

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES**

Monday, October 14, 2019

A regular meeting was held at 6:00PM, this date, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Gary Visser (Chair), Sydney Cook (Vice-Chair), Charlie Cole, Carl Hubbard and David Peterseim. Staff members: Joe Henderson, Director of Planning and Lisa Darrow, Asst. to Administrator.

Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law, and all Commissioners were present except Hal Currey and Manda Poletti. No public or media present.

I. APPROVAL OF AGENDA – approved as presented

II. APPROVAL OF MINUTES – September 11, 2019

MOTION: Mr. Cole moved to approve the September 11, 2019 minutes as presented; seconded by Mr. Peterseim. MOTION UNANIMOUSLY PASSED.

III. PUBLIC INPUT – no written correspondence received

IV. ITEMS FOR CONSIDERATION

- 1. Public Facilities (PF) Zoning District: Consideration of establishing an institutional or governmental zoning district to accommodate federal, state, local and quasi-governmental owned and used properties island-wide.**

Staff Report: (Director Henderson) – see Exhibit A (Staff Report)

Brief background of topic:

Commission continues discussion of this topic for a third meeting (see August 14, 2019 and September 11, 2019 minutes). The Land Use & Natural Resources Committee of Council recommended the Planning Commission study this potential zoning district as it was mentioned as a strategy in recently adopted Comprehensive Plan 2018-2028 Needs & Goals.

There are two reasons to consider the PF Zoning District:

- 1.) There are town-owned parcels that have ambiguous/no zoning designation: the current Town Hall/J. Marshall Stith Park campus (TMS#529-005-00-036) and land parcels that include, in part, the Sullivan’s Island Elementary school campus (TMS# 529-09-00-068 and 0681).
- 2.) The PF Zoning District provides an opportunity for Council to define uses and restrictions for public owned and operated parcels.

Thereafter Staff and Commission reviewed Town Attorney Larry Dodds’ responses to Commission’s questions from the September 11, 2019 meeting (see Staff Report-Exhibit A).

Commission Discussion:

1. **Characteristics for properties to be potentially included in the Public Facilities Zoning District**

- Director Henderson noted that not all Town owned parcels need to be included in a Public Facilities Zoning District. Referred to Town Attorney Dodds' recommendation against incorporating small, non-contiguous, isolated parcels of Town owned property located within residential blocks.
- Commission thereafter discussed spot zoning, definition and examples.
 - **Chair Visser noted Commission would return to discussion of specific government owned parcels later in this meeting.**

2. **Non-Profits:**

Commission questioned the need to reference non-profits organizations in conceptual ordinance language in the Staff Report/Exhibit A, specifically Z.O. Section 21-77(A), Purpose.

- Noted not all non-profits are the same, particularly in terms of purpose and civic focus.
- Questioned why non-profits would need to be mentioned in the "Purpose" clause as there would not be a condition where the Town would sell a land parcel to a non-profit organization.
 - **Directed staff to strike "...or nonprofit organizations..." as this language was unnecessary and could be confusing**

3. **Permitted and Conditional Uses:**

Commission questioned need for exhaustive list of permitted and conditional uses (Exhibit A: Z.O. Section 21-78, Table 1.1). There are fifteen (15) enumerated use categories in Table 1.1.

- Vice-Chair Cook noted that, as a lawyer, she does not generally favor efforts to establish exhaustive lists. These lists can create future legal problems for the Town.
- It was noted Council currently approves, and would approve in the future, allowed uses and events on Town owned property. This approval would be on a case-by-case basis.
- It was noted that some commercial activity is allowed on current parcels, citing the small group of tennis lesson and fitness instructors in J. Marshall Stith Park as examples. If the Town wanted to retain these services for the residents' benefit, item #15 of Table 1.1 should include language that allows 'for profit' activity, as approved by Town Council.
 - Commissioners noted for-profit events like youth camps and classes, for the residents' benefit, is quite different from other forms of business/for-profit activities.
 - Commissioners noted Town Council would have final authority to define what is considered acceptable 'for profit' activity on government owned parcels.
- Commission suggested that #1 and #15 on the fifteen-item list would provide sufficient information on permitted and conditional uses, while providing Town Council flexibility in the future.
 - **Directed staff to strike thirteen (13) of fifteen (15) enumerated categories in Table 1.1., retaining only the first and last items (items #1 and #15), to read as follows:**

