

**TOWN OF SULLIVAN’S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, June 11, 2014**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, June 11, 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, Rusty Bennett, 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 noted all Commission members were present. One media outlet (Island Eye News) and approximately 45 members of the public present, including Council members Mayor Perkis, Chauncey Clark, Jerry Kaynard and Susan Middaugh (as interested residents).

II. Approval of Agenda

MOTION: Mr. Bennett moved to approve the June 11, 2014 agenda; Seconded by Ms. Poletti; MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes

MOTION: Mr. Huey moved to approve the May 14, 2014 minutes as presented; seconded by Vice-Chair Currey. MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments –

Staff received 19 written correspondence items prior to this meeting (distributed to Commission members), one relating to the Station 22 Access to Stith Park agenda item and 18 relating to the text amendment on tonight’s agenda regarding Coffee Shops and Food Service Establishments. Between last month’s and this month’s meeting, the Commission has received a total of 37 correspondence items on Coffee Shops and Food Service Establishments.

V. Parcel Subdivision Requests

1. Marsh Winds Executive Offices: Loren Ziff, applicant, requests approval to subdivide TMS #529-09-00-021 (2113 Middle Street and 2114 I’On Avenue) in accordance with Zoning Ordinance Section 21-29.

Staff Report: Zoning Administrator Henderson

Highlights:

- Split zoned lot in CCOD2, authorized for subdivision pursuant to Zoning Ordinances; application conforms to all requirements.
- Owner will record deed restrictions requiring owner to relocate sewer line when utilities are extended on Middle Street.

- In the future, once utilities are extended along Middle Street, owners requesting subdivision of split zone lots will be required to connect water and sewer lines accessible for both the residential and commercial lots.

MOTION: Mr. Bennett made a motion to approve the subdivision of TMS #529-09-00-021 (2113 Middle Street and 2114 I’On Avenue) in accordance with Zoning Ordinance Section 21-29 contingent upon owner concurrently recording deed restrictions providing the following provisions: when the property is subdivided, the owner will establish sewer line extensions along the properties as soon as sewer service is made available to this portion of the Middle Street area; Seconded by Mr. Hubbard. MOTION UNANIMOUSLY PASSED.

General consensus by Commission and Staff that the process for split zones lots is working well.

VI. Items for Consideration

1. **Station 22 Access to Stith Park: Planning Commission requests to hold a discussion concerning a Town owned right-of-way located between Station 22 and Stith Park (TMS# 529-05-00-080)**

Chair Visser gave an overview of the concept initiated in the Planning Commission: to provide pedestrian and bicycle access to Stith Park from the rear right-of-way at Station 22. He noted the Commission has received the following feedback: Police Chief Howard and the Park Foundation do not recommend the idea. Therefore, he would recommend the Commission table this item and not proceed further with it.

MOTION: Mr. Bennett made a motion to table further consideration of access to Stith Park from Station 22 right-of-way; Seconded by Ms. Poletti. MOTION UNANIMOUSLY PASSED.

VII. Text Amendments

1. **Text Amendment, Zoning Ordinance – Public Hearing**

Coffee Shops and Food Service Establishments: Public Hearing for proposed text amendments to allow café uses and define other food service establishments within the Community Commercial Zoning District. Zoning Ordinance text amendments are proposed to Section 21-203, “Definitions;” Section 21-50A(1)(B), “Permitted Uses;” Section 21-50B(1) “Conditional Uses;” Section 21-50C(1), “Special Exceptions;” Section 21-50D(1) “Prohibited Uses.”

Chair Visser noted Mr. Bennett, co-owner of Poe’s Tavern restaurant in the CC District, would recuse himself from review of this topic as a Commissioner. Mr. Bennett excused himself from the dais and took a seat in the audience.

Chair Visser provided an overview of how the public hearing would proceed, noting Staff report and Commission questions first, followed by public questions to Staff, then general public comments on the concept. He reiterated the Commission is an advisory body that studies topics and makes recommendations to Council. Council makes any and all changes to the Town's Code through its ordinance approval process.

