

**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, November 13, 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 Amanda Poletti. 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 David Peterseim. Three members of the public present (no media).

I. APPROVAL OF AGENDA – approved as presented

II. APPROVAL OF MINUTES – October 14, 2019

MOTION: Mr. Cole moved to approve the October 14, 2019 minutes as presented; seconded by Vice-Chair Cook. MOTION UNANIMOUSLY PASSED.

III. PUBLIC INPUT – no written correspondence received

IV. SUBDIVISION/LOT LINE ADJUSTMENT

- 1. 932 Middle Street Alley Transfer (TMS# 523-06-00-014): John and Emily McNeely, owners of 932 Middle Street, request approval to add .015 acres of land from 927 Osceola Avenue (TMS# 523-06-00-015) in accordance with Z.O. Section 21-12 and Sullivan's Island Code of Ordinance Sections 17-9 and 17-10.**

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

John & Emily McNeely, owners 932 Middle Street, seek to add 0.015 acres (641sft) of marsh front alley strip to their land parcel from 932 Osceola. The alley strip has created a flag lot configuration for 927 Osceola, currently owned by William Want. Both lot owners have expressed support for the alley land transfer and are present in the audience.

Director Henderson noted that the lot subdivision, should the Commission approve it, will further reduce the lot size of 927 Osceola that is currently under .50 acres (current lot size is 0.454 acres), in conflict with requirements under Z.O. 21-12. The subdivision would eliminate the flag lot configuration for 927 Osceola and bring this parcel into a rectangular shaped lot, as required under Z.O. Section 21-12.

Chair Visser asked Mr. McNeely and Mr. Want if they wished to offer any comments.

Applicant Comments:

Mr. McNeely noted he is a recent owner of 923 Middle Street and his family assumed the alley parcel was part of their lot. Installation of a fence on his property prompted the discussion of alley-parcel ownership transfer with Mr. Want.

Mr. Want (927 Osceola) commented that he has owned his property since 1988 and has had similar discussions with previous owners about this alley strip of land. He noted that, while he enjoys the use of this approximately 6' wide alley strip, he is amenable to selling the land to Mr. McNeely.

MOTION: Ms. Poletti made a motion for Commission to approve the transfer and subdivision of property as follows: add to 932 Middle Street (TMS#523-06-00-014) .015 acres (641 sf) of land from 927 Osceola Avenue (TMS# 523-06-00-015) in accordance with Z.O. Section 21-12 and Sullivan's Island Code of Ordinance Sections 17-9 and 17-10. This motion includes formal endorsement of a plat reflecting this transfer and for the Town's Zoning Administrator to approve said final plat.

Seconded by Mr. Cole. MOTION UNANIMOUSLY PASSED.

V. 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 B (Staff Report)

Brief background of topic:

Commission continues discussion of this topic for a fourth meeting (see August 14, 2019, September 11, 2019 and October 14, 2019 minutes). Henderson explained that the Land Use & Natural Resources Committee of Council recommended the Planning Commission study this potential zoning district as it was listed 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.

Staff recommends that the Commission forward any recommendations to the Land Use & Natural Resources Committee of Council for feedback before conducting a public hearing on the actual rezoning and new language adoption. Staff further recommends the Town conduct legal research and perform a full property ownership trace for any lots that the Commission may include in its recommendations to Council on this matter.

Staff and Commission reviewed Town Attorney Larry Dodds' responses to Commission's questions from the last meeting (see Staff Report-Exhibit B).

Commission Discussion:

Commission reached consensus that the parameters for a potential PF Zoning District, as reflected on Staff's Report (Exhibit B) are clear.

Commission reviewed a short list of properties that might be included PF Zoning District, based upon the parameters for the potential district the Commission discussed in earlier meetings.

Parcels/Properties for Potential Inclusion in PF Zoning District

- 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.

No Commission action taken; however, recommendations were made for Staff to contact National Park Service officials for their input in the PF Zoning District issue. The discussion will remain on agenda for the December 11, 2019 meeting.

2. Planning Commission Meeting Dates-2020

See **Exhibit C** for proposed calendar of 2020 meeting dates presented by Staff.

MOTION: Mr. Cole moved to approve the 2020 Planning Commission meeting dates as presented (Exhibit C); seconded by Mr. Hubbard. MOTION UNANIMOUSLY PASSED.

Next meeting: (6:00PM) Wednesday, December 11, 2019 with continuation of tonight's agenda item V(1).

