360
Decorative Crosswalks	3%	360
On Street Parking	3%	360
New Minimum Lot Size		6,720

These incentives would include a \$1,500.00/lot donation to the Neighborhood Revitalization Program, an added Type-B (50-foot) planted buffer between the development and residences along Merrimack Boulevard and Monitor Circle, off-site traffic calming devices (potentially on Merrimack Boulevard), ROW extension to adjacent parcels that may develop in the future, and other negotiated amenities.

Staff is working on identifying the location and costs of off-site traffic calming devices, which *may* help to reduce the speed and intensity of through-traffic between US-17A and US-52.

On-street parking was discussed to help reduce congestion of parking on-site for each dwelling unit. The Zoning Ordinance requires two (2) parking spaces per dwelling unit, however recent trends and experiences have identified this to be lacking with the number of vehicles per household appearing to increase. The applicant has identified four (4) on-street parking spaces, within the right-of-way, per the Planning Commission meeting on March 26th. Planning Commission members did indicate four (4) spaces spread across thirty-seven (37) dwelling

units was not significant enough, and Staff concurred. Without more information from the applicant, Staff is unsure if this negotiated condition is worth the increase in density for the subject parcel.

All other additional elements as required by the Zoning Ordinance, specifically Section 6-12 of the Zoning Ordinances, must be met by the developer.

Density: Currently with **R-2** zoning and a recent concept plan utilizing a base 8,500 square foot minimum lot size, the subject parcel appears to max out at approximately thirty (30) dwelling units, or 1.9 dwelling units per acre. As this is by-right zoning, the applicant is free to develop the subject parcel with the entitlements of thirty (30) dwelling units, and has made clear their intention to do so should the **Conditional Zoning** request fail.

Pre the **Conditional Zoning** request, Staff has reviewed a sketch plan for the development of the subject parcel with the requested density bonus allowed by the **Conditional Zoning**. The concept shows approximately thirty-seven (37) lots, or 2.35 dwelling units per acre.

15.75 Acres	Proposed DUs	Density (DU/Acre)
R-2	30	1.9
Proposed CZ R-2	37	2.35

The proposed **CZ R-2** request is seeking a 23% increase in the proposed density from an original conceptual plan utilizing by-right **R-2** zoning district.

Transportation: Regardless of the outcome of the **Conditional Zoning** request, Staff will require a separate Traffic Impact Analysis (TIA) for the subject parcel, prior to the Preliminary Plat approval for any residential use types. Staff will commission the TIA with recommendations from the traffic engineer being installed by the applicant at the time of development.

There are some concerns by Staff of the current industrial use of Newell Street. An adjacent property owner utilizes the rear of their property via Newell Street, and has expressed concerns regarding their future access. With the neighborhood, by-right or with the **Conditional Zoning**, the adjacent property owner may still utilize this new residential street for their industrial truck traffic. This could cause congestion and noise complaints by the future residents. Staff has worked with the adjacent property owner and the applicant to help address the access, and future adjacent development *may* help provide access for the adjacent industrial use; however this may never materialize.

Newell Street is a county-maintained road, that does not appear to be within an easement or right-of-way. Staff has researched all plats within the immediate area to help identify any rights users of Newell Street may have. At this time, Staff cannot find any definitive granting of access outside for Newell Street, and in working with Berkeley County, Staff is fearful that the road is on private property, and therefore users would not have protected access in the future.

It is important to note, the industrial truck traffic and future access of Newell Street, will be a concern regardless if the applicant is granted the requested **Conditional Zoning**, or if the applicant moves forward with the by-right zoning already in place for thirty (30) dwelling units.

Consistency with Plans: Adopted in 2017 as part of the Town's Comprehensive Plan, the Future Land Use identifies the subject parcel near the northern end as "High Density Residential Node", with the remainder of the parcel classified as "Medium Density Residential". The current zoning designation is somewhat in line with the designated future land use classifications; however, the requested zoning designation is also congruent with the "High Density Residential Node" and "Medium Density Residential" designation of the Future Land Use Map. The Plan calls for "Residential (medium density)" to be designated for:

"development of neighborhoods with a mix of residential uses, predominately single family detached or single family attached dwellings (aka townhomes), ranging from four (4) to eight (8) dwelling units per acre. These areas provide a transition from the low-density suburban neighborhoods to already developed residential and commercial areas with potential to serve as infill developments. New neighborhoods should strive to be walkable communities with a system of interconnected trails or sidewalks that provide access to parks, recreation and open space areas. These also should, to the extent possible, be within on-half mile of neighborhood centers of nonresidential development."

The Comprehensive Plan also lays out various goals and policies to help in decision making for land use requests. Staff believes the applicant and request generally follow the following policies listed in the plan.

- **Land Use Policy 1:** The Town will guide land use patterns, encourage new growth, in areas that maximize efficient use of existing infrastructure and investments in expanded infrastructure.
- **Land Use Policy 2:** The Town will continue efforts to guide the growth of land adjacent to existing boundaries.