Staff Report:

Joe Henderson, Zoning Administrator

- Referenced background of agenda item placed before the Planning Commission in November 2013.
- Five text amendments to the Zoning Ordinance, related to eating establishments, are under consideration by Commission tonight.
- Reviewed levels of approval for land uses: permitted, conditional and special exceptions (approved only by Board of Zoning Appeals).
- Reviewed highlights of recommended changes under zoning ordinance.

Commission Questions of Staff:

Commission discussed and clarified the following:

1. Franchise/formula restaurants

Zoning Administrator Henderson clarified that the definition of formula/franchise restaurant limits (maximum 3) would apply to all restaurants on the Island. Should an existing restaurants exceed this definition (open up a 4th formula restaurant nationwide), then that restaurant would be allowed to continue its Island operations as a grandfathered non-conforming use.

2. Square footage of coffee shops – inside and outside

Zoning Administrator Henderson clarified that proposed ordinance Section 21-50(C)(2), Exceptions in the CC-District, provides for 700 sf maximum patron use with 25% available for outdoor patios, porches and decks.

3. Calculating density and impact of potential coffee shops

Zoning Administrator Henderson clarified that there could potentially be four coffee shops within the CC District, as outlined in the proposed ordinance, with 100 seats maximum. He noted it would be difficult to gauge the impact that 100 seats would have on the CC District.

4. Coffee shops and impact on parking and traffic

Zoning Administrator Henderson clarified that the Town has no codified ratio of required parking spaces for any business in the CC District. However, each use change does require a business to provide a parking plan to the Design Review Board for its review and approval.

Zoning Administrator Henderson noted that in most jurisdictions, a business owner is required to provide 1 parking space for every 3 seats, retail or food service

establishments. It is likely Staff would recommend to the Design Review Board that any parking project be reviewed along those same lines.

Public Questions:

Milton Langley, 1618 Middle Street, Sullivan's Island

- Regarding seating for 25 people – what would be the cap on standing room?

Zoning Administrator Henderson clarified that maximum establishment capacity is determined by the Fire Marshall.

Skip Condon, 2201 I'On Avenue, Sullivan's Island

- Asked if coffee shops are the only new uses in the CC District (not restaurants), and expressed confusion about the different definitions between coffee shops and restaurants.

Zoning Administrator Henderson clarified that there is no proposed change to allow additional new restaurants throughout the CC District. Use is limited to coffee shops.

Rita Langley, 1618 Middle Street, Sullivan's Island

- Asked for clarification on maximum patron space
- Questioned whether a tapas bar/small restaurant could be established instead of a coffee shop.

Zoning Administrator Henderson noted that 25% of the 700 sf of patron space could be used for outside patron seating.

Alice Moreland, 1607 Atlantic Avenue, Sullivan's Island

- Questioned origin of idea to consider new eating establishment use on Island. Asked how the concept of four additional establishments was derived.

Zoning Administrator Henderson clarified that Staff had identified a business license enforcement issue, discussed the matter with Town officials and, in an effort to work with the business owner, initiated language for public consideration of a new land use, the coffee shop use under consideration tonight.

Susan Middaugh, 2420 Raven Drive, Sullivan's Island

- Asked for clarification on the seating and square footage calculation inside and out for coffee shops

Zoning Administrator Henderson clarified that any coffee shop would be allowed a total of 25 seats, outside and inside combined. Interior patron space is a maximum of 700 sf, a maximum of 25% square footage could be dedicated to outdoor eating patios, decks, etc.

Brian Harvin, 916 Middle Street, Sullivan's Island

- Asked how a business owner could obtain approval for a coffee shop?

Zoning Administrator Henderson clarified that a prospective business owner would have to meet four conditions to receive special exception approval by the Board of Zoning Appeals, those conditions being:

1. Maximum seating – 25
2. Maximum square footage – 700 sf
3. Parking plan provided
4. Alcohol limitations: 15% alcohol maximum, 85% food minimum

Cyndy Ewing, 2514 I'On Avenue, Sullivan's Island

- Asked which lots in CCD would be designated for coffee shops

Chair Visser clarified that no coffee shops exist in the CCD currently; no designated/reserved lots are defined for coffee shops.

