

**TOWN OF SULLIVAN'S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, August 12, 2009**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30 p.m., Wednesday, August 12, 2009 in Town Council Chambers, 1610 Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Vice-Chairman John Winchester, Aussie Geer, Nicky Bluestein, Anne Osborne Kilpatrick and Elaine Fowler; Assistant to Administrator Darrow and Building Official/Acting Zoning Administrator Robinson.

I. Call to Order. Chairman Currey called the meeting to order and stated the press and public were duly notified pursuant to state law. Chairman Currey noted all Commission members were present except Mr. Thompson, whose absence was excused.

II. Approval of Agenda.

MOTION: Mr. Winchester made a motion to approve the agenda; seconded by Mr. Bluestein; MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes.

Planning Commission members made minor adjustments to the July 8, 2009 minutes, to include adjournment time of meeting (Asst. to Administrator Darrow was on vacation and missed this meeting).

MOTION: Ms. Kilpatrick made a motion to approve the July 8, 2009 regular meeting minutes; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments – None

V. Public Hearing -

Amend Section 21-150(C), Zoning, Article IV, Community Commercial (CC) District: Add Single-Family Residential as Permitted Use and discuss design guidelines for additional Use.

Chairman Currey reviewed the public hearing process, noting this public hearing item was Council directed, not due to a resident application: Staff will provide comments and information and then the public hearing will be opened for public comment. Thereafter, the public hearing portion will be closed and the Commission will ask questions and deliberate this matter. He noted that, at any point, the Commission may ask questions of Staff, public members or each other.

Staff Comments (Building Official Robinson):

- Council was approached at the July 21, 2009 Council meeting by residents inquiring why single-family residential development was not permitted in the

Community Commercial District. Council deemed it appropriate for the Planning Commission to hold a public hearing to gather feedback on this matter.

- Staff recommends, should single-family residential use be extended for the CC District, it is granted as a “Special Exception” with design guidelines (Staff recommended language is Exhibit A attached). Staff proposes modifying Section 21-50 (C) to add item “5 – Single Family Residential.”
- This special exception use would impact split zone lots in the neighborhood (fifteen split zone lot owners and residents near split zone lots were directly notified of this meeting by Town Staff).

Chairman Currey opened the public hearing at approximately 6:38 p.m.

Public Comments:

Loren Ziff, 1412 Thompson Avenue (owns 2114 I’On Avenue)

- Supports allowing development of single-family residential in the CC District;
- He is neighbor of Graham family who hope to build a single-family residential home for immediate family members in the CC District;
- He spoke of pragmatic problems associated with obtaining financing for construction of single-family residences on a split zone lot. Submitted this hurdle might be problematic for either original owner if financing needed and for subsequent purchasers of a split zone lot. He further mentioned that single-family residential property owners may have problem getting insurance for the structure too.

Angela Jones, 2067 Middle Street

- She supported concept of single-family residential in the CC District.
- She echoed comments made by Mr. Ziff, further noting that two tax map (TMS) numbers would likely be needed in order to get financing to build a residential home on a split zone lot.

Anne Graham, 2118 I’On Avenue

- Noted that she and her husband had asked Town Council for clarification on building a residential home on her split zoned lot.
- She and her husband had discussed desire to build a small cottage on their split zone lot, to be rented long-term to a family member so that great grandchildren could attend Sullivan’s Island Elementary School. She noted that her family had made no decisions on a course of action.

Mr. Winchester asked if any envisioned ordinance change would have any impact on the current regulations regarding split zone lots, whether commercial/residential as now exists or the proposed residential/residential. Building Official Robinson noted that split lots, whether residential was on one side of it or not, would continue to transfer together as one parcel to a new owner. He clarified that, should a part of a split zoned lot be used for commercial purposes, then that portion of the lot would not be able to revert to residential use. So, a property owner would theoretically be able to have residential/residential only if a portion of the lot is not already being used for commercial purposes.

There being no further comments the public hearing was closed at approximately 6:58 p.m.

Commission Questions & Discussion:

Building Official Robinson noted the following regarding Staff design recommendations:

- On a ¼ acre split zoned lot, a property owner could theoretically build a house up to approximately 2980sf.
- Split zone lot setback criteria on the front of a property shall be equal to criteria on the back.

Ms. Fowler asked to clarify that a residence could be built to the island-wide standards of a regular ¼ acre lot. Mr. Robinson clarified that design standards would exist as if there were two lots regardless of them being split zone. He referenced Sections 21-49(B), (C) and (D).

Mr. Winchester noted that front and back lot standards would be equal for split zone lots. Building Official Robinson noted that residential setbacks and construction design would be reviewed by the Design Review Board.

MOTION: Mr. Winchester made a motion to recommend approval to Council the following: Amend Section 21-150(C), Zoning, Article IV, Community Commercial (CC) District: Add Single-Family Residential Use as a Special Exception; seconded by Ms. Geer.

