

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, November 12, 2014**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, November 12, 2014 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chair Gary Visser, Vice-Chair Hal Currey, Sydney Cook, Carl Hubbard, Carlsen Huey and Manda Poletti. Staff members present: Zoning Administrator Henderson and Asst. to Administrator Darrow.

I. 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 Rusty Bennett (excused). Five members of the public and no media present.

II. Approval of Agenda – Commission made no changes to Agenda

III. Approval of Minutes

MOTION: Mr. Currey moved to approve the October 8, 2014 minutes as presented; seconded by Mr. Huey. MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments – No correspondence or general public comments. Public was invited to make topic-specific comments during the course of the meeting, as noted herein

V. Items for Information

1. Mount Pleasant Land Conservancy (East Cooper Land Trust) Easements

The Commission requested review of deed restrictions established for two Town owned properties located adjacent to the RC-2 Zoning District [TMS# 529-05-00-096 (3.09 acres) and TMS# 532-06-00-082 (0.48 acres)].

Staff Report:

- East Cooper Land Trust holds the deed restrictions for the two properties, commonly known as the Old Dump (Station 19) and Old Cove Street Bridge lot (Conquest Avenue).
- The Town placed the deed restrictions on these Town owned lots in 2012 for the primary purposes of protecting vistas and public access to the Intracoastal Waterway (ICW) and for use as small passive parks.
- The Town has no plans to utilize the space for anything other than passive, recreational use. No structures or permanent fixtures are intended for the site.

Catherine Main, Executive Director for East Cooper Land Trust, reviewed deed restrictions and answered Commission’s questions regarding the same.

- Noted the deed restrictions were crafted between the Town and East Cooper Land Trust.

- Uses: natural, passive-recreational uses as a conservation space, providing for public ICW/marsh vistas and water access.
- Noted the deed restrictions do allow for landscaping and tree trimming but prohibits clear cutting of timber for profit. There is not a height restriction for cutting/trimming of vegetation.
- Deed restrictions prohibit structures, except an open air shelter.
- Restrictions also prohibit asphalt, concrete or other materials that are non-porous.

Council Questions:

Council questions centered on the uses for the property and clarification as to structures on the property.

Chair Visser clarified that the East Cooper Land Trust would have recourse should the Town use the property outside of the deed restriction guidelines. Ms. Main noted the East Cooper Land Trust monitors the property activity.

Mr. Huey asked for the background or purpose behind the deed restrictions. Ms. Main noted that the land is very valuable and the deed restrictions prevent future decision makers from selling or developing the property, preserving the green space and water vistas for future generations.

Mr. Huey noted a termination clause existed, requiring 75% of voters in a referendum vote, and unanimous Council decision, to agree to dissolve the deed restrictions. Ms. Main concurred noting the high hurdle put in place to preserve the conservation deed restriction on the property.

Ms. Main applauded the lots as Island and Charleston community assets. She noted she was not a resident of Sullivan's Island but enjoys using the space for kayaking and relaxation, a great community resource. She suggested the Town could build a storage rack, under deed restrictions, to store kayaks, potentially rent the spaces out or other options.

Chair Visser asked if passive recreation use meant one could not line out a ball field. Ms. Main clarified a temporary sports area could be established, just not a baseball field with permanent lighting, structures, etc. She noted passive recreation is a multi-purpose space, from soccer goals one day to dog walking or a community event the next.

Chair Visser questioned whether the space could or could not be limited to Town resident use only. Ms. Main replied the deed restrictions were established for general public use, this includes Town residents and Island visitors.

Chair Visser questioned the use as it relates to special events, such as weddings with big tents on the lots. Ms. Main submitted the lot could be used or perhaps rented for this type of temporary special event.

Zoning Administrator Henderson noted the Town has a special event request process for requests ranging from beach fires to beach weddings and other special activities.

Ms. Main noted the space has been used for other special events, such as a community conservation event. She submitted the lots are meant to be gathering spaces for the public and could be rented potentially.

