

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, June 10, 2015**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, June 10, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Chair Gary Visser, Charles Cole, Sydney Cook, Carl Hubbard and Manda Poletti. Staff members present: Asst. to Administrator Darrow and Building Official Robinson.

Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and all Commissioners present except Vice-Chair Hal Currey and Carlsen Huey (excused absences). Approximately six people were present in audience; no media.

I. Approval of Agenda – Commission approved agenda with no changes

II. Approval of Minutes

MOTION: Ms. Poletti moved to approve the May 13, 2015 minutes; seconded by Mr. Cole; MOTION UNANIMOUSLY PASSED.

III. Items for Information

- 1. Conservation Easement Uses: Review of Zoning Ordinance text amendments to allow standalone structures and recreational uses on residentially zoned properties when a conservation easement has been established.**

Chair Visser noted that this agenda item is a continuation of discussion from the May 13, 2015 Planning Commission meeting. He noted that, at that meeting, the Commissioners voted to convene a three member ad hoc committee, plus residents Wayne Stelljes and Larry Middaugh, to review draft text amendments, and study the unforeseen consequences of initiating a policy that would permit nonresidential uses in residential zones. He thanked Commissioners Cook, Hubbard and Poletti and resident Wayne Stelljes for participating in the May 29, 2015 workshop, held at Town Hall and made available to the public. He noted that Staff’s report incorporates the work group’s ideas and recommendations to the Commission.

Staff Comments

Asst. to the Administrator Darrow reviewed the Staff report.

Description of Request: Review of Zoning Ordinance text amendments to allow standalone structures and recreational uses on residentially zoned properties when a conservation easement has been established.

Ad hoc committee proposed modifications:

- Ensure that all previous development is removed from the property (driveways, pervious surfaces, utilities, pools, etc);
- Add language to ensure property will remain in natural undeveloped state;
- Structure is to be “open-air”, with low scale storage area. Open air structure only of 450 sq. ft. with a slightly larger storage area. (30% or 135 sq. ft.).
- Prohibit rental activity
- Incorporate language from the short-term rental ordinance to prohibit parties and large gatherings
- Maximum 12 guests on the property at one time
- Maximum height allowed of 15’
- No exterior lighting, but inside lighting allowed
- Two parked vehicles allowed on site

Planning Commission Considerations:

1. Determine the various conditions for allowing conservation easement uses (proposed text)
2. Determine the process of review and approval of such uses (Special Exception)

Potential Actions:

1. Recommend approval of text amendments to Town Council
 - **Section 21-20.C (5)** (RS Special Exceptions)
 - **Section 21-203** (Definitions)
2. Recommend to Town Council that no action be taken to amend the Zoning Ordinance

Public Comments:

Catherine Main, East Cooper Land Trust

- Land Trust is working with Chad Waldorf, owner of 3117 Marshall Boulevard, to put his property in a conservation easement, with the removal of the single family residence and continuation of a stand-alone nonresidential structure on the site.
- Spoke in support of Mr. Waldorf’s requested plans.
- Recommends that the Town be lenient with its restrictions to incentivize other Island property owners to follow Mr. Waldorf’s lead.

Wayne Stelljes, 3104 I’On Avenue

- Raised objections to the concept of stand-alone structures remaining on a conservation easement.
- Referenced his June 9, 2015 letter to Commissioners that incorporated photos of a 450 sf open-air, 10 ft high roofed structure located adjacent to the Sand Dunes Club on Atlantic Avenue.
- Noted that this structure allows for a grill/fire oven, multiple picnic tables and seating for up to 24 people.
- Submitted the structure’s appearance was similar to something found in a community/recreation park instead of on a residential lot.
- Reviewed his understanding of conservation easements and the intent to maintain the space as natural and undeveloped.

- Observed land trust goals are measured by two metrics: total acreage in a trust and total parcels in a trust. While worthwhile goals he understands and supports, he stressed that the impact of uses on these properties would be felt by the community, and the policing of these lots would fall to Town Staff and taxpayers.