Table 1.1 Permitted and Conditional Uses - REVISED

Land Use	PF
Publicly owned buildings such as Town Hall, fire station, police department, administrative buildings, libraries, museums, storage buildings, public safety training facilities, and similar structures	P
Community or civic events and services such as music or theater performances, holiday events, farmers markets and any similar events. Such activities and events may be for fundraising and/or not-for-profit, provided said activities and events are reviewed and approved, on a case-by-case basis, by Sullivan’s Island’s Town Council.	C

[Table Legend: P= Permitted Use; C=Conditional Use]

Chair Visser asked Commissioners to provide guidance whether they wished to continue discussion and study of this zoning district, with the goal of making a recommendation on the zoning district concept to the Land Use and Natural Resources Committee of Council, or Council in general.

All Commissioners expressed the desire to continue discussions, but no formal motion was made.

4. Potential Properties for Inclusion in a Public Facilities Zoning District

Commission returned to earlier discussion regarding the characteristics of properties that should be included in the proposed zoning district.

Properties staff recommends for inclusion in Public Facilities Zoning District (Exhibit A, Staff Report):

- a. **Town Hall Complex** (TMS#529-005-00-036) – includes Town Hall, Police Station, Fire Station, Water Department administrative offices, water treatment plant, J. Marshall Stith Park/the Mound.

Staff noted this is all located on one land parcel/one TMS designation.

- b. **Sullivan’s Island Elementary School parcel and Batteries Gadsden/Battery Thompson** (TMS# 529-09-00-068 and 0681; 529-09-00-069; 529-09-00-067 respectively) – includes elementary school, CCSD Poe Library, and Battery Gadsden historic buildings, currently under long-term lease from Town by the Battery Gadsden Cultural Center. A community garden is also located in this area.

Staff noted that, while these parcels are on separately platted lots with different TMS designations, the properties are contiguous to each other, have characteristics of a ‘campus,’ and should be included in potential zoning district.

- c. **Fort Moultrie Complex, Battery Jasper, Island Club/Fry Shack and Fort Moultrie Visitor's Center** (TMS# 523-07-00-084; 523-07-00-119; 523-07-00-086; 523-07-00-056 respectively) – includes historic Fort Moultrie and ocean front grounds, Battery Jasper, the Island Club building and adjacent Fish Fry Shack facility, plus the Fort Moultrie Visitor's center complex with public parking, visitor's center building, and grounds overlooking the marsh/intracoastal waterway (ICW).

Staff noted that, like the elementary school and Batteries Gadsden/Thompson parcels, this groupings' parcels have different TMS designations, but are contiguous to each other and should be in the zoning district.

Other properties considered by Commission for potential zoning district inclusion:

a. Thomson Park, Breach Inlet

Director Henderson noted the Thomson Park pocket-park monument is on non-platted right-of-way owned by SC Department of Transportation

b. Deep-well Water Tower (TMS#529-06-00-116)

Chair Visser noted that this long wedge-shaped parcel touches upon multiple streets: bounded by Quarter Street, Jasper Boulevard, Middle Streets, Station 24 Street and Station 25 Street. Chair Visser noted the parcel includes Town assets that he submits will always be present, namely the tall water tower and deep well water tanks.

c. Two Historic Cemeteries (TMS#529-09-00-113 and 529-05-00-013)

First cemetery is located at the Town entrance off of Ben Sawyer Bridge via Stith Causeway/SC703 (TMS# 529-09-00-113);

Second cemetery is located marsh/ICW front bounded by Myrtle Avenue, Station 22 Street and Patriot Street (TMS#529-05-00-013)

Commissioner Peterseim submitted the cemeteries would remain in perpetuity and remains would not be removed/relocated.

Commission asked whether inclusion of these parcels would be considered 'spot zoning.'