William Meeham, 411 Station 13, Sullivan's Island

- Asked how Commission arrived at 300' buffer between coffee shops

Zoning Administrator Henderson clarified that the Commission used the precedent set by the 300' buffer between restaurants, currently in the Town's ordinances. Staff felt that this 300' buffer would be on sound legal ground against claims of spot zoning.

Michael Manova, 407 O'Neil Street, Sullivan's Island

- Asked about specific businesses under operation and their ability to convert some/all of their business to coffee shop use: Obstinate Daughter Restaurant, Café Medley, Co-Op, etc.
- Asked if there was a way to let each of these businesses qualify for tables/coffee shop designation but not let other businesses?

Zoning Administrator Henderson clarified this would not be possible, not only being spot zoning but a violation of the equal protection clause for all business owners within the CC District.

Elizabeth Tezza, 2220 Atlantic Avenue, Sullivan's Island

- Noted she was chair of the Board of Zoning Appeals and echoed Staff's reply to Mr. Manova's inquiry. She noted that drafting an ordinance for the benefit of a specific business and excluding other business owners would be discriminatory and illegal.

Rusty Bennett, 3124 Marshall Boulevard, Sullivan's Island

- Recited the history of the current restaurant ordinance, restricting restaurants to a one-block area.
- Asked why cannot the Town replicate this ordinance for coffee shops, keeping the use within the block currently for restaurants?
- Asked if the ordinances for restaurants are constitutional, why cannot the Town write a similar ordinance for coffee shops?

Zoning Administrator Henderson noted that when the ordinance was established to restrict an existing use, restaurants, from expanding throughout the CC District with a 300' buffer between each restaurant in a one-block area, the ordinance rendered the existing multiple restaurants as non-conforming. The Town does not have an allowed use for coffee shops at present. There is not a legally defensible mechanism to write an ordinance such that it created a use (coffee shop) so that only one owner on the Island would benefit. This is the definition of spot zoning.

Pat Votava, 2914 Brownell, Sullivan's Island

- Asked how the 300' distance would be measured between coffee shops?

Zoning Administrator Henderson clarified that Staff would measure 300 linear feet from the primary entrance of an existing coffee shop to the proposed primary entrance of another building, "as the crow flies," not including barricades or obstacles. Staff would be able to use GIS technology to measure this distance.

Barbara Spell, 1702 Atlantic Avenue, Sullivan's Island

- Noted that four coffee shops would actually be small café's in her mind, and, questioned the motivation for this proposed change.
- Questioned why the Commission wanted to proceed on this concept if there have been no new restaurants created in the past 7 or 8 years?

Bill Ross, 2820 Atlantic Avenue, Sullivan's Island

- Confused about the 300' distance buffer between new restaurants

Skip Condon, 2201 I'On Avenue, Sullivan's Island

- Noted there is 300' between the new Obstinate Daughter restaurant and another restaurant (Sullivan's) and questioned why new restaurants cannot come onto the Island.

Zoning Administrator Henderson clarified that ordinances stipulate restaurants are limited to the one block area between Station 22 ½ and Station 22, with a 300' buffer between each restaurant. The Obstinate Daughter and Sullivan's restaurant are non-conforming uses outside of the 1 block restaurant area. If these businesses were to cease operation for more than one year, the non-conforming status as a restaurant would be forfeited.

Chuck Gallis, 1817 Back Street, Sullivan's Island

- Asked about formula restaurants and whether this extended to all eating establishments on the Island.
- Also, if a fourth formula restaurant opened for a current restaurant, making the Island restaurant non-conforming with the Town, what happens if the restaurant wants to expand or even remodel? Can an owner remodel under grandfathered status?

Jane Gallis, 1817 Back Street, Sullivan's Island

- What are the limits within the CCD for the number of delis and bakeries?
- Current businesses interested in getting the coffee shop business license and special exception – is there a guarantee all of those businesses will get one?

Zoning Administrator Henderson clarified that there are no limits in the ordinance to the number of licenses that may be issued for delis and bakeries. No, there is no guarantee that all businesses interested in getting a special exception and coffee shop business license will obtain one.

- What if Café Medley does not get a coffee shop license/special exception? What would be the criteria for getting a special exception?
- Asked if parking is the only determinant?