Other Discussion:

Town-Owned Land Parcels

Vice-Chair Cook recommended the Commission discuss the issue of owned parcels of land with the goal of reserving some of these lots as open space. She noted the Commission discussed the issue during the development of the 2018-2028 Comprehensive Plan. She suggested that staff provide more information on the location of these lots and whether there is a priority list for sale of these lots. Henderson explained that he would forward the Commission's comments on this topic to Town Administrator Andy Benke to answer the question regarding sale of Town owned properties and could also show their locations on the GIS for the next meeting.

There being no further business, the meeting adjourned at approximately 7:08PM (Mr. Cole moved; Ms. Poletti seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the December 11, 2019 Planning Commission Meeting



Town of Sullivan's Island

PLANNING COMMISSION

STAFF REPORT

To: Planning Commission

From: Joe Henderson, Planning Staff

Meeting Date: November 13, 2019

Topic: 932 Middle Street Alley Transfer – TMS# 523-06-00-014

REQUESTED ACTION:

John and Emily McNeely, owners of 932 Middle Street, request Planning Commission approval to add .015 acres (641 square feet) from 927 Osceola Avenue (TMS# 523-06-00-015) in accordance with Sullivan's Island Code of Ordinance Section 17-9 and 17-10.

ENCLOSURES:

- Z.O. Section 21-12 (Lot subdivision, use location and calculation and measurement of areas)
- Code Section 17-9 and 17-10 (on Lot Line Changes and PC Endorsement before recordation)
- PC Plat Review Application (Information and Data Sheet)
- Proposed plat
- 1893 Sanborn Map
- 1947 Plat – showing ally originally plated to 927 Osceola
- 1987 Deed – Describing alley ownership of 927 Osceola
- 2018 Survey – 932 Middle Street



BACKGROUND:

927 Osceola has maintained ownership of the alley predating 1893, according to the earliest Sanborn Maps. Many of the marsh fronting parcels maintained these narrow strips of land to retain beach access points along Middle Street. These flag lot configurations are still clearly visible in the current parcel arrangement today. The Town's zoning regulations for lot line changes prohibit 1) elimination or creation of a lot 2) reduction of lot size below a ½ acre of land 3) reduction of lot frontage to less than 50' 4) must not prohibit access to water and sewer utilities, and 5) may not create a lot that is not generally rectangular in shape. The requested lot line change does not appear to conflict with these requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the lot line change provided it does not conflict with the requirements of Section 21-12:

- 1) does not eliminate or create a new lot
- 2) does not reduce lot size below a ½ acre of land
- 3) reduction of lot frontage to less than 50'
- 4) must not prohibit access to water and sewer utilities, and
- 5) may not create a lot that is not generally rectangular in shape.

927 Osceola Ave is currently .454 acres and already below ½ acre. If the application meets these requirements, endorse the recording of the plat by motion in accordance with Code Sec. 17-9.



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?nodeId=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.