- o **Directed staff to obtain Town Attorney Dodds' opinion on inclusion of aforementioned parcels, particularly as it relates to potential spot-zoning**

5. Sale of Government-owned Land to Private Owners: Converting Zoning Designation

Commissioners discussed language articulated in North Augusta zoning ordinances (see Exhibit A, Staff Report) that required automatic conversion of government owned land to another zoning designation when land was sold to private owners. Commissioners noted North Augusta language states this land designation "shall be rezoned....," and questioned if Sullivan's Island could include similar language.

- o **Directed staff to obtain Town Attorney Dodds' opinion on including language that would require automatic Town review/rezoning of Public Facilities property to residential (RS) zoning, in the event a private/non-governmental party purchased a Public Facilities zoned parcel.**

No Commission action taken or recommendations made. Item will remain on agenda for the November 13, 2019 meeting at which time Staff will offer additional legal advice from Town Attorney Dodds and present revisions to the draft conceptual zoning ordinance language as discussed this evening.

Commissioners noted that this study/discussion will likely result in a recommendation to the Land Use & Natural Resources Committee of Council, the body that initiated Commission to study this land use concept. Commissioners did note they had the authority to initiate a formal public hearing process to draft amendments to the Town's zoning ordinance, and offer recommendations on the same directly to Town Council. Commission will discuss next steps on this topic after further deliberation at the November meeting.

Next meeting: (6:00PM) Wednesday, November 13, 2019 with continuation of tonight's agenda item IV(1).

There being no further business, the meeting adjourned at approximately 7:06PM (Mr. Hubbard moved; Ms. Cook seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the November 13, 2019 Planning Commission Meeting



Town of Sullivan's Island

PLANNING COMMISSION

STAFF REPORT

To: Planning Commission
From: Joe Henderson, AICP Planning Staff
Meeting Date: October 14, 2019 (Monday)
Topic: Public Facilities Zoning District

REQUESTED ACTION:

Planning Commission consideration of a new zoning district to accommodate public facilities and governmental uses. New zoning district regulations would include a new chapter of the Zoning Ordinance and accommodate properties owned and used by federal, state, local and quasi-governmental agencies (county schools district).

ENCLOSURES:

- 9-11-19 Draft language for potential new “Public Facilities District”
- Existing Zoning map showing the unzoned governmental properties
- Draft Zoning map illustrating potential locations for the new district

BACKGROUND:

On September 11, 2019, Town staff presented draft ordinance language at the direction of the Planning Commission in response to a stated goal and objective of the recently updated *Comprehensive Plan 2018-2028*. This objective is found in the Land Use section of the appendix under LU1.4, which recommends “consideration of an institutional or governmental zoning district to properly separate more intensive uses from residential properties by way of zoning standards.” [page 150, Land Use Goals and Objectives].

During the September 11th discussion, Commissioners posed several questions related to a new district. The following answers were provided to staff during a meeting with Larry Dodds (Town’s attorney on land use matters and use of Town owned properties).

1. Provide a legal assessment for establishing a Public Facilities (PF) Zoning District (provide benefits and drawbacks).
 - **Benefits- A new PF Zoning District would codify zoning standards for existing and anticipated governmental properties. This district would also align existing uses with the Comprehensive Plan’s Existing Land Use Map. Only the properties that have always been used for governmental and civic use would qualify for the PF district.**

There are three potential areas of longtime government use: 1) Town Hall Complex 2) Sullivan's Island Elementary School and Batteries Gadsden/ Thompson 3) Fort Moultrie Complex, Battery Jasper, Island Club/Fry Shack and Fort Moultrie Visitor's Center.