Zoning Administrator Henderson clarified that the Board of Zoning Appeals is required to consider only the conditions outlined in the proposed ordinance language for a coffee shop. The Board of Zoning Appeals will decide on granting special exceptions.

Alice Moreland, 1607 Atlantic Avenue, Sullivan's Island

- Asked if the Commission considered these changes in order to try and help Café Medley.

Chair Visser noted the Commission is not attempting to help Café Medley.

Karen Coste, 322 Station 18 Street, Sullivan's Island

- Asked Commission to amplify its explanation for considering this use change.

Chair Visser noted he would only be prepared to provide his personal opinion. In his personal opinion, a use that is not allowed on the Island is currently in operation (Café Medley) and the Town is offering the opportunity to explore whether this use is something the Island wants to have. There is no intention to craft an ordinance specifically to allow Café Medley a coffee shop license.

Pat Votava, 2914 Brownell, Sullivan's Island

- Asked about parking plans and how spaces would be designated?

Zoning Administrator Henderson clarified that a business can provide a parking plan that incorporates a variety of parking scenarios to include on-site parking, on-street parking spaces, shared parking arrangements and/or private lots for parking in the CC District.

- Which business gets to claim a specific on-street parking space?

Chair Visser noted the Town does not have a way to discern duplicate use of on-street parking spaces between businesses.

Chuck Gallis, 1817 Back Street, Sullivan's Island

- Proffered a scenario where an applicant had a parking agreement with another business and a problem arose? For example the primary business wanted to change its use so that it needed the parking during the time the eating establishment (for example) planned to use the space. How would that work?

Chair Visser noted this was a good question. The primary business would have primary claim to use the parking spaces, in his opinion.

William Meehan, 411 Station 13 Street, Sullivan's Island

- Has Town considered a parking deck, similar to Mt. Pleasant?

Chair Visser & Staff: No

Chair Visser opened the meeting to the public comment/public hearing portion at this time (7:48PM) and invited anyone who wished to make comments to do so.

Public Comments:

Skip Condon, 2201 I'On Avenue

- Noted he has been a restaurant owner for many years, owning operations in West Ashley and the City of Charleston, including Tommy Condon's.
- Cautioned the Town about opening the door to the unintended impact and consequences of more eating establishments. It would be easy to see a coffee shop morphing into a small café/restaurant and difficult for the Town to stop it. Noted he saw this type of change in Charleston and West Ashley.
- Noted public concern with growth of pub-centric events like St. Patty's Day and questioned the need for the Town to entice more tourists to eating establishments.

Elizabeth Tezza, 2220 Atlantic Avenue, Sullivan's Island

- Noted she lives contiguous to Station 22 ½ and the restaurant area.
- Alcohol licensing caught her attention with the coffee shop as she did not visualize alcohol in coffee shops.
- Noted four potential coffee shops means 100 seats for tourists at any given time, with 100 more cars on a Saturday night.
- Cautioned Town to look at this concept carefully, consider the whole area of the CCD, growing tourism and the ramification of adding more eating establishments that would accommodate visitors.

Jan Leach, 1763 Atlantic Avenue, Sullivan's Island

- Likes the coffee shop use designation for the Island.
- Use encourages family oriented Island patrons.
- Lauded Café Medley as a good example of this use: creates connectivity with Island residents as a gathering place for locals.
- Submitted Mt Pleasant residents will not come to the Island to go to a coffee shop.

Claire Walsh, 2530 I'On Avenue, Sullivan's Island

- Asked how Café Medley is not now complying with the law?
- Asked if there is a way that Café Medley can become compliant? Wants Café Medley but not three more coffee shops.

Zoning Administrator Henderson expressed that discussing ongoing enforcement proceedings involving a specific business is not an appropriate topic for the Planning Commission. He asked Ms. Walsh to come into his office anytime to discuss staff enforcement issues. He further expressed that it is the Commission's directive tonight to focus on general land use questions.

Rita Langley, 1618 Middle Street, Sullivan's Island

- Did not express a problem with coffee shops, but concerned with restaurants large or small, or anything that resembles a restaurant: standing crowds, tables with turnover, etc.
- She noted that Beercats is popular right now, drawing tourists from the area. She does not want to see more of that activity.