Zoning Administrator Henderson submitted the Town has set aside the space for general public use and has not identified any intent to establish space rental for private events.

Committee asked about public restrooms and the deed restrictions related to covered spaces on the lot, picnic tables and open shelters. Ms. Main and Committee noted that the deed restrictions were not clear about the term open shelter. Ms. Main indicated she would need to speak with her attorney to clarify the term “open shelter.”

Ms. Cook questioned the purpose of the Commission’s inquiries. Chair Visser noted the Commission is examining the deed restrictions for the two lots to gain an understanding of the allowed uses for the space.

Ms. Main noted a tent could be placed on the lot for special events certainly; however, she would have to check with her attorney on the definition of a permanent outdoor shelter.

Audience members were invited to ask questions and make comments on the properties.

Public Questions/Comments:

Sumter Debrieux, 1903 Back Street, SI

- Questioned open shelters provided for in the deed restrictions and the definition of the same. Questioned whether other structures would be placed on the Station 19 lot to encourage visitors: portable toilets, picnic tables, open shelters, etc.
- Recommended a “no trespassing after dusk” sign similar to the sign posted at the “mound” in Stith Park.
- Witnessed drunks on the Station 19 lots, extensive trash on the lots, which he and neighbors have cleaned up, vehicles running over the site at night and noise/traffic late at the night on the lot.
- Requested that Town police personnel monitor and patrol the lots, especially Station 19, regularly at night.

Claudia _____

- Noted significant traffic on the Station 19 lot. She has to use a spot light a night deter/run-off public traffic making noise and partying on the lot.
- She noted the police department does not police or traffic the lot unless a complaint is made.

Hal Coste, Station 19, SI

- Noted he is a neighbor of Sumter Debrieux and helps clean the Station 19 lot.
- He would like to see visitors and residents “discover” the lot, not posting signs or other devices that would encourage visitors to the site.

- Stated he would like to see the space stay as green as possible, not encourage visitors and/or rent out the space.
- Offered the Battery Gadsden Cultural Center members to serve on a committee to offer the Town input on Council's decisions for managing and using the property, if the property has to be used.

Carol Killough, 1813 Back Street, SI

- An aside issue is parking on the Island. Suggested the lot could be used for valet parking for visitors. Asked if the deed restrictions would allow for that.

Ms. Main:

- Noted that if the Town wanted to allow use of the lot as overflow parking for a special event, this activity would be acceptable.
- The deed restrictions would not allow for use of the property to accommodate regular restaurant parking overflow, for example.

Zoning Administrator Henderson made clear the Town does not have an interest in this type of parking activity.

Sumter Debrieux:

- Noted in the past 50-80 people, presumably not Island residents, found the lot on July 4th weekend and partied on it. The lot was full of parked cars, people drunk, passed out on the ground, urinating, vomiting, naked, etc.

Paul Boehm, 1309 Middle, SI:

- Recommended installation of a single swing-arm gate to close the Station 19 lot at dusk.

Zoning Administrator Henderson noted he and Ms. Main have discussed installation of small, tasteful East Cooper Land Trust signs on the perimeter of the site. He submitted the Town could also install signs noting the space was closed at dusk.

Ms. Main noted the Trust's signs would be placed along the perimeter/boundary of the site identifying the lots as public owned land, deed protected as conservation recreation space for the public. She could not commit to installation of a swing arm to close off the park in the day, but understood the desire to block access at night.

Mr. Hubbard asked general questions about the general land use/activity review process. Ms. Main noted the owners of properties within the Trust consult with the Trust for clarification before holding out the property for a new use.

Chair Visser summarized that the lots are being used within the stated restrictions for the lots and the property is being maintained by being mowed. He noted there is some discretion about trimming trees and landscaping the site. Nothing could be paved imperviously but there might be impermeable improvements could be made for special needs, such as handicap parking.