- **Drawbacks- You would need to be careful when selecting the properties to designate as PF District. To avoid spot zoning, only select governmental properties used for public purposes to create a larger contiguous district. Small isolated government used and owned parcels within residential areas should remain RS (old Town Hall, pump stations, water tower, cemeteries, vacant properties, etc.).**
2. If a zoning change is made from RS (residential) to PF, and the property is sold, would this new zoning prohibit a property to be sold from a governmental ownership to private buyer (example of Old Town Hall)?
- **It would not prevent private purchase, however, if purchased by a private owner the property should be rezoned back to RS. This should be written in the regulations.**
3. It is understood that the Town Hall Complex and SIES are unzoned. If these properties remain unzoned, would this allow for Farmers' Markets, fundraisers, commercial business?
- **Yes, Town Council would continue to allow special events on the unzoned properties as they always have.**
- Could these events be allowed if the Town's complex is changed to RS?
- **No, the Town cannot be more permissive with Town events on government owned RS properties than with privately owned properties in the RS district. Equal protection issues may arise. The Town will continue to prohibit community events and conditional uses in the RS district.**
4. If rezoning is not an option could the Zoning Ordinance be changed to allow the following?
- **Fences for Buffering: Could we amend the ZO to allow RS properties the ability to build higher fences based upon being contiguous/adjacent by sharing property line.**
 - **Yes, this could be written into the ZO to allow higher fences for properties adjacent to government uses.**
 - **Special Events: Could we amend the ZO to allow Town owned properties the ability to have special events and other civic uses in the RS approvable by Council?**
 - **No, it would not be appropriate to allow special events and community activities on a Town owned property zoned RS district and not permit the same activities on a privately-owned lot. Equal protection issues may arise.**

STAFF RECOMMENDATION:

Consider the above list of questions and answers from the Town's attorney. Forward any full Commission recommendations to the LUNR Committee of Town Council for their discussion during a future meeting.

Benchmarked Jurisdictions:

Town of Summerville: Public Lands District

Sec. 32-135. - PL public lands.

https://library.municode.com/sc/summerville/codes/code_of_ordinances?nodemd=COOR_CH32ZO_ARTIIIIZODIRE

- A. **Purpose.** The purpose of this PL public lands district is to establish and preserve areas for the use of certain public purposes.
- B. **Permitted uses.** Permitted uses in the PL district shall be any governmental function which is legally authorized to the governmental agency proposing the use.
- C. **Accessory uses.** Accessory uses in the PL district are as follows: Uses on the same lot and customarily incidental to the permitted uses including, but not limited to, garages or parking structures for vehicles, off-street parking and loading zones, storage facilities, radio tower and transmission facilities, water towers and sewage pumping facilities.
- D. **Area and yard requirements.** There are no minimum lot sizes or setback requirements within the property to be developed in the PL district; however, the overall site plan must be approved by town council. Any lot created under this PL zoning district must observe the minimum lot frontage of 50 feet.
- E. **Signs.** Sign regulations for the PL district are found in article VI of this chapter.
- F. **Parking requirements.** Parking requirements for the PL district are found in article VII of this chapter.
- G. **Building design and site plan review.** Building design and site plan review for the PL district are as follows:
 - (1) Maximum building height: As approved by town council.
 - (2) Maximum impervious surface area: As approved by town council.
 - (3) See article VIII of this chapter for site plan review requirements.

North Augusta: Public Use District

3.6.4 P, Public Use District

<https://www.northaugusta.net/Home/ShowDocument?id=14807>

3.6.4.1 Purpose –

The purpose of this district is to provide suitable locations for land and structures in the city of North Augusta used exclusively by the city of North Augusta, Aiken County, the State of South Carolina, the United States, or other governmental jurisdictions and their instrumentalities; and as such shall be used in accordance with such regulations as may be prescribed by the government or instrumentality thereof using the property. This district is also applicable to land owned by public utilities and public service providers of water, sewer, electricity, natural gas, telephone, cable and internet and improved or utilized for the delivery of the public service (power generating or transforming stations, transmission and distribution lines and facilities, switching stations, etc.). Property owned by public utilities and utilized primarily for office, customer service or retail sales is not appropriate for the Public Use district. If Public Use zoned property is sold to a private individual or individuals, such property shall be rezoned to a classification that is compatible with the surrounding area. (Rev. 12-1-08; Ord. 2008-18)

3.6.4.2 Applicability –

A P, Public Use District, designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P, Public Use District designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

3.6.4.3 Permitted Uses –

The uses listed in Table 3-7 are permitted in the P, Public Use District, subject to the issuance of a conditional use permit as required by Article 5, Approval Procedures. Public lands that are reserved or designated for environmental protection, open space or other natural state should be zoned in the CR, Critical Areas District, rather than the P, Public Use District.

3.6.4.4 Procedures –

A site plan is required for uses permitted in the P, Public Use District, to the extent required by law. The site plan may be submitted concurrent with an application for rezoning. However, the Planning Commission and City Council may attach additional conditions to the approval of the district subject to a development agreement. In lieu of the application submittal requirements specified in Article 5, Approval Procedures, the applicant for rezoning to a P, Public Use District, shall address each of the review criteria of this section in their application materials.