Rusty Bennett, 3124 Marshall Boulevard

- Spoke in support of Chad Waldorf’s plan for 3117 Marshall Boulevard and conservation easements in general.
- Noted he has extensive experience with conservation easements, as a lawyer who specializes in tax law. He submitted conservation easements are used in rural, suburban and urban situations. They are a contractual agreement for a property owner to perpetually forfeit some, not all, of his property rights in exchange for some uses/rights that are less intensive (trade-off).
- Submitted that the possibility of a conservation trust being interested in a ¼ or ½ acre interior Island lot is unlikely. It is unlikely the Town will see frequent replication of a request similar to the one made by Chad Waldorf.

Chad Waldorf, 3112 Marshall

- Partial owner of 3117 Marshall Boulevard, owned by an LLC.
- Expressed concern that the proposed ordinance language might be too restrictive for other property owners; however, he and his LLC partner can work within the proposed guidelines.
- Distributed a petition expressing neighborhood support for his conservation easement request.
- Suggested Commission consider omitting references to parties and social events on the properties. Submitted another way to manage the impact of uses on subject properties would be through a cap on the number of guests congregating at one time on the property.
- Submitted 12 guest maximum was very restrictive and suggested increasing a cap to at least 24 guests, if a cap was required.

Commission Discussion:

Staff clarified that up to 24 people are permitted to gather at one time on a vacation rental property if the property owner is not present and hosting an event; 12 guests (maximum) are permitted to stay overnight in a vacation rental. Commission suggested there might be a process whereby property owners could approach the Town for a special event permit for gatherings in excess of 24 people on the property.

Commissioners asked Staff to modify proposed text as follows:

- Strike references prohibiting parties and social gatherings
- Change maximum number of guests on the property to 24 people at one time.

MOTION: Ms. Poletti recommended the Commission hold a public hearing to amend the Zoning Ordinance to address uses within conservation easements of residential lots, incorporating draft ordinance text and further guidelines discussed at this meeting; seconded by Mr. Cole. MOTION UNANIMOUSLY PASSED.

Chair Visser instructed Staff to advertise a public hearing on this topic for the Planning Commission meeting at (6:30PM) on Wednesday, July 8, 2015. No additional agenda items requested by the Commission.

2. Staff Update on Town Projects: Staff provided oral report.

3. Correspondence/Comments – All items relate to agenda item #1 above:
Letter from Wayne Stelljes (referenced above)

4. Next Meeting – (6:30pm) Wednesday, July 8, 2015 at Town Hall

There being no further business, the meeting adjourned at approximately 8:05 p.m. (Mr. Cole motioned; Ms. Cook seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, July 8, 2015 Planning Commission Meeting

06-10-2015 Planning Commission Correspondence STELLJES_WAYNE EMail 06092015
From: bulldog1981 <bulldog1981@bellsouth.net>
Sent: Tuesday, June 09, 2015 5:02 PM
To: Lisa Darrow
Subject: Planning Commission - Sample Structure
Attachments: Conservation Easements - Example of S.I. Open-Air Structure 9 June 2015.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Lisa,
Per our phone conversation, I would appreciate your forwarding this e-mail to the members of the S.I. Planning Commission. Thank you!

Planning Commission Members:
Attached is a 2-page document I created that describes an open-air structure that can be viewed on Sullivan's Island. The shelter falls within the range of square footage that has been discussed, during the analysis of potential standalone "accessory structures" on Conservation Easements. (This shelter is 448 sq. ft. in size, and the most recent discussion, within the ad hoc group, was the possibility of a 400 to 500 sq. ft. maximum. Thus, this structure falls directly in the middle of that range).

Thank you,
Wayne Stelljes

Open-Air Structure on Sullivan's Island - Example

Much of the discussion regarding the potential allowance of an open-air recreational structure on a conservation easement has centered on a maximum size of 500 sq. ft., or a maximum between 400 and 500 sq. ft. Some members of the Planning Commission have asked for a point of reference in assessing what a structure of this size might look like. This is an example of such a structure on Sullivan's Island, for viewing by members of the Planning Commission, or anyone else interested in the issue of whether or not a standalone "accessory structure" should be allowed on an otherwise vacant lot.