Discussion:

Ms. Fowler recommended four amendments to the draft ordinance language, for clarity. **Mr. Winchester moved to accept four amendments and Ms. Geer seconded.**

Ms. Fowler offered a response to Mr. Ziff's earlier comments regarding the feasibility of Mr. and Mrs. Graham successfully building a single family residence on their split zone lot, should an ordinance to allow such use were to be passed by Council. Ms. Fowler, a real estate attorney, outlined the difficulty of splitting different interests on a united lot, commenting on whether deed restrictions and covenants would be sufficient for future transfer of interests on split zone lots.

Mr. Winchester expressed a concern of a special exception residential owner, later desiring to convert the property to commercial use. Building Official Robinson explained that the process would require Town approval as to use and code.

Staff, when questioned by Commission, clarified that there are approximately ten (10) properties where a residence-residence development could conceivably be implemented.

As an auxiliary issue, Mr. Winchester noted that Section 21-50(C)3 was unclear, regarding attached single-family residential. Mr. Winchester observed that, upon studying this section in preparation of tonight's meeting, the ordinance appears to encourage the development of 4-plex construction (two attached duplexes). He submitted that it seemed unlikely that Council intended to encourage a string of connected duplexes along Middle Street. He suggested the Planning Commission should encourage Council to consider revisiting this section of the ordinance to at least remove this option along Middle between the Station 22 and Station 22 ½ intersections.

There was general consensus to pass this inquiry to Council.

Call for the question on amended motion: **Motion unanimously passed.**

VI. New Business - None

VII. Unfinished Business

The Planning Commission received reports on the following ongoing projects:

A. Master Community Commercial District Plan

- Consultant continues to pursue a final determination from SC Department of Transportation regarding parking options proposed by the consultant (Urban Edge Studio).

B. Accreted Land Management Plan

- Public Meeting was held at 6:00PM on Tuesday, August 4, 2009 at Church of Holy Cross Episcopal (Great Room), 2520 Middle Street. Approximately 150 people attended the meeting with survey forms being forwarded to Town Hall.

**C. 2008 Sullivan's Island Comprehensive Plan – Status update
Chairman Currey**

- Council passed First Reading of Ordinance 2009-6 on July 21, 2009, an ordinance to adopt the Comprehensive Plan. Second Reading of the ordinance will occur at the August 18, 2009 Council meeting.

D. Discussion regarding island-wide bicycle route (Breach Inlet –Star of West)

Mr. Winchester noted that he met with Ms. Vonie Gilreath of the Berkeley Charleston Dorchester Council of Governments (BCD-COG) recently regarding the potential for an island-wide bicycle path on Sullivan's Island, as suggested by Mr. Bluestein last month. His understanding is that Ms. Gilreath plans to assemble a team of bicycle enthusiasts, comprised of off-island and on-island participants, to determine the feasibility of establishing an island-wide bicycle friendly corridor or path. Mr. Bluestein expressed interest in working with this group and assistance such endeavors. Mr. Winchester asked Staff to check with Ms. Gilreath regarding the date and time of a future meeting and Mr. Bluestein asked for Staff to inquire about service with the group.

There being no further business, the meeting was adjourned at approximately 7:40 p.m. (Ms. Fowler; Ms. Kilpatrick seconded).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, September 9, 2009 Planning Commission Meeting

Planning Commission Meeting – August 12, 2009
EXHIBIT A

Public Hearing – Amend Section 21-50(C) to allow Single Family Residential as a Use in the Community Commercial District.

PC 2009-2 – Proposed Ordinance

CURRENT LANGUAGE – Section 21-50(C)

Special Exceptions in the CC-District

- (1) Restaurant, (2) Upper Story Residential, (3) Attached Single Family Residential and (4) Short-Term Auto Parking.

STAFF PROPOSAL –

Add New Clause: Section 21-50(C) (5)

5. Single-Family Residential

- a. Single-family residential dwellings shall only be permitted on existing split zoned lots located within the blocks of Middle Street from Station 22 to Station 20 that are located within the Community Commercial (CC) District.
- b. Single-family residential dwellings shall be governed by the provisions applicable to: impervious coverage (Section 21-26), principal building coverage (Section 21-25), and principal building square footage (Section 21-27) as allowed in Article II RS- Single-Family Residential District.
- c. Setbacks shall be determined by the Design Review Board but in no case may setbacks be reduced to less than five (5') feet front setback and ten (10') feet side setback.
- d. Deed restriction must be placed on property stating that use cannot be changed from Single-Family Residential use unless structure is brought into compliance with Community Commercial (CC) District requirements other than this Section 21-50(C)(5).
- e. No Single-Family Residential structure may be used as a vacation rental or Bed & Breakfast establishment.
- f. The lot area may not be subdivided.

Section 21-50(C)(5) Ordinance language change unanimously recommended to Town Council by the Planning Commission pursuant to Public Hearing on August 12, 2009.