Eric Dodson, 1462 Thompson Avenue, Sullivan's Island

- Noted he has a letter with six resident signatures provided by Susan Romaine who could not be present tonight [handed to Commission for archival]
- Wants to keep Café Medley coffee shop
- Supports 300' buffer between coffee shops.

Bill Ross, 2820 Atlantic

- Noted there are no gates on Sullivan's Island's entrances and lauded the Commission's efforts to contain growth.
- Supports the idea of a coffee shop use on the Island.

Michael Mithoefer, 407 O'Neil Street, Sullivan's Island

- Supports concept of a coffee shop but suggests refining it.
- Suggested eliminating sale of alcohol

Milton Langley, 1618 Middle Street, Sullivan's Island

- Noted issue is not about Café Medley. Expressed concerns that problems with licensing compliance and Town enforcement of the current licensing restrictions are the reasons the public is being asked about this topic right now.
- Expressed concern with the Town's resolve to enforce coffee shop restrictions, if this use is allowed.

Pat Votava, 2914 Brownell, Sullivan's Island

- Submitted the Commission is taking the wrong approach with this issue and suggested removing Café Medley from the equation. The questions to ask:
- Is a coffee shop a permitted use right now? No
- Do we have provisions to allow 100 more eating establishment seats in the CCD now? No
- Comprehensive Plan reiterates the residential nature of the Island and the desire to retain that character.
- Submitted Town should focus on only those three factors.

Drew Harris, co-owner of Café Medley

Read his prepared written remarks, provided in their entirety below:

“My name is Drew Harris...Michelle and I are the operating partners of Café Medley and currently in the process of becoming the sole owners. I address you today in favor of the new zoning special exception of “Coffee Shop.” For the past 8 months, we’ve heard many and varied opinions regarding this new classification. Tonight, we’ve heard many as well. I’d like to address some of these points regarding the “Coffee Shop” classification.”

“But First, On a personal note:

Michelle and I have operated Café Medley for 6 years. We intentionally built our business around the local community and have been rewarded by the residents of Sullivan’s Island as shown by our support tonight. We have never had any complaints or issues from the town or residents. We have collected 75 names and signatures of residents that support the creation of the new licensing. We’ve been sent and forwarded to the Planning Commission letters or emails from no less than 35 residents supporting the language of the “Coffee Shop” designation. These letters, emails, signatures, and the support we see here tonight are testimony to the popularity of a business that fits the “Coffee Shop” classification and shows that it fills a need for the residents on the island. We are currently in the process of buying out our partner in order to own Café Medley outright and solidify the future livelihood of the business and our newly growing family. We intend to apply for the newly created designation in order to maintain the survival of the resident-focused community meeting place that we’ve worked very hard to create. It is for these reasons that I have devoted a significant amount of time and energy towards the issue and to gather as much REAL information and facts that relate to the issues at hand.

Now, some specific points to consider:

1. The Planning Commission has worked very hard to listen to the concerns of the public while taking into consideration the suggestions of the existing businesses. Over the past 8 months, they’ve worked with the public and Joe Henderson to compromise on appropriate language for a new classification that greatly limits the extent, offerings, and size of businesses that apply for this zoning. As written, there can **only** be a total of 4 establishments spread 300 feet from each other

throughout the entire commercial district. And each of the applicants for this new licensing will have to be approved by both the Board of Zoning Appeals and the Design Review Board. Essentially, any applicant will have to satisfy the requirements written by the Zoning Administrator, recommended by the Planning Commission, approved by the Town Council, approved again by the Board of Zoning Appeals and the Design Review Board before being granted the zoning classification. I trust that these 29 publically elected and appointed leaders of the Sullivan's Island Community would have the Island's best interests in mind when making their decisions on the type and style of business that occupies the "Coffee Shop" zoning classification.