Property: The Sand Dunes Club

Structure Location: Adjacent to the driveway directly across the street from 1726 Atlantic Ave., leading to the "Sand Dunes Club" beach path at the back of the property. There are two shelters along the left side of the driveway. The example shown is the second, larger shelter. It has been temporarily marked with a small yellow tag, containing the letters "PC".

Dimensions of the structure (including only the concrete base and the wooden posts, not the perimeter of the roof):

Length: 32 ft. Width: 14ft. **Square Footage: 448 sq. ft.**

Height of the structure:

Approx. 10 ft. 6 in. at the highest point of the metal roof

Configuration: Shelter covers a brick grill and two 8 ft. long picnic tables, with significant additional space available. Tables allow for comfortable seating for 16+ adults, or seating for up to 24 people, if children are included.



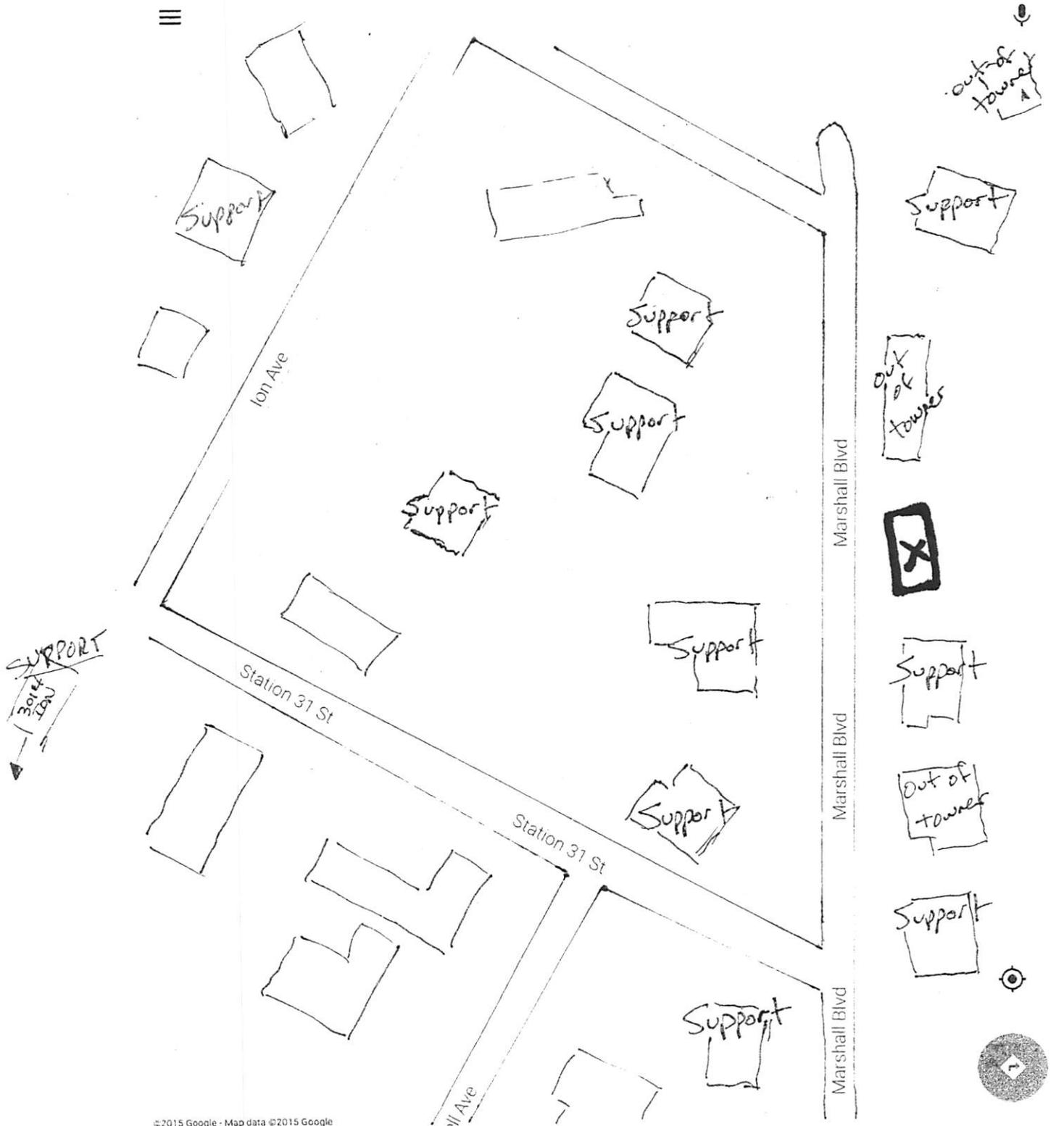


Neighbors of 3117 Marshall Supporting Ancillary Structures with Conservation Easements