Staff also believes the applicant and request generally does not follow the following policies listed in the plan:

- **Land Use Policy 3:** The Town will promote development that is appropriate and compatible with neighboring uses.

Procedural Issues: As part of any Zoning Map Amendment, the request must be at least two (2) acres, an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this case, the subject parcel exceeds two (2) acres in size and is adjacent to an existing district boundary.

Staff Analysis: Staff is concerned with the requested density. This area has seen newly constructed townhomes, even adjacent to the subject parcel. This has somewhat eroded the single-family detached nature of the immediate neighborhood, and while single-family detached homes would be welcomed, the increase in density *may* be too much for the already impacted neighborhood.

The applicant's negotiated density bonuses are generally in-line with previous approvals by the Town for **Conditional Zoning** requests. Staff does have concerns about the off-street parking, as the applicant has stated more than four (4) parking spaces *may* be possible, however Staff has not seen any additional information at time of this report.

Staff believes this proposed use would be congruent with existing zoning and the adopted Future Land Use Map. However, the seven (7) additional lots, *may* not fit as in-fill development with the existing, traditional single-

family detached neighborhood, and *could* prove to be too much for the existing fabric and character community.

Staff Recommendation: Staff recommends the application be amended to reduce the number of dwelling units from the requested thirty-seven (37), closer to the by-right allowance of thirty (30) dwelling units. Staff believes the **Conditional Zoning** request can better provide a positive impact to the existing surrounding neighborhood than the by-right plan the applicant can develop. With a reduction in the requested number of lots, along with the density bonus incentives Staff has worked with the applicant on, this request may serve as strong in-fill development that allows for density but stays true to the existing single-family detached neighborhood it will impact.

Planning Commission Recommendation: The Planning Commission heard the request at their March 26th meeting. The Commission voted 4-0 in favor of recommending approval of the requested **Conditional Zoning – Single-family Residential (CZ R-2)** from **Single-family Residential (R-2)** designation for the subject parcels. Conversation centered around density, traffic in the immediate vicinity and on-street parking. The applicant spoke in favor of the request, while a resident spoke on the importance of attending public meetings.

Attachments: *Location Maps (Aerial, Zoning, Future Land Use Map)*
 SIGNED - Application (Elizabeth Watson, Property Owner)(20240312)
 Concept Plan (20240220)

AN ORDINANCE TO RE-CLASSIFY 15.75 ACRES OF REAL PROPERTY LOCATED ALONG US-17A, HEATLEY STREET AND NEWELL STREET, TMS # 142-00-01-012 FROM R-2, SINGLE-FAMILY RESIDENTIAL TO CZ R-2, CONDITIONAL ZONING SINGLE-FAMILY RESIDENTIAL, AND TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MONCKS CORNER TO SO REFLECT

WHEREAS, a request has been presented to the Moncks Corner Town Council by the current record titleholder of property located on US-17A, Heatley Street, and Newell Street, TMS # 142-00-01-012, to re-classify the property from R-2, Single-family Residential to CZ R-2, Conditional Zoning Single-family Residential; and

WHEREAS, the area to be annexed also includes any rights-of-way, roads, or railroad tracks located adjacent to the described property; and

WHEREAS, a request has been presented to the Moncks Corner Town Council by the owner of the property designated on the Tax Map Records of Berkeley County, South Carolina as TMS # 142-00-01-012 to subsequently re-classify portions of the property from R-2, Single-family Residential to CZ R-2, Conditional Zoning Single-family Residential; and

WHEREAS, it is necessary and desirable to reclassify said property to CZ R-2, Conditional Zoning Single-family Residential; and

WHEREAS, the conditions to be placed upon this parcel are described as follows:

1. Developer shall contribute \$1,500.00 per new lot to the Town’s Neighborhood Revitalization Program, to be paid as part of each building permit prior to issuance of the Certificate of Occupancy.
2. A Type-B Buffer yard shall be installed by the Developer, prior to issuance of a Final Plat, along the eastern property line, adjacent to homes fronting Merrimack Boulevard.
3. Off-site Traffic Calming Devices shall be installed in the immediate vicinity, prior to issuance of a Final Plat, at Staff discretion. Staff may allow Developer to substitute the installation of traffic calming devices in lieu of additional contribution to Town’s Neighborhood Revitalization Program, at Staff discretion.
4. A trail and playground shall be installed, prior to the issuance of a Final Plat, in open space at Staff discretion.
5. Right-of-way shall be dedicated with a road constructed to Berkeley County standards for acceptance, from Monitor Circle to the western property line, as generally shown in the Developer’s submitted Concept Plan, dated February 20th, 2024.
6. Decorative crosswalks at all intersections internal to the subject parcel shall be installed, prior to the issuance of a Final Plat.

ORDINANCE NO. 2024-__ CONTINUED:

Item 8.