2. Currently, according to Joe Henderson, there are 897 seats (inside and out) from 10 establishments (including Café Medley and the Co-Op) in the business district. 28 of these seats are by businesses that may apply for the "Coffee Shop" classification (The Co-Op and Café Medley). That leaves **ONLY** 72 possible new seats to be created. There cannot be, as some have expressed, the impact of 4 more "restaurants" on the district and community...the reality is, that the impact will be less than the smallest restaurant that currently exists on the island...which is High Thyme. The overall impact in terms of seating is less than an 8% increase in the total number of existing seats.
3. Over the past 5 years, Sullivan's Island has grown exponentially in popularity as THE beach destination in Charleston. Sullivan's is not only the closest beach to the 9th fastest growing city in America (According to the Post and Courier article on May 22), but the best island/beach in the area since 2007 (according to City Paper's annual "Best of" Poll). As the population has grown, since regulation changes on Folly Beach, since 526 drops off people from Summerville, Moncks Corner, etc. on Coleman Blvd, since the Ravenel Bridge was built, the traffic has grown steadily on Sullivan's Island. As a result of this, the businesses on Sullivan's Island have maintained and succeeded. There has been less business turnover in recent years than before. The market has increased, which supports the businesses and impacts traffic and parking...**not** the other way around.
4. **The** #1 fear seems to be from residents concerned with the growing traffic and parking issues on Sullivan's Island. But, even if every new seat (of the 72) were filled with someone from off island, given the standard equation for one space needed for every 3 seats...at **most** 24 parking spaces would be occupied by the new licensees. Even this is unlikely since the limitations in the current language favor community-centric and locally driven establishments where a number of the patrons would arrive on bike, foot, or golf cart. The potential maximum increase is less than 6%...the total spots that are available in a half of a block.

I also have a number of observations to express to everyone that support the creation of the "Coffee Shop" classification:

“Take-out Only” establishments have a hard time surviving in any business environment, but especially on Sullivan’s Island for some reason.

Over the past 10 years, there’ve been 9 different owners of 6 different businesses in the current Co-Op and Café Medley locations. The language of the current ordinance is written in such a way to allow diversity to the business district without limiting the businesses so much that the owners cannot support their families. To echo Susan Romaine’s letter: “Sullivan’s Island needs successful, long-lasting businesses in its commercial district and needs the diversity of services that a Café Medley or Coop provides.”

More options for dining will actually facilitate a faster turn-over of parking and traffic.

Over the past couple years, Café Medley has seen an increase in the patrons that we serve in the afternoons...and we have not increased any of our advertising or offerings, in fact, we’ve reduced both. We are seeing more people coming in to see what we have because they don’t want to wait an hour for a table at other establishments. More dining options provide patrons that are already parked (whether it be for the beach or for another establishment) on the Island with the ability to not wait for a table somewhere else, while possibly having a couple beers at the bar, and move their car off island sooner than if they had to wait.

Park Circle has a 3 block commercial district in North Charleston. Just like Sullivan’s Island.

There is a school, a number of churches, and a variety of businesses that exist in that 3 block area, or within a block of it. Just like Sullivan’s Island. They have 3 times the residents living directly in the surrounding 6 block area. They have 14 restaurants, coffee shops, bars, and cafes...where only one has off street parking. Sullivan’s Island has 9 restaurants/cafes/coffee shops...3 of which have off street parking. However, Park Circle doesn’t have any parking or traffic issues. The reason? They are in North Charleston. There’s no beach that brings 10s of thousands of people every week.

Other businesses in Charleston that satisfy some, but not even close to all, of these limitations are all community centric businesses (not destinations that bring people to the areas): Bin 152, Bull St. Gourmet, Ted's Butcher Shop, and Two Borough's Larder downtown; Five Loaves, Stacks, Square Onion, and Papa Zuzu's in Mt. Pleasant.

This shows the type/style/genre of establishments that could potentially open under the zoning license. And again, not a single one of these businesses satisfies ALL of the limitations set forth in the current language. These existing Charleston County businesses are either full service restaurants that choose to be Beer/Wine only or limit their menus, but exceed the size requirements of the Planning Commission’s language OR exceed the seating limitation OR have table service...or serve more than 18% alcohol. The Planning Commission has worked hard to create language that will encourage businesses to open with this classification that are community-centric and locally focused with very little impact added to the business district.