Mr. Currey noted that interest in the lots is bound to increase, from residents and/or visitors, along with increased use of the lot. He submitted it would be Council's purview to decide on a management plan for the space, to address increasing use of the site and concerns raised by residents tonight. For example, an easy fix for the kayak littering might be a requirement to either register kayaks or bring/remove kayaks daily.

Zoning Administrator Henderson noted that the Commission could approach Town Council and posit the questions regarding structures, signs and how the Town wanted to manage the properties. For example, question whether Council wants to post signs, erect a gate to prohibit access during evenings, etc. Commission could submit these questions, bullet-point, to Council at a workshop session for Council to address or send to subcommittee (i.e. Land Use & Natural Resources) for review/discussion. This would be a mechanism to open a dialogue on the matter.

Ms. Cook asked for clarification on the issue of structures on the lots. Zoning Administrator Henderson noted that the Town has always erred on the side of caution and expressed that any structure with a lot is not permitted. Commission might want to ask Council for the Town Attorney's opinion on this issue of "open structures."

Ms. Main noted the deed restriction language is contradictory in that an open shelter does allow for a roof, but perhaps no walls. She suggested it would be fairly easy, for the abandoned vehicles, to issue a notice that the kayaks would be removed. She also suggested a small kayak storage rack could be built on the Station 19 lot and rented out for visitors and residents to store and use kayaks.

Ms. Poletti submitted that building anything on the Station 19 lot would be a non-issue as it would require expenditure of money. She noted the Town's existing parks require private fundraising to provide necessary maintenance.

Commission noted the other lot, Conquest Street "old bridge" space, attracts visitors, too. Ms. Main noted that the old bridge portion needs evaluation and/or maintenance as it appears subject to foundation erosion. She commented the Cove Street bridge lot has excellent vistas.

Ms. Main suggested implementation of a bench or two on the two lots. Zoning Administrator Henderson noted an Eagle Scout candidate recently suggested building a bench on the lot.

Thereafter general comments were made about opportunities for non-profit or volunteer projects to provide for picnic tables or benches on the lots.

Zoning Administrator Henderson suggested he create a list of Commission questions, distribute to Commission for feedback, and then forward to Council for consideration as to the maintenance of the properties.

Commission and Zoning Administrator Henderson clarified procedure and intent related to this topic. Commission reviewed questions and concerns raised by the public this evening for use in creating a management policy.

Chair Visser thanked Ms. Main for her attendance at tonight's meeting.

Planning Commission items of recommendation or clarification for Town Council include:

- a. No personal property overnight on the lots, especially Station 19
- b. Gate or chain erected at night for lots, especially Station 19
- c. No trespassing at dark signs (dusk to dawn)
- d. Potentially trash barrels street-side
- e. Small conservation signs at corners of the property (East Cooper Land Trusts suggested)
- f. Plan to maintain the portion of bridge that is losing stability due to erosion at Conquest Street lot (East Cooper Land Trust identified)
- g. Clarify the issue of structures on the lots (definition of an open air shelter)

No formal motion or vote was made. Aforementioned list will be sent to Council as study questions and information requests.

2. Sullivan's Island Comprehensive Plan: Natural Resources Element

Commission reviewed various goals and strategies in Chapter 6, Natural Resources Element of the Sullivan's Island Comprehensive Plan.

No motions or action was taken. Zoning Administrator Henderson reviewed a flow-chart for Commission and Council activity on various Comprehensive Plan strategies from which the Commission can organize its workload and identify Council's activities related to the Comprehensive Plan. Commission will review the flow charts and return with questions at the December meeting.

3. Staff Update on Town Projects: Staff provided an oral update on various Town projects for Commission's information (no action taken)

Next Meeting – (6:30pm) Wednesday, December 10, 2014 at Town Hall

Items identified for the agenda:

There being no further business, the meeting adjourned at approximately 7:50p.m. (Mr. Hubbard motioned; Ms. Cook seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, December 10, 2014 Planning Commission Meeting