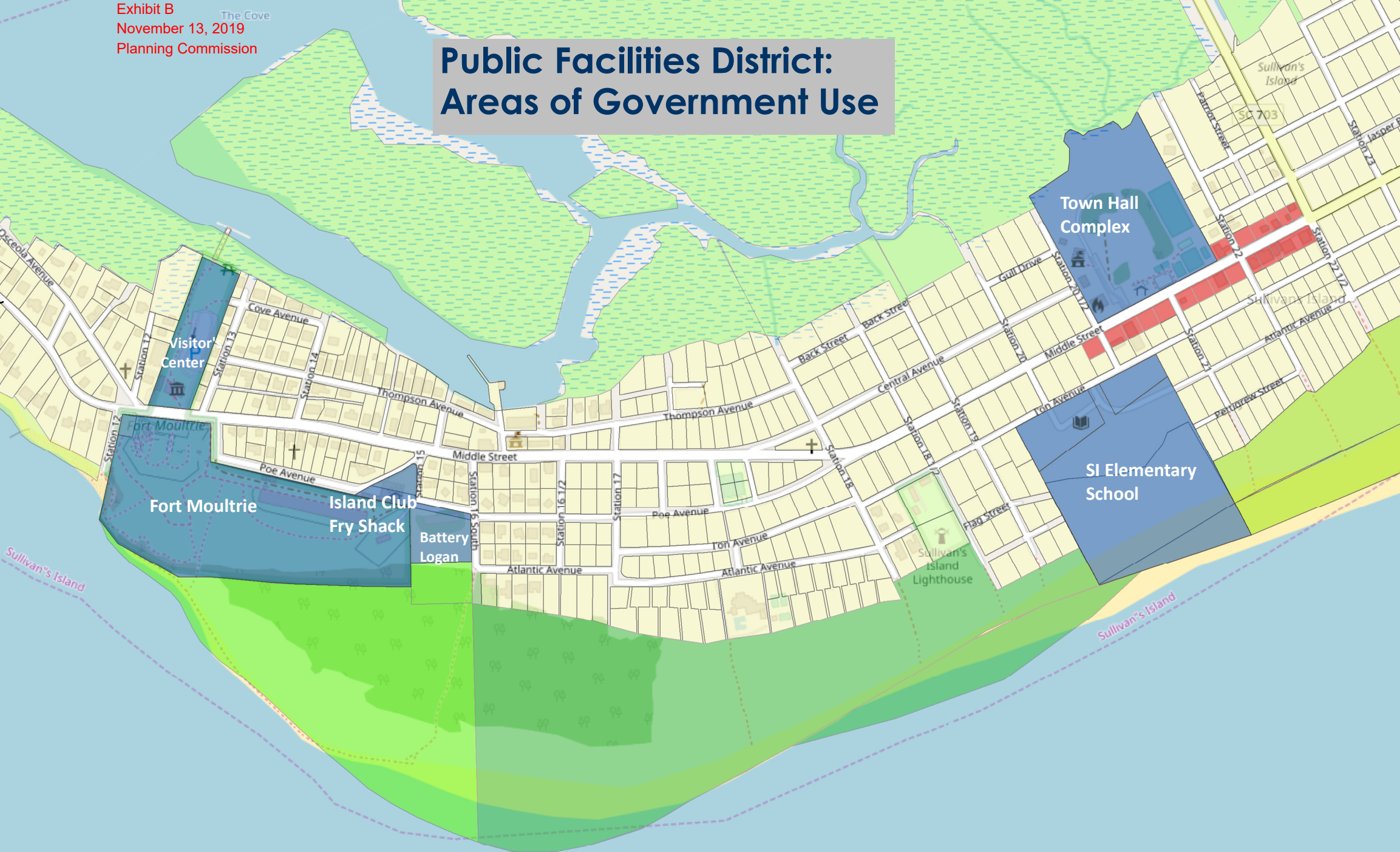
3.6.4.5 Standards and Review Criteria

3.6.4.5.1 Review Criteria for Rezoning –

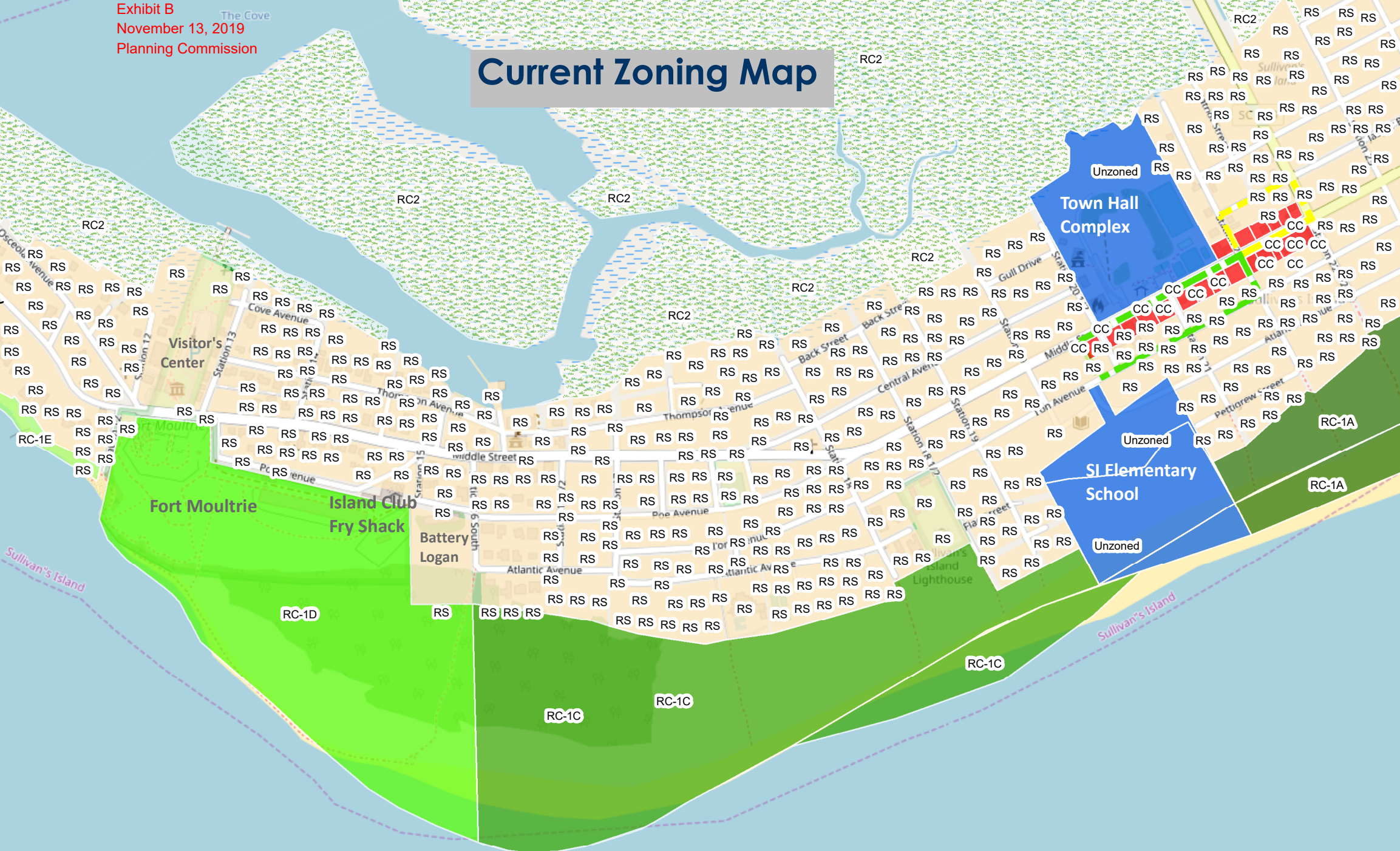
In reviewing an application for a proposed P, Public Use District, City Council shall consider the following:

- (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.

Public Facilities District: Areas of Government Use



Current Zoning Map



SI Planning Commission
November 13, 2019: Draft Language for potential Public Facilities Zoning District

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 and, 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. If a Public Facility 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.

Key to Permitted and Conditional Uses

P = Permitted

SI Planning Commission
November 13, 2019: Draft Language for potential Public Facilities Zoning District

C = Conditional Use

Table 1.1 Permitted and Conditional Uses

Land Use	
Publicly owned buildings such as Town Hall, fire station, police department, administrative buildings, libraries, museums, storage buildings, public safety training facilities, <u>utility facilities</u> and <u>any other</u> similar structures <u>and uses necessary for normal public facility operation.</u>	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 <u>public service organizations</u> , music or theater performances, holiday events, farmers markets and any similar events. Such <u>government</u>	C