Coffee Shops provide the local community with a place to congregate with friends... a place to meet, greet, and bring your family. They are frequented by visitors to the community, but are focused on the immediate community and local clientele. These types of places encourage community cohesiveness and have become in

modern America, what the Local Pub used to be. They're places where the local police chief can feel comfortable holding "coffee hours" as an open forum for residents to discuss issues. They're places where residents feel comfortable allowing their children to frequent...knowing the staff and owners have watched these children grow up. They're places where locals can open an account and enhance that feeling of "community." They're places that become a second "home office" with free WiFi and a good Latte or Cappuccino. They're places where locals can escape the craziness of a beach-day Summer weekend on foot, bike, or golf cart and enjoy a cup of coffee, glass of wine, dessert, or light meal with friends, neighbors, family, or simply by themselves.

Michelle likes to refer to Medley as "The Sober Heart-beat of Sullivan's Island"...and you'll find Michelle or myself at Medley on a daily basis serving Lattes or discussing island topics with our Café friends and family. Café Medley was our first child...and now that we have three, as of December!, it would be tragic to see something force this huge part of our life, and the lives of many residents, to change and potentially close."

Skip Condon, 2201 I'On Avenue, Sullivan's Island

- Expressed his admiration for Café Medley as an individual business.
- Reiterated his concern for "creeping commercialism" of small restaurants on the Island.

Rusty Bennett, 3124 Marshall Boulevard, Sullivan's Island

- Concurred with Mr. Condon regarding his admiration for Café Medley.
- Noted the Island is not a gated community and a coffee shop can be an integral party of the community.

Michelle Harris, co-owner Café Medley

- Stated she does not like being called a liar
- She does not like being a non-compliant business
- Noted she and her husband are simply operating a business and trying to keep it afloat; recited difficulties launching and sustaining a business.

Jane Gallis, 1817 Back Street, Sullivan's Island

- Noted her major concern was the impact of additional eat-in food establishments (restaurants).
- Would like to find a mechanism to protect Café Medley and allow it to legally operate, but not allow additional coffee shops.

Chuck Gallis, 1817 Back Street, Sullivan's Island

- Does not support ordinance although he sees merit with Café Medley's specific establishment.
- He does not see a way to guarantee only Café Medley or establishments just like Café Medley will get a license.
- Anticipates an enforcement "nightmare" and cannot support sacrificing the Island's quality of life for any one business.

Kim Sanka, 1656 Thompson Avenue, Sullivan's Island

- Café Medley provides a niche business needed by Sullivan’s Island residents.
- Asked what type of resident support does the Commission need for this ordinance

Mr. Huey noted responded that written comments from residents are helpful.

Chair Visser noted that, in his personal opinion, the enforcement of an approved ordinance would fall on Staff and the Board of Zoning Appeals. He does not want the Commission to be sloppy with the ordinance process. Noted “business/commercial creep” is something he wants to see written out of the ordinance, as much as possible.

Drew Harris, co-owner Café Medley

- Noted one control mechanism is beer/wine sales only: the absence of liquor at coffee shops will mean shots are not possible.

Chuck Gallis, 1817 Back Street, Sullivan’s Island

- Noted Café Medley has been out of compliance with its business license/allowed zoning use for 6 years and was “never called on it” by the Town.
- Questioned commitment Town has to enforcing the current ordinances – it is easy to see business creep without aggressive enforcement.

Skip Condon, 2201 I’On Avenue, Sullivan’s Island

- Submitted it is naïve to think a restaurant/eating establishment business will not change operations over time.
- Noted the dilemma – once activity creeps up each block, it is harder for the Town to stop it.
- Noted the City of Charleston’s cabaret license differed from a regular business license in that it allowed 35% alcohol sales. This license became popular in the City because of the increased alcohol sales and the City had to work to balance the growth of businesses with cabaret licenses.
- Noted Sullivan’s Island allows up to 50% in alcohol sales and still be considered a restaurant.
- Submitted future Planning Commission or Town Council members can loosen restrictions on a coffee shop to turn it into a small restaurant.