- 7. On-street parking shall be provided, within the right-of-way, in addition to any required on-site parking for each dwelling unit, prior to the issuance of a Final Plat3.
- 8. Any standard or regulation not specified shall default to the Zoning Ordinance and Land Development Regulations of the Town of Moncks Corner.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on this 18th day of May, 2024, that the property herein described is hereby zoned Conditional Zoning – Single-family Residential (CZ R-2); and

BE IT FURTHER ORDAINED that the official zoning map of the Town of Moncks Corner be, and the same hereby is, amended to so reflect.

DONE IN COUNCIL ASSEMBLED this 21st day of May, 2024.

First Reading: April 16, 2024
Second Reading/Public Hearing: May 21, 2024

Thomas J. Hamilton Jr., Mayor

Attest:

Marilyn M. Baker, Clerk to Council

Approved As To Form:

James E. Brogdon, Jr., Town Attorney

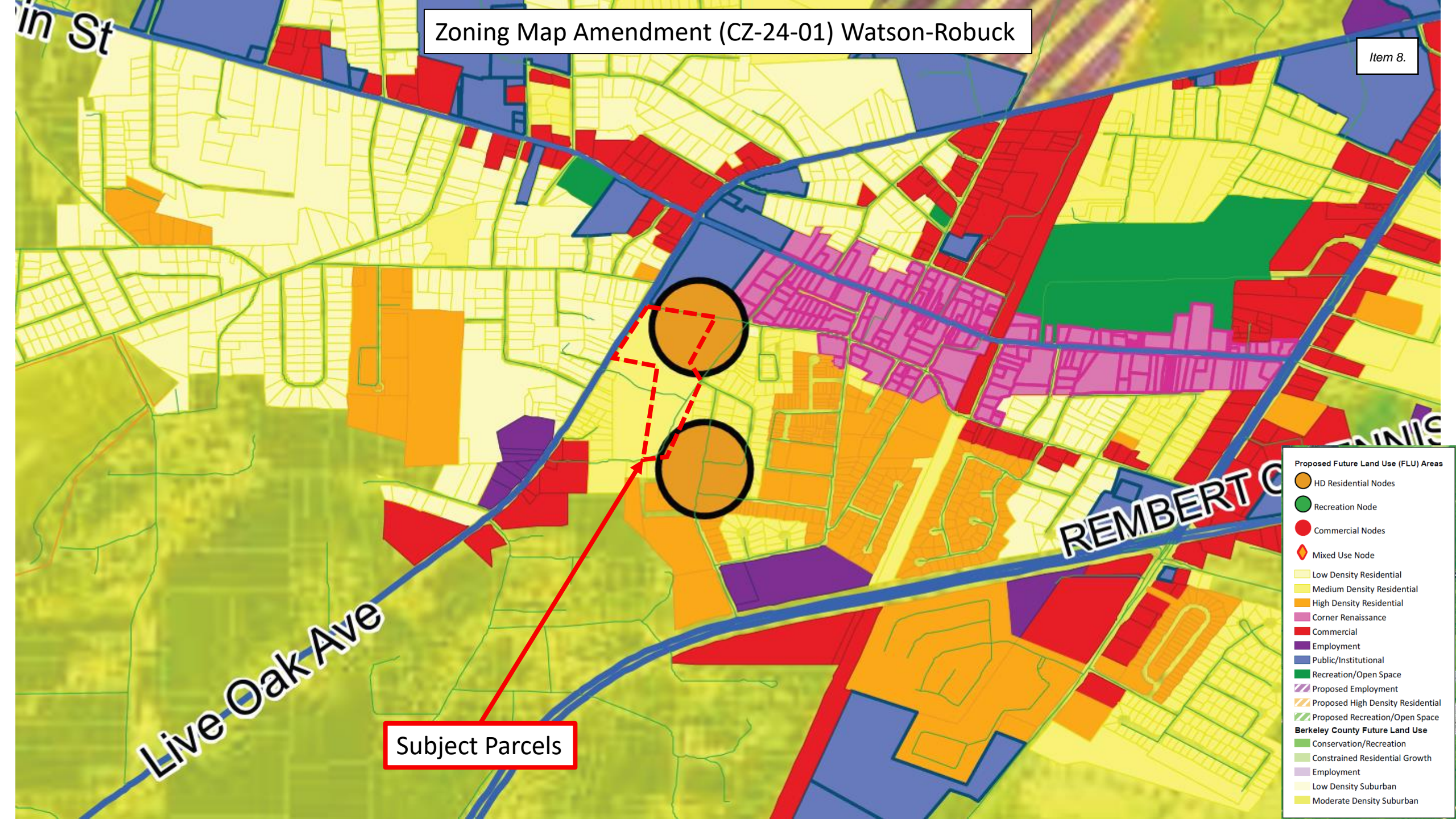
Zoning Map Amendment (CZ-24-01) Watson-Robuck

Item 8.



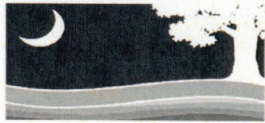
Zoning Map Amendment (CZ-24-01) Watson-Robuck

Item 8.