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SI Planning Commission
November 13, 2019: Draft Language for potential Public Facilities Zoning District

Table 1.1 Permitted and Conditional Uses

Land Use	
sponsored approved events may be for fundraising or government sponsored not-for-profit provided said event is reviewed and approved by <u>the</u> Sullivan's Island's Town Council.	

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.

SI Planning Commission
November 13, 2019: Draft Language for potential Public Facilities Zoning District

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.

DRAFT

**TOWN OF SULLIVAN'S ISLAND
PLANNING COMMISSION**

Calendar of Meetings for 2020

Town advertises annual meetings to press and public in December 2019

Normally Planning Commission regularly meets 2nd Wednesday of each month

Regular Planning Commission Meeting: 6:00PM (start)

REGULAR PLANNING COMMISSION MEETINGS

January 8, 2020 – 2nd Wednesday

February 12, 2020 – 2nd Wednesday

March 11, 2020 – 2nd Wednesday

April 8, 2020 - 2nd Wednesday

May 13, 2020 – 2nd Wednesday

June 10, 2020 – 2nd Wednesday

July 8, 2020 – 2nd Wednesday

August 12, 2020 – 2nd Wednesday

September 9, 2020 – 2nd Wednesday

October 14, 2020 – 2nd Wednesday

November 9, 2020 – 2nd Monday

***Veteran's Day Holiday/Town Closed Wed, Nov 11th (reg meeting date)**

December 9, 2020 – 2nd Wednesday

Approved/finalized by Planning Commission on November 13, 2019