

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
SPECIAL PLANNING & DEVELOPMENT COMMITTEE  
JULY 16, 2018  
MINUTES**

Municipal Complex, Committee Meeting Room

Present: Joe Bustos, Chair, Bob Brimmer, Guang Ming Whitley.  
Absent: Tom O'Rourke.  
Staff: Eric DeMoura, Christiane Farrell, Jeff Ulma, Lee Cave, Michele Canon

Mr. Bustos called the meeting to order at 10:00 am.

**1. Public Comments**

There being no comments, Mr. Bustos continued with the agenda.

**2. Continued discussion on a proposal to amend the Vegetation and Tree Protection divisions of Chapter 156 and amend the Land Development Regulations (LDR) of Chapter 155 of the Mount Pleasant Code of Ordinances, pertaining to various sections regarding bufferyard requirements, special bufferyards including the Critical Line Buffer, tree protection, removal and replacement requirements, and open space requirements.**

Ms. Canon reviewed the proposed changes to the ordinances with the Committee through a PowerPoint presentation. She stated that this would go to the Planning Commission for public hearing at the July 18<sup>th</sup> meeting, with the LDR changes having a public hearing at the August Town Council meeting.

Mr. Bustos asked if this would help to prevent clear cutting of land and would preserve existing trees. Ms. Canon answered that this is the intent of the proposed amendments. Mr. Bustos asked if the changes would require a larger buffer. Ms. Canon answered in the affirmative.

*The Committee received this as information.*

### **3. Change to Chapter 152, Flood Damage Prevention, allowing for flexibility for elevated buildings related to seismic design**

Mr. Ulma reviewed the request with the Committee. Mr. Cave stated that this would provide some flexibility for seismic requirements while maintaining our existing flood requirements.

Mr. Bustos asked about a solid wall. Mr. Cave answered that this would allow flexibility to allow for wall sections that would develop shear capacity and provide lateral resistance to keep the home from turning over. He stated that the requirements for an open wall section would still have to be met. Mr. Bustos asked if this would mean that the columns would be less structurally sound. Mr. Cave answered in the negative and stated that this would allow flexibility to build more stability with a wall system as opposed to having to build the stability with only a column.

Ms. Whitley asked how this would work in allowing flow. Mr. Cave answered that the solid wall sections would be located to allow for lateral stability without having an enclosed area. He stated that the current ordinance does not allow any enclosures for living space. He stated that this change would allow the engineering community more flexibility in providing seismic resistance in a structure. He stated that during plan review, the engineer would have to demonstrate the need for this additional stability.

Mr. Brimmer asked if this would increase the potential for greater flood damage to these homes. Mr. Cave answered that the lateral wall would not be allowed in the velocity zones (V-zone), but would be allowed in the A zone designated areas. He stated that A-zones are areas designated where the water is intended to rise and fall but not at the velocity as in a V-zone.

Mr. Bustos asked if this would have an effect on the cost of a home. Mr. Cave answered that it could provide a reduction in construction costs. Mr. Bustos asked what is the typical material used. Mr. Cave answered that it is typically concrete block walls. Mr. Bustos asked if this would still meet the minimum structural requirement. Mr. Cave answered in the affirmative. Mr. Bustos asked if the wall sections would be as strong as a typical wall section. Mr. Cave answered that the minimum wall section requirements would have to be met.

*Mr. Brimmer moved to recommend to the Town Council approval of the text amendment as presented. Ms. Whitley answered in the affirmative. All in favor.*

#### **4. Update regarding growth management plan and possible building permit allocation system**

Mr. Ulma reviewed the request with the Committee.

Mr. Bustos asked about townhomes and stated that with the previous allocation system they were considered multi-family in order to complete the entire units and suggested that this should be considered for this program. He suggested that the allocation system should be implemented.

Mr. Brimmer asked if there is an allowance to have it in place for a portion of the Town as opposed to a Town-wide system. Mr. Ulma answered that there might be a way to apply the allocation within zones where infrastructure is in place, but this would need legal review. Mr. Brimmer asked if there are any legal issues that should be considered moving forward. Mr. Pagliarini answered there should be a rational basis and reasoning for establishing the allocation and not an arbitrary set of standards. He stated that once a plan is determined, staff would provide a legal review to determine that it meets those rational standards. Mr. Brimmer suggested that the rationale and logic should be determined. He suggested that there should be a trigger for ending the program as well as beginning the program. Mr. Ulma stated that these types of triggers can be included in the allocation system. Mr. Brimmer asked about financial impacts. Mr. DeMoura answered that this has been initially reviewed, but once a more concrete plan is determined, then a more exact financial impact could be determined.