3.6.4.5 Standards and Review Criteria

3.6.4.5.1 Review Criteria for Rezoning –

In reviewing an application for a proposed P, Public Use District, City Council shall consider the following:

- (a) Inter-jurisdictional Analysis – A review to determine the extent to which an inter-jurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a citywide, countywide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.
- (b) Financial Analysis – A review to determine if a negative financial impact upon the City of North Augusta can be reduced or avoided by intergovernmental agreement.
- (c) Special Purpose Districts – When the public facility is being proposed by a special purpose district including a school district, the city should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.

Article VI. PUBLIC FACILITIES ZONING DISTRICT (PF)

Sections:

Sec. 21-77. Purpose and Applicability.

Sec. 21-78. Permitted and Conditional Uses.

Sec. 21-79. Development Standards.

Sec. 21-77. Purpose and Applicability.

A. Purpose. The Public Facilities (PF) Zoning District is intended to provide area for buildings and facilities that are owned and operated by Federal, State, or local governments, public utilities, special districts, or nonprofit organizations which are used to provide governmental or public services. This zone also provides for school sites, public park and recreational facilities, natural areas, trails, wetlands, and similar types of open space owned and managed by a local government.

B. Applicability. The PF Zoning District is identified on the Town of Sullivan's Island Official Zoning Map. The properties identified within the PF Zone shall comply with the provisions of this chapter.

Sec. 21-78. Permitted and Conditional Uses.

A. Permitted Uses. The land uses listed in Table 1.1 are permitted or conditionally allowed in the PF Zoning District, subject to the provisions of this code.

B. Conditional Uses. The land uses listed in Table 1.1 are conditionally allowed in the PF Zoning District by way of Town Council and administrative staff approval.

C. Existing Uses. Uses and structures lawfully established under previously effective land use regulations may continue within the Public Facilities Zone subject to the requirements of [Article XVI. Nonconformities](#).

Key to Permitted and Conditional Uses

P = Permitted

C = Conditional Use

SI Planning Commission, September 11, 2019:
 Draft Language for potential Public Facilities Zoning District

Table 1.1 Permitted and Conditional Uses

Land Use	PF
Publicly owned buildings such as Town Hall, fire station, police department, administrative buildings, libraries, museums, storage buildings, public safety training facilities, and similar structures	P
Public parks, playgrounds, community swimming pool, skateboard park, pedestrian/bicycle trails and similar public recreation facilities.	P
Publicly owned and operated community meeting halls open to, and used by, the general public	P
Public reservoirs, well sites, pump stations, utilities (above ground), and similar utility buildings or structures	P
Institution of higher education	P
Schools	P
Trails, natural areas, open space, future park sites, and similar passive recreational areas with minimal improvements	P
Accessory uses and buildings customarily used to support a permitted use or an approved conditional use	P
Minor repairs and maintenance to any permitted or conditional use	P
Parking lots and parking areas serving the general public	P
Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies	C
School special events operated by the Charleston County School District	C
Ball fields, sport complexes, and similar outdoor recreational areas that have night lighting or amplified sound systems	C
Wireless and broadcast communication facilities	C
Community or civic events and services such as music or theater performances, holiday events, farmers markets and any similar events. Such events may be for fundraising or not-for-profit provided said event is reviewed and approved by Sullivan’s Island’s Town Council.	C

SI Planning Commission, September 11, 2019:
Draft Language for potential Public Facilities Zoning District

Sec. 21-79. Development Standards.