Subject Parcels

- Proposed Future Land Use (FLU) Areas
 - HD Residential Nodes
 - Recreation Node
 - Commercial Nodes
 - Mixed Use Node
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Corner Renaissance
- Commercial
- Employment
- Public/Institutional
- Recreation/Open Space
- Proposed Employment
- Proposed High Density Residential
- Proposed Recreation/Open Space
- Berkeley County Future Land Use
 - Conservation/Recreation
 - Constrained Residential Growth
 - Employment
 - Low Density Suburban
 - Moderate Density Suburban



REZONING APPLICATION
Moncks Corner Community Development

MONCKS CORNER
The Lowcountry's Hometown

Applicant Information

Name: DR Horton Inc Address: 2057 Wambaw Creek Rd, Charleston SC 29492
Phone: 843-330-0296 E-Mail: dcmcnair@drhorton.com

Property Owner Information (If Different)

Name: Elizabeth Watson & Kathleen Robuck Address: 105 Heatley St, Moncks Corner, SC 29461
Phone: _____ E-Mail: _____
TMS #: 142-00-01-012 Address: _____
Current Zoning: R-2 Requested Zoning: R-2 with Conditions

Current Use of Property: R-2, single family
Proposed Use of Property: single family

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.

N/A

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: *Kathleen Robuck* Date: 3/12/2024
Applicant's Signature: *David McNair* Date: 3/12/24

For Official Use Only

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

8/3/2022 Projects (K)WKT14 - Heatley Street (DR Horton) Submittal Working Drawing/Sheet 16-Submittal/Sheet 16-Sketch Plan.dwg, L1.0, mwhr



SITE DATA	
TAX PARCEL:	142-00-01-012
TOTAL ACREAGE:	+/- 16.24 ACRES (PER SURVEY)
WETLANDS:	+/- 3.67 ACRES (PER SURVEY)
LOCATION:	TOWN OF MONCK'S CORNER, SC
ZONING:	EXISTING: R-2 PROPOSED: CONDITIONAL ZONING
PROPOSED LAND USE:	DETACHED SINGLE FAMILY HOMES
TOTAL LOTS:	+/- 37 (55'X125') LOTS
DENSITY:	2.28 DU/AC
PROP. CONDITIONAL LOT STANDARDS:	MINIMUM LOT WIDTH: 55' MINIMUM LOT AREA: 6,875 SF
SETBACKS:	FRONT: 25' SIDE: 7.5' CORNER: 15' REAR: 15'
BUILDING HEIGHT:	35' MAX.
RECREATION OPEN SPACE:	REQUIRED: +/- 2.1 ACRES (13%) PROPOSED: +/- 2.1 ACRES (13%)
CONTACT INFORMATION	
APPLICANT/DEVELOPER:	D.R. HORTON (ATTN: DAVIS MCNAIR) 2057 WAMBAW CREEK ROAD CHARLESTON, SC 29492 (843) 330-0296
ENGINEER/CONSULTANT:	ESP ASSOCIATES, INC. 2154 N CENTER STREET, SUITE 504 NORTH CHARLESTON, SC 29406 (843) 714-2040

GENERAL NOTES

- Base information provided by Berkeley County GIS data & Boundary, Tree and Topographic Survey provided by Parker Land Surveying dated July 29, 2022 and should be verified for accuracy.
- All site plan, zoning, and wetland information utilized in the preparation of this Sketch Plan is considered to be preliminary in nature and subject to change and final verification.
- Draft - Do not rely on this document.

Floodplain Information
Floodplain is not located on-site; information obtained from FEMA FIRM Panel 45015C0385E effective date of study 12/07/2018.

Stream/Wetland Information
Stream/Wetland information is based on preliminary information provided to ESP by Berkeley County GIS data & Boundary, Tree and Topographic Survey provided by Parker Land Surveying dated July 29, 2022. For purposes of preparation of this Sketch Plan, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location. The Sketch Plan will need to be revised once all agencies approved on-site wetland/stream and appropriate jurisdictional boundaries are surveyed and verified with acceptable levels of accuracy-unit loss may occur.

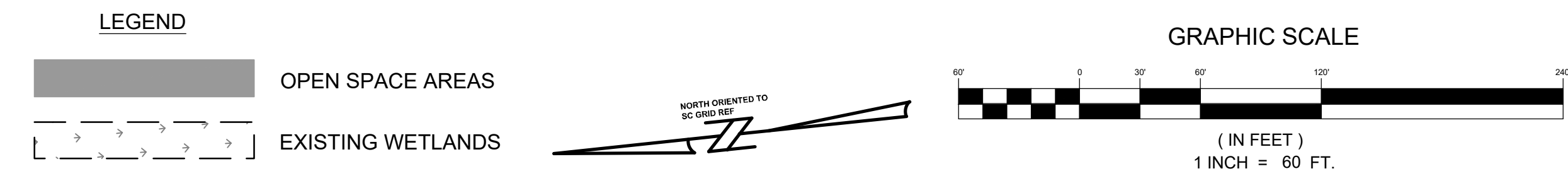
Access Points/Driveways/Streets

- Proposed project site entrance locations are considered preliminary in nature and need to be verified for adequate sight distance.
- All roadway and street systems are considered to be preliminary and will need to be verified for sufficiency to satisfy or exceed minimum requirements established in the Town of Moncks Corner Land Development Ordinance and applicable standards identified by SCDOT. Street connections are conceptual and may be subject to change based on agency input and review.

Open Space
Open Space areas are conceptual and preliminary. The exact location of these areas may change as the client finalizes decisions regarding final layout, product allocation, and as other spatially dependent project components such as stormwater areas, wetland areas, utility features, and buffers, (as applicable) for this project are better defined.

Potential Stormwater Quality Areas
Location of proposed stormwater areas are conceptual and preliminary and still need to be determined. The exact size and location of these areas will change as the client finalizes decisions regarding final layout, product allocation, and as other proposed changes to the project are better defined. Layout and unit count subject to change based on final design of stormwater areas.

Public Information
ESP Associates is not responsible for plan deficiencies created by incorrect, incomplete, missing or outdated information derived from public sources such as GIS, Planning and Zoning departments.



**PRELIMINARY
NOT FOR
CONSTRUCTION**

NO.	DATE	REVISION	BY

SKETCH PLAN

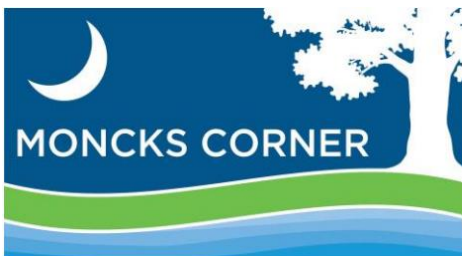
HEATLEY STREET

TOWN OF MONCK'S CORNER, SC

PROJECT INFORMATION

PROJECT MANAGER:	KPM
DESIGNED BY:	CNS
DRAWN BY:	CNS
PROJECT NUMBER:	KT16-100
ORIGINAL DATE:	2/20/2024

SHEET:
1 OF 1



The Lowcountry's Hometown

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

STAFF REPORT

TO: Town Council

FROM: Justin Westbrook, Community Development Director

SUBJECT: Zoning Map Amendment (ZA-24-01) – Jean Colley

DATE: March 19, 2024

Background: The applicant, Mike Flannery of Boats & Tows, has applied for a Zoning Map Amendment (ZA-24-01) for two (2) parcels, owned by Jean Colley (TMS # 143-09-04-034 & 143-09-04-033). The applicant is seeking the parcels to be zoned from **C-1 – Office & Institutional** to **C-2 – General Commercial**.

Existing Zoning: The subject parcels are currently in the **C-1 – Office & Institutional** zoning district. Per the Town’s Zoning Ordinance, the Office & Institutional zoning 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.”

	Adjacent Zoning	Adjacent Land Use
North	C-2	VACANT
South	C-2	Retail
	C-2	Bowling Alley
East	R-1	Single-family Detached Dwelling
West	C-2	Retail

Existing Site Conditions: The subject parcels comprise approximately 2.2 acres, which are currently vacant. Per the National Wetlands Inventory map there does not appear to be any wetlands on the subject parcels. One front subject parcel (TMS# 143-09-04-034) is currently accessible by Rembert C. Dennis Boulevard, with approximately 180-feet of frontage, while the back subject parcel (TMS# 143-09-04-033) is currently landlocked. The parcels are largely cleared with some trees to the rear of the rear subject parcel.

Proposed Zoning Request: The applicant has requested to amend the Zoning Map apply the **C-2 – General Commercial** zoning district to the subject parcels. Per the Town’s Zoning Ordinance, the **C-2 – General Commercial** district is intended to:

“...accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics.”

All other additional elements as required by the Zoning Ordinance, specifically Section 6-12 of the Zoning Ordinances, must be met by the developer.

Transportation: Staff may require a separate Traffic Impact Analysis (TIA) for the subject parcels, depending on certain applied-for uses, prior to Site Plan approval. Staff will commission the TIA with recommendations from the traffic engineer being installed by the applicant at the time of development.

Consistency with Plans: Adopted in 2017 as part of the Town’s Comprehensive Plan, the Future Land Use Map identifies the subject parcels as “Commercial”. The current zoning designation is in line with the designated future land use; however, the requested zoning designation is also congruent with the “Commercial” designation of the Future Land Use Map.

The Comprehensive Plan also lays out various goals and policies to help in decision making for land use requests. Staff believes the applicant and request generally follow the following policies listed in the plan.

- **Land Use Policy 1:** The Town will guide land use patterns, encourage new growth, in areas that maximize efficient use of existing infrastructure and investments in expanded infrastructure.
- **Land Use Policy 2:** The Town will continue efforts to guide the growth of land adjacent to existing boundaries.

Staff also believes the applicant and request generally does not follow the following policies listed in the plan:

- **Land Use Policy 3:** The Town will promote development that is appropriate and compatible with neighboring uses.

Procedural Issues: As part of any Zoning Map Amendment, the request must be at least two (2) acres, an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this case, the subject parcel exceeds two (2) acres in size and is adjacent to an existing district boundary.

Staff Analysis: Staff is generally not concerned with the requested zoning, due to the proximity of existing **C-2 – General Commercial** zoned parcels adjacent to the subject parcels. However, Staff does have concern with the proximity of the adjacent, developed single-family **R-1** zoning to the east. In talking with the applicants from Boats & Tows, Staff is weary of the anticipated request for a **Special Exception** for the intended use, “mini-warehouses and vehicle storage”. Staff are aware of another existing **Special Exception** application for the same “min-warehouse and vehicle storage” use on the adjacent property to the north and is concerned about the number and compatibility of these use types adjacent to single-family residential uses. Staff most likely will recommend denial to those Special Exception requests, without more information provided on mitigating the impacts such a use would have on an adjacent residential neighborhood.

As with any **Zoning Map Amendment**, the request has limited to do with the planned use; mainly as other mechanisms are in place for review of those specific requests, as well as the flexibility to change and amend the

uses based on the prescribed zoning. While this request should not be decided based upon a specific pro use, the Planning Commission and Town Council should be mindful the request is for **C-2 – General Commercial** and any use allowed by-right and any use requiring a **Special Exception**.

Staff Recommendation: Staff recommends approval of the requested **C-2 – General Commercial** zoning district designation for the subject parcels. Staff has reached this recommendation due to the existing adjacent **C-2 – General Commercial** parcels, cohesion with the Future Land Use Map from the 2017 Comprehensive Plan, and the two (2) Land Use Policies the request appear to meet. While not promoting compatible uses adjacent to single-family residential, the request does appear to maximize efficient use of existing infrastructure and guide growth to adjacent existing zoning boundaries.

Planning Commission Recommendation: The Planning Commission heard the request at their February 27th meeting. The Commission voted to recommend approval of the requested **General Commercial (C-2)** zoning district designation for the subject parcels. Conversation centered around potential uses for the property should it be rezoned to **C-2**. The applicant spoke in favor of the request; no one else spoke on the request. The Planning Commission voted 4-0 in favor of recommending approval.

Attachments: Location Maps (Aerial, Zoning, Future Land Use Map)
SIGNED - Application (Jean Colley, Property Owner)(20240122)

Zoning Map Amendment (ZA-24-01) Jean Colley

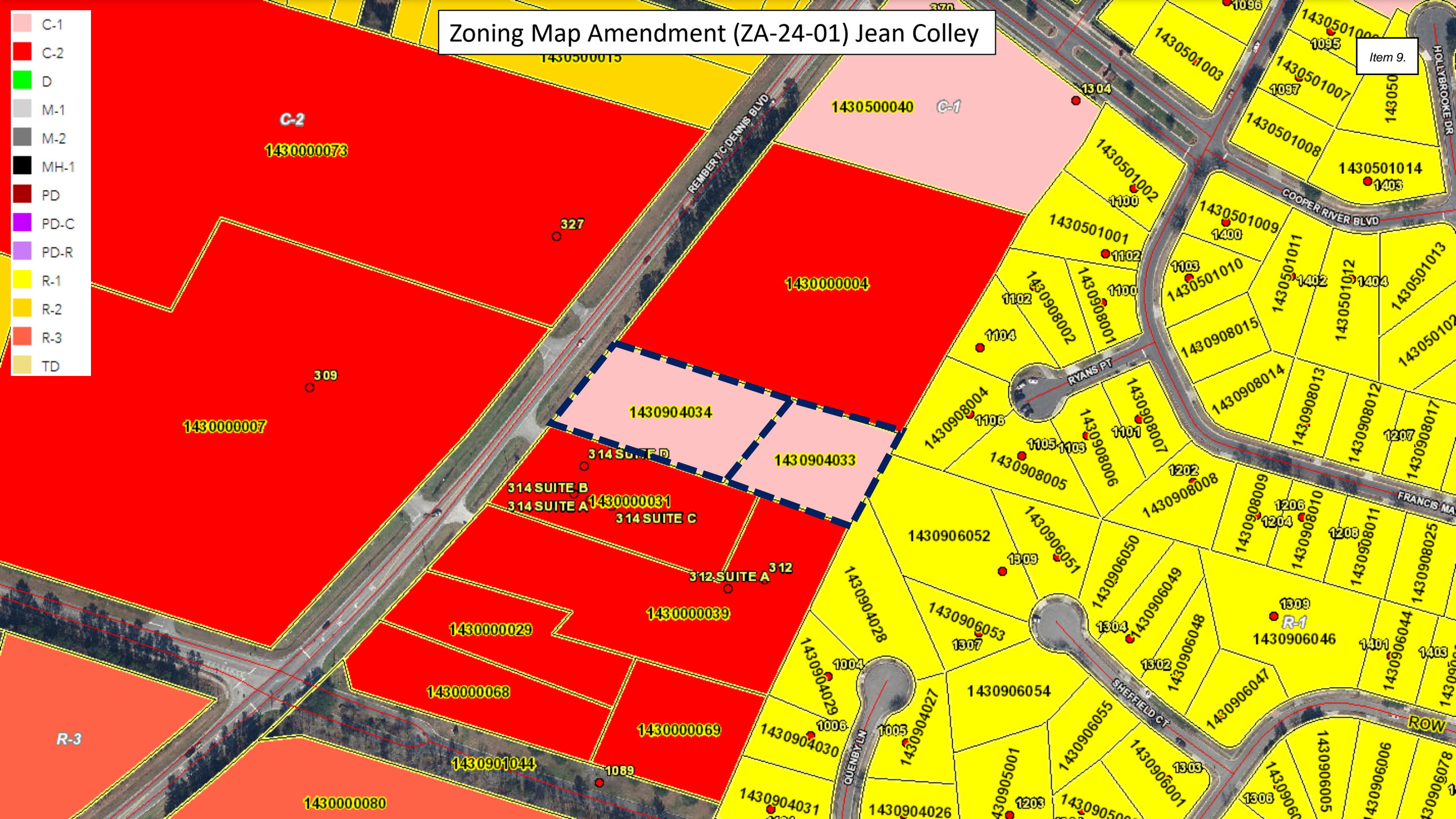
Item 9.



Zoning Map Amendment (ZA-24-01) Jean Colley

- C-1
- C-2
- D
- M-1
- M-2
- MH-1
- PD
- PD-C
- PD-R
- R-1
- R-2
- R-3
- TD

Item 9.



Zoning Map Amendment (ZA-24-01) Jean Colley

Item 9.

Santee Cooper

Stone Ridge

Sterling Oaks

Subject Parcels

REMBERT C DENNIS BLVD

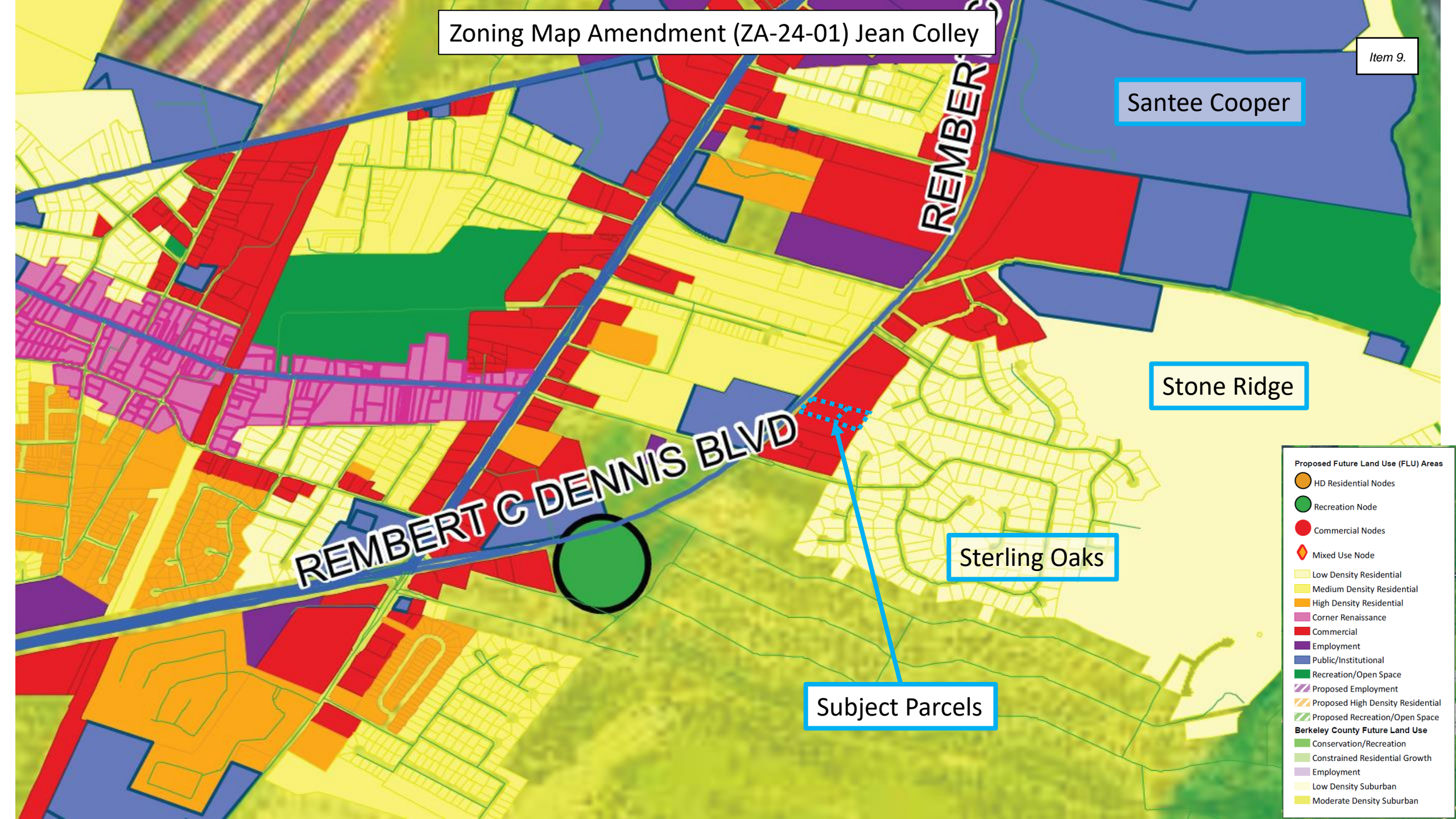
REMBER

Proposed Future Land Use (FLU) Areas

- HD Residential Nodes
- Recreation Node
- Commercial Nodes
- Mixed Use Node
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Corner Renaissance
- Commercial
- Employment
- Public/Institutional
- Recreation/Open Space
- Proposed Employment
- Proposed High Density Residential
- Proposed Recreation/Open Space

Berkeley County Future Land Use

- Conservation/Recreation
- Constrained Residential Growth
- Employment
- Low Density Suburban
- Moderate Density Suburban



Web: Rezoning Application

Item 9.

Town of Moncks Corner Marketing <noreply@monckscornersc.gov>

Mon 1/22/2024 10:38 AM

To: Justin Westbrook <J.Westbrook@monckscornersc.gov>

Applicant Information

- 1. **Name**
Jean Colley
- 2. **Address**
Street Address : 314 Rembert C. Dennis
Apartment, suite, etc :
City : Moncks Corner
State/Province : SC
ZIP / Postal Code : 29461
- 3. **Phone**
8434421529
- 4. **Email Address**
jaylawrealestate@gmail.com

Property Owner Information

If different than the applicant.

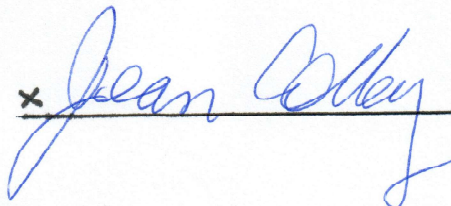
- 1. **Name**
- 2. **Phone**
- 3. **Email Address**
- 4. **Address**
Street Address :
Apartment, suite, etc :
City : Moncks Corner
State/Province : SC
ZIP / Postal Code : 29461

Subject Parcel

- 1. **TMS Number**
1430904034/33
- 2. **Current Zoning**
C-1 Office & Institutional
- 3. **Requested Zoning**
C-2 General Commercial
- 4. **Current Use of Property**
Vacant
- 5. **Proposed Use of Property**
Storage

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.

- 1. **Textarea**
No.
- 2. **Consent**
checked
- 3. **Signature**
[7WosSorwwBudRcst.png](#)
- 4. **Date**
01/22/2024

x 

AN ORDINANCE TO RE-CLASSIFY 2.2 ACRES OF REAL PROPERTY LOCATED ON REMBERT C. DENNIS BOULEVARD, TMS # 143-09-04-034 & 143-09-04-033 FROM C-1, OFFICE & INSTITUTIONAL, TO C-2, GENERAL COMMERCIAL, AND TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MONCK'S CORNER TO SO REFLECT

WHEREAS, a request has been presented to the Moncks Corner Town Council by the current record titleholder of property located on Rembert C. Dennis Boulevard, TMS # 143-09-04-034 and 143-09-04-033, to re-classify the property from C-1, Office & Institutional, to C-2, General Commercial; and

WHEREAS, it is necessary and desirable to reclassify said property to C-2, General Commercial; and

WHEREAS, the Moncks Corner Planning Commission, during a meeting held on February 27, 2024, did recommended to the Moncks Corner Town Council to classify said property to the appropriate zoning classification of C-2, General Commercial; and

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on this 16th day of April, 2024, that the Zoning Classification pertaining to the subject parcel be hereby re-classified from its current zoning of C-1, Office & Institutional to C-2, General Commercial; and

BE IT FURTHER ORDAINED that the official zoning map of the Town of Moncks Corner be, and the same hereby is, amended to so reflect.

DONE IN COUNCIL ASSEMBLED this 16th day of April, 2024.

First Reading: March 19, 2024
Second Reading/Public Hearing: April 16, 2024

Thomas J. Hamilton Jr., Mayor

Attest:

Marilyn M. Baker, Clerk to Council

Approved As To Form:

James E. Brogdon, Jr., Town Attorney

ORDINANCE NO. 2024-__ CONTINUED:

Item 9.