Verizon

12:32 PM

95%



©2015 Google - Map data ©2015 Google

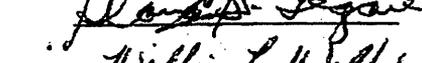
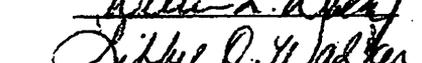
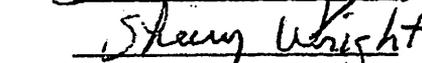
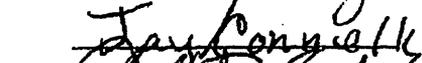
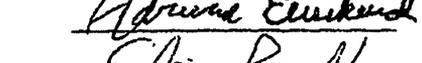
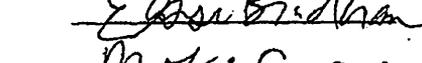
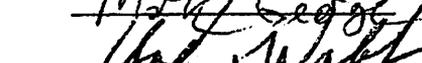
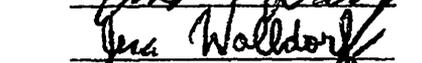
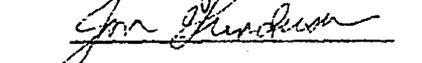
SUPPORT
2923
Marshall

**WE SUPPORT ALLOWING ANCILLARY STRUCTURES
ON LOTS WITH CONSERVATION EASEMENTS**

As neighbors and property owners in this neighborhood, we strongly support the effort to remove the house on the lot at 3117 Marshall Blvd. Removal of this house would be consistent with the stated conservation goals of the state as well as the Comprehensive Plan adopted by the Town of Sullivan's Island in 2013.

In order to encourage removal of this house, we request that the Sullivan's Island Planning Commission and Town Council tweak the town code to allow property owners who put perpetual conservation easements on their property maintain their rights to have a limited ancillary structure on their property.

We strongly support this change and hope our appointed and elected representatives will as well.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	<u>Russell Bennett</u>	<u>3124 MARSHALL BLVD</u>
	<u>Ame Bennett</u>	<u>5124 MARSHALL BLVD</u>
	<u>JACOBO M. WITZON</u>	<u>3203 MARSHALL BLVD</u>
	<u>Daniel O. Legare</u>	<u>3104 Marshall Blvd.</u>
	<u>Gloria S. Legare</u>	<u>3104 Marshall Blvd.</u>
	<u>WILLIAM L. WALKER</u>	<u>3118 Marshall Blvd</u>
	<u>LIBBY O. WALKER</u>	<u>3118 Marshall Blvd.</u>
	<u>DUKE WRIGHT</u>	<u>3034 Marshall Blvd.</u>
	<u>SHERRY WRIGHT</u>	<u>3034 Marshall Blvd.</u>
	<u>Jay Connolly</u>	<u>3103 Marshall Blvd</u>
	<u>Todd Eischeid</u>	<u>2923 Marshall Blvd</u>
	<u>Adrienne Eischeid</u>	<u>2923 Marshall Blvd</u>
	<u>Eloise Bradhan</u>	<u>3109 Fern Ave</u>
	<u>Mark George</u>	<u>3109 Fern Ave</u>
	<u>Chad Waldorf</u>	<u>3112 Marshall Blvd</u>
	<u>Jena Waldorf</u>	<u>3112 Marshall Blvd.</u>
	<u>EIKE GUNDERSEN</u>	<u>3113 Marshall Blvd.</u>
	<u>JON GUNDERSEN</u>	<u>3113 MARSHALL BLVD</u>