Development standards provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

Table 1.2 Development Standards

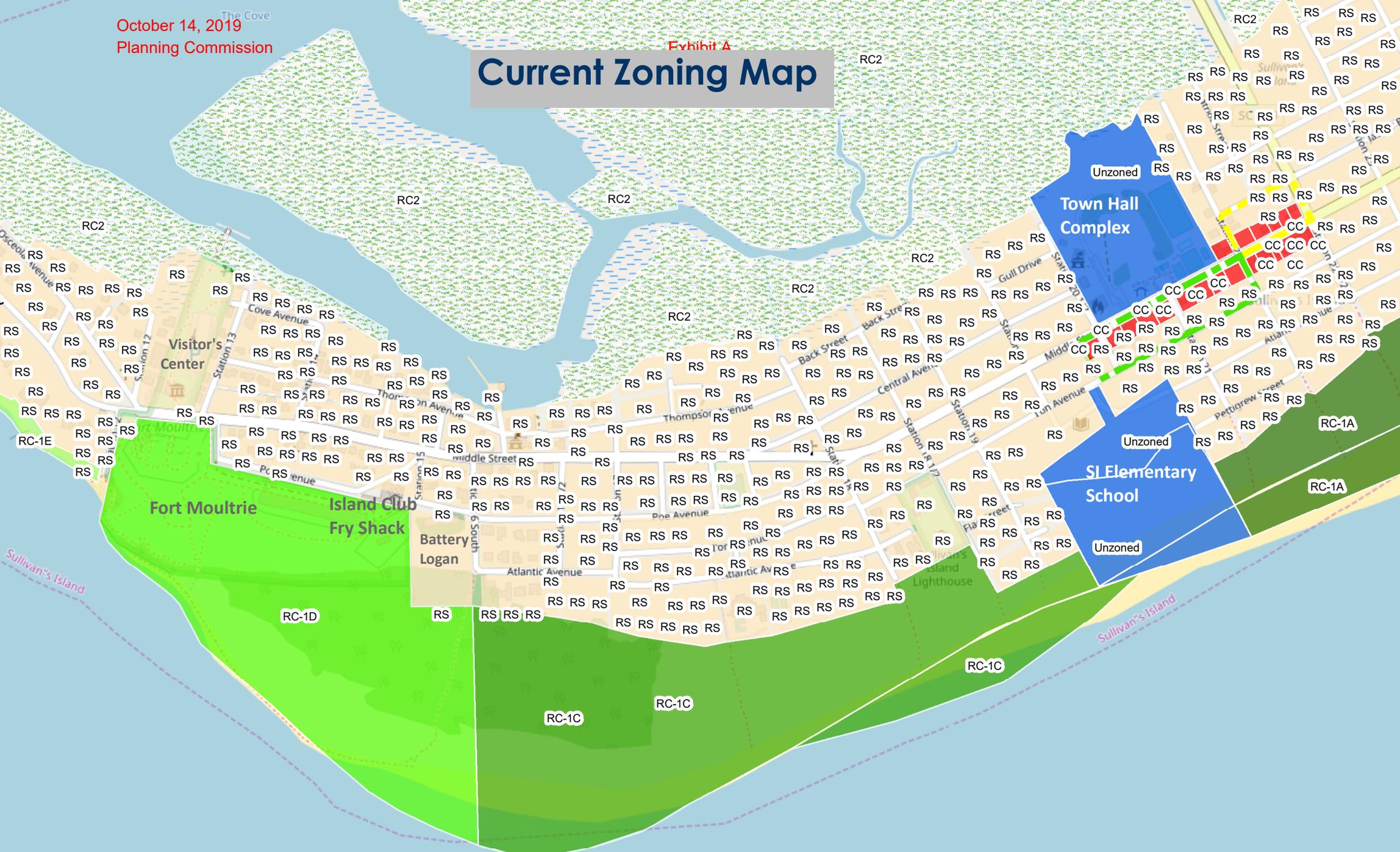
Standard	PF
Lot Area	No requirement
Lot Width	No requirement
Lot Depth	No requirement
Front Yard Setback	None, except when abutting to a residential zone (RS District), then the front yard setback to a building or parking area shall be the required setback of the abutting Residential Zone.
Side and Rear Yard Setback	None, except when abutting a residential zone (RS District), then the side or rear setback to a building or parking area shall be the required setback of the abutting Residential Zone.
Building Height	As approved by Town Council.
Maximum Impervious Coverage	As approved by Town Council.

A. Other Applicable Requirements.

Town administrative staff shall review all development to ensure compliance with applicable building codes, ADA regulations, fire codes and requirements of the Town's Code of Ordinances.

B.

Current Zoning Map



Public Facilities District: Areas of Government Use