Bill Ross, 2820 Atlantic Avenue, Sullivan’s Island

- Noted the fabric of businesses affect and help shape the type of community in which a business operates.
- Stated he is not comfortable with public comments tonight supporting the idea of crafting rules and laws that would favor only one business, Café Medley.
- Regardless, he expressed support for coffee shop use on the Island.

Cyndy Ewing, 2514 I’On Avenue, Sullivan’s Island

- On the topic of communities – many long-time Islanders have seen multiple communities come and go on Sullivan’s Island.
- Submitted Town Council and the Planning Commission must focus on the decision of whether to allow for four coffee shops, selling alcohol, which might eventually operate as a small restaurant.

- Submitted enforcement issues should be strongly considered.

Chair Visser asked if there were any additional comments from the public. Seeing and hearing none, he closed the public hearing at 8:51pm.

Chair Visser announced a short break for the Commission at 8:51pm, with the Commission reconvening at 9:00pm.

Planning Commission Discussion:

Commissioners asked Elizabeth Tezza, as BZA Chair, what process the BZA might use to make its decisions on special exception requests for coffee shops.

Ms. Tezza

- Staff may want to clarify the priority of applications by date/stamp of applications received.
- BZA will give no preference to existing businesses.

Commission engaged in a roundtable discussion, some of the discussion points being:

Vice-Chair Currey:

- Commission has the responsibility to propose an ordinance with tight restrictions to avoid a small restaurant, which nobody wants, with the understanding that nobody knows who will get the coffee shop licenses.

Mr. Huey:

- Café Medley is a good model for how a coffee shop could work and the type of business the community could support.
- Parking is an island-wide problem stemming, in large part to the “beach draw” for tourists.

Vice-Chair Currey:

- Reiterated the ordinance needs to be written for unknown future businesses incorporating reasonable control and enforcement measures.

Ms. Poletti:

- Submitted the Commission needs to make a recommendation on whether coffee shop use is good for the Island, long-term, or not.
- Submitted the feel of a coffee shop is different than a restaurant.
- Both Town ordinances and the Comprehensive Plan offer guidance to “encourage development that would benefit Island residents.”
- Submitted coffee shops could provide a sense of community for Island residents.

Ms. Cook:

- Supports concept of a coffee shop as a unique and different use.
- Noted she is nervous and conflicted that the current ordinance is not for a coffee shop but a small restaurant. The issues of concern for her are “light fare” and alcohol sales.

- Questioned how Town Staff would make sure alcohol sales actually remain in-line with ordinance.
- She also submitted concern with enforcing the number of seats

Zoning Administrator Henderson noted a mechanism to gauge alcohol sales compliance could be through the review of monthly receipts, as the Department of Revenue already has a reporting structure established for restaurant alcohol sales.

Ms. Poletti:

- Noted SI Elementary School will open in the fall providing scores of additional parking spaces for the commercial district, primarily near the Station 20 area.

Commission further debated alcohol sales limitations and the meaning of light fare. The Commission concentrated its efforts to find balance in the coffee shop ordinance language that would provide good guidance for BZA interpretation (for approximately 30 minutes).

MOTION: Mr. Huey made a motion to recommend to Council approval of five Zoning Ordinance text amendments as presented by Staff (Sec 21-203, Definitions; Sec 21-50A(1)(B), Permitted Uses; Sec 21-50B(1), Conditional Uses, Sec 21-50C(1), Special Exceptions and Sec 21-50D(1), Prohibited Uses), to include establishing a coffee shop land use designation within the CCD, noting the following changes: maximum fifteen (15%) percent on-site alcohol sales and enhancing the definition of “light fare” elaborating on the procedure for approving a special exception by the Board of Zoning Appeals, to wit: applicant required to disclose its core business commodity or cuisine and outline any ancillary non-core items as an added measure to keep coffee shops from serving menu items indicative of full service restaurants;

Seconded by Vice-Chair Currey.
MOTION UNANIMOUSLY PASSED (6-0, with recusal from Mr. Bennett)

Staff Update on Town Projects

Comprehensive Plan Update – Council will hold a public hearing on the Comprehensive Plan update at 6:00PM on Tuesday, June 17, 2014.

Next Meeting – (6:30pm) Wednesday, July 9, 2