Ms. Whitley asked if there would be an expiration of permits. Mr. Ulma answered in the affirmative and stated that this would be a consideration in drafting the plan so that the project provided the building permit was moving forward. Ms. Whitley asked if this would be a first come, first serve system. Mr. Ulma answered in the affirmative and suggested that this would be easier to administer as opposed to a quarterly allocation. Ms. Whitley asked how it was administered in the past. Mr. Ulma answered that it was done on a quarterly allocation basis. Mr. DeMoura answered that previously the quarterly allocation was very tedious to administer.

Mr. Bustos stated that with the previous allocation system, the individual homeowner was given precedence over a track builder.

Ms. Whitley asked if only Carolina Park and Liberty Hill were the only developments with a development agreement. Mr. DeMoura answered in the affirmative. Ms. Whitley asked if Liberty Hill has requested delaying construction. Mr. DeMoura answered in the affirmative and stated that staff is working on this.

Mr. Bustos suggested that there should be allocation immediately implemented. He suggested that there is justification to implement an allocation program such as traffic, lack of infrastructure, issues with Highway 41 and timing of Highway 41 improvements, and drainage issues. He suggested that implementing a 1.5%-2% growth rate with 700 permits being annually allocated should be considered and would be manageable. He suggested that there should be a moratorium on issuance of building permits until the allocation program is implemented.

Ms. Whitley asked if the moratorium should be in place for all development. Mr. Bustos answered in the affirmative. Ms. Whitley asked how long moratorium would be in place. Ms. Farrell answered that with using the previous program as a foundation, it could be accomplished sooner or approximately 60 days. Mr. Ulma stated that it would require a public hearing by the Planning Commission.

Mr. Brimmer stated that he is not in favor of a moratorium, but if for a couple of months, he could be in favor of it. He stated that affordable housing should be exempted. He asked if ADUs would be included. Mr. DeMoura answered that ADUs were not included in the figures previously presented, but could be included in the allocation system if desired.

Ms. Whitley suggested that this should be presented at Town Council to ensure there is support for implementing an allocation system and implementing a moratorium.

Mr. Bustos suggested that staff bring back a recommendation to the August Committee meeting for the Committee to make a recommendation to Town Council.

Ms. Whitley stated that she would like to see a comparison with other similar municipalities and how they handle growth or if they utilize a similar growth rate.

Mr. Bustos suggested that there would not be a fair comparison because the issues a particular municipality has could be different from the Town. Ms. Whitley suggested that school population should be considered as well.

Mr. Brimmer agreed and stated there should be some justification and information provided on how the number of permits that would be issued under the allocation system would be determined. Ms. Whitley agreed and stated that it could be that a lower number of permits should be issued.

Mr. Brimmer asked about redevelopment and that this should be considered for exemption from the allocation program. Ms. Farrell stated that redevelopment projects were exempt under the previous allocation program.

Ms. Whitley also asked that the financial impact should be determined and brought back to the Committee for information as well. Mr. Brimmer agreed and stated that there could be a financial impact that would affect the construction of necessary infrastructure.

Mr. Bustos stated that at some point impact fees and growth should not be solely relied on to provide revenue for the Town. He suggested that the Town should consider other revenue streams to be more self-sufficient.

## **5. Review of annexation and initial zoning district designation**

Mr. Ulma reviewed this issue with the Committee.

Mr. Brimmer state that this was initially brought up because of having annexations with zoning recommendations that were not consistent with the Comprehensive Plan designation. He stated that there should be consistency between the Comprehensive Plan and requests. He suggested that the annexation and zoning should be done sequentially as opposed to concurrently to ensure more consistency. He suggested that those desiring annexation should understand the implications of what is being requested as well as what the Town's goals are for that particular property upfront to avoid later complications.

Mr. Bustos asked for clarification. Mr. Brimmer answered that if requesting annexation, the zoning for the requested property should be consistent with the

Comprehensive Plan and if a different zoning is desired, then this should be justified.

Ms. Whitley suggested that the zoning should be determined at the time the annexation is requested rather than sequentially to avoid the issue of annexation being pulled because the zoning is denied. Mr. DeMoura stated that the annexation would be determined and then the zoning requested and considered. Mr. Ulma stated that the timing would be reviewed by staff. He stated that it could be brought in with the lowest level of intensity of zoning as recommended by the Comprehensive Plan.

Mr. Brimmer asked if an amendment has been considered. Mr. Ulma answered that staff needs to know if it is appropriate to move forward with the amendment. Mr. Brimmer asked if the Planning Commission could review annexation requests along with the zoning requests. Mr. Ulma answered that state law does not provide a mechanism for the Planning Commission to have purview over annexations; it is a Town Council function. Mr. Brimmer suggested that staff should be directed to move forward with a text amendment to address these issues.

Ms. Whitley suggested that the zoning should be designated at the time of annexation. Mr. Bustos agreed and stated that having the default zoning be the least intensive of the Comprehensive Plan recommendation should be considered.

*The Committee agreed that staff should move forward with the text amendment.*

There being no further business, the meeting adjourned at 10:58 am.

Submitted by,  
L. Lynes  
SpPlanComm07162018



**PLANNING & DEVELOPMENT  
COMMITTEE OF COUNCIL**

July 16, 2018  
Special Meeting

2. CONTINUED DISCUSSION ON A PROPOSAL TO AMEND THE VEGETATION AND TREE PROTECTION DIVISIONS OF CHAPTER 156 AND AMEND THE LAND DEVELOPMENT REGULATIONS CHAPTER 155 OF THE MOUNT PLEASANT CODE OF ORDINANCES, PERTAINING TO BUFFERYARD REQUIREMENTS, SPECIAL BUFFERYARDS INCLUDING THE CRITICAL LINE BUFFER, TREE PROTECTION, REMOVAL AND REPLACEMENT REQUIREMENTS, AND OPEN SPACE REQUIREMENTS

## 2. VEGETATION AND TREE PROTECTION

Staff is moving forward with Draft Text Amendments as follows:

### **Zoning Code Text Amendments (Chapter 156)**

-To implement Planning Commission Recommendations, including 50-foot Critical Line Buffer, requirement to plant 50 percent native species, and a minimum 160-inches retained on new subdivisions

### **Land Development Regulations (LDR's) Amendments (Chapter 155)**

-Create a Greenspace Preservation and Protection Plan to create the following:

1. A new section (155.054) added called the Greenspace Preservation and Protection Plan. This new section will define the intent and purpose, as well as lay out standards for new developments.
2. New section 155.054 will establish requirements and standards for new developments 3 acres and larger, to include the following:
3. Tree and Topographical Plan: to show property boundaries, important natural and drainage features, protected trees, and wetland and critical areas;
4. Street Frontage Areas of Preservation: to require a 25-foot natural and undisturbed buffer along collector and entry roads; and
5. Internal Areas of Preservation: to require a minimum of 30 percent be used for preservation.

**STATUS:** Staff is finalizing draft ordinances to meet the following schedule:

- Present draft ordinances to Planning Commission for a Public Hearing (Zoning Code amendments) at their July 18<sup>th</sup> meeting
- Present to Planning Committee at their August 6<sup>th</sup> meeting
- Present to Council at their August 14<sup>th</sup> meeting for LDR Amendments Public Hearing and first reading, with final reading in September

## 3. CHANGE TO CHAPTER 152, FLOOD DAMAGE PREVENTION, ALLOWING FOR FLEXIBILITY FOR ELEVATED BUILDINGS RELATED TO SEISMIC DESIGN

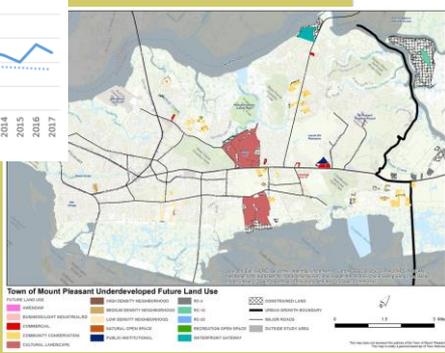
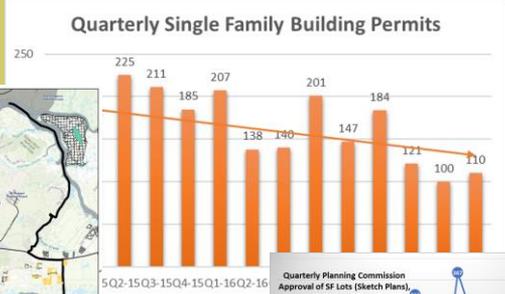
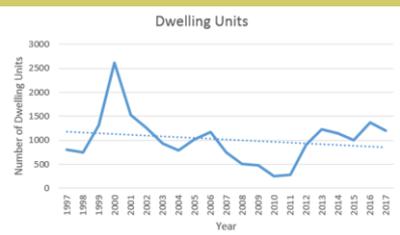
Proposed Changes to Chapter 152, Section 152.23(C) "Elevated buildings..."

Add new paragraph 152.23(C)(3) to read as follows:

(3) Solid structural wall sections may be utilized below elevated buildings for the purposes of developing shear capacity for lateral resistance as required by the adopted building codes. The location of solid structural wall sections must be such that compliance with paragraph (1) above is maintained.

Re-label paragraphs 152.23 (C)(3) and (4) to 152.23 (C)(4) and (5).

# 4. UPDATE REGARDING GROWTH MANAGEMENT PLAN AND POSSIBLE BUILDING PERMIT ALLOCATION SYSTEM



INFORMATION ABOUT GROWTH, DEVELOPMENT TRENDS, RATES PREVIOUSLY PROVIDED

## POTENTIAL RESIDENTIAL BUILDING PERMIT ALLOCATION: SYSTEM DESIGN CONSIDERATIONS

### SYSTEM DESIGN CONSIDERATIONS

- Timing/Trigger for implementing/enacting
- Rate of growth/number of permits
- Applicability
  - Projects covered by Development Agreements
  - Types/categories of dwelling units
  - Potential exceptions
- System phase-in mechanism
- Expected duration of program

## REFERENCE INFORMATION

### ESTIMATED PERMITS FROM PROJECTS APPROVED UNDER DEVELOPMENT AGREEMENTS



#### Carolina Park

- 700 SF units left to be permitted
- Average SF permits issued per year = 139

#### Liberty Hill Farms (see table)

→ 140 units + 80 units = 220 units

(C) During the Term of this Agreement, and notwithstanding the number of lots contained in any single phase of development, the Developer agrees to voluntarily limit the total number of building permits issued for the Property as follows:

Time Period	Number of Building Permits	Aggregate Number
Agreement Date to 1 <sup>st</sup> Anniversary	0	0
1 <sup>st</sup> Anniversary to 2 <sup>nd</sup> Anniversary	70	~80
2 <sup>nd</sup> Anniversary to 3 <sup>rd</sup> Anniversary	90	
3 <sup>rd</sup> Anniversary to 4 <sup>th</sup> Anniversary	90	250
4 <sup>th</sup> Anniversary to 5 <sup>th</sup> Anniversary	80	330

Should less than the allowable number of building permits be obtained during any time period, the unused building permits may be carried forward to the subsequent time periods. Developer agrees that the foregoing allocation shall in no way impact the ability to plat lots, and shall only control the number of available building permits.

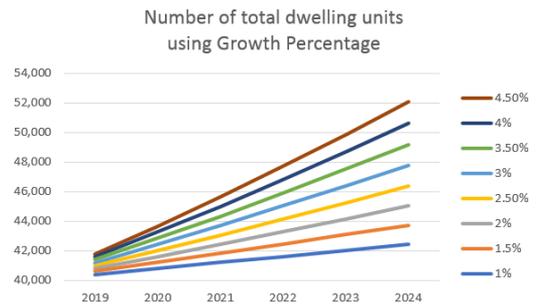


# GROWTH RATES/SCENARIOS

- Assume 40,000 dwellings units by the end of 2018
- 2018 Projected Growth Rate: 3.6 to 4.6% (with number of units currently permitted)

Scenario: Applying a % Growth Rate To Project Future Units, 2019 to 2024

Year	1.00%	1.50%	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%
2019	40,400	40,600	40,800	41,000	41,200	41,400	41,600	41,800
2020	40,804	41,209	41,616	42,025	42,436	42,849	43,264	43,681
2021	41,212	41,827	42,448	43,076	43,709	44,349	44,995	45,647
2022	41,624	42,455	43,297	44,153	45,020	45,901	46,794	47,701
2023	42,040	43,091	44,163	45,256	46,371	47,507	48,666	49,847
2024	42,461	43,738	45,046	46,388	47,762	49,170	50,613	52,090

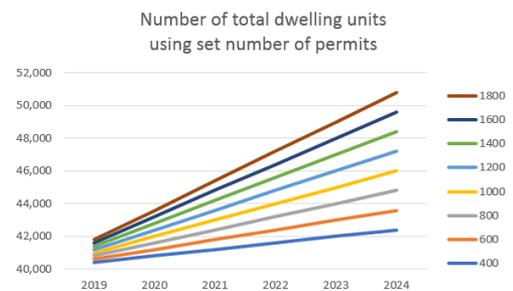


# GROWTH RATES/SCENARIOS

- Assume 40,000 dwellings units by the end of 2018
- 2018 Projected Growth Rate: 3.6 to 4.6% (with number of units currently permitted)

Scenario: Applying a Fixed Number of Permits To Project Future Units, 2019 to 2024

Year	400	600	800	1000	1200	1400	1600	1800
2019	40,400	40,600	40,800	41,000	41,200	41,400	41,600	41,800
2020	40,800	41,200	41,600	42,000	42,400	42,800	43,200	43,600
2021	41,200	41,800	42,400	43,000	43,600	44,200	44,800	45,400
2022	41,600	42,400	43,200	44,000	44,800	45,600	46,400	47,200
2023	42,000	43,000	44,000	45,000	46,000	47,000	48,000	49,000
2024	42,400	43,600	44,800	46,000	47,200	48,400	49,600	50,800



## ONE EXAMPLE: 700 UNIT ALLOCATION

Year	Single Family	Multi-Family	Development Agreements	Atlantic	Annual Units	With Prior Approvals		Without Prior Approvals	
						Total Units	Annual Growth Rate	Total Units	Annual Growth Rate
						2018			
2019	600	100	219	224	1143	41143	2.86%	40700	1.75%
2020	600	100	219		919	42062	2.23%	41400	1.72%
2021	600	100	219		919	42981	2.18%	42100	1.69%
2022	600	100	219		919	43900	2.14%	42800	1.66%
2023	600	100	219		919	44819	2.09%	43500	1.64%
	3000	500	1095	224	4819				
							2.30%		1.69%
							Average		Average

Some suggested components:

Use full-year allocation, not quarterly; MF units = 1<sup>st</sup> come, 1<sup>st</sup> served & can be accumulated

- Timing/Trigger for implementing/enacting
- Rate of growth/number of permits
- Applicability
  - Projects covered by Development Agreements
  - Types/categories of dwelling units
  - Potential exceptions
- System phase-in mechanism
- Expected duration of program

## DISCUSSION/COUNCIL DIRECTION

Next Steps?

## 5. REVIEW OF ANNEXATION AND INITIAL ZONING DISTRICT DESIGNATION

- Requested to investigate determination of appropriate zoning district upon annexation of property
- Presently designate the district in conjunction with annexation based upon request by applicant or assignment:
  - Per Comprehensive Plan (i.e., “Conservation” areas → RC, CC, etc.; C-RO, Conservation Recreation Open Space)
  - Per Zoning Code by default all other properties → R-1
- Concern that default district may not correspond to the Comprehensive Plan future land use

## 5. REVIEW OF ANNEXATION AND INITIAL ZONING DISTRICT DESIGNATION

- Considerations:
  - The Future Land Use map is a guide; the Comprehensive Plan has different elements such as transportation, natural resources, and housing components that should be considered as well when zoning property
  - Future land use plan map has broad categories where several zoning districts may “fit”
    - Example: There is one “commercial” category on the land use map yet there are multiple commercial zoning districts



- ✓ NC, Neighborhood Commercial
- ✓ AB, Areawide Business
- ✓ AB-2, Areawide Business-2

## 5. REVIEW OF ANNEXATION AND INITIAL ZONING DISTRICT DESIGNATION

- Considerations (cont.):
- Some owners are not prepared to request ultimate district
  - Property Tax implications
- Creation of nonconforming uses (e.g., existing residence zoned commercial)
- Options:
  - Process to handle annexation and zoning sequentially versus concurrently
  - Require a zoning request with all annexation petitions (no automatic zoning)
- Council guidance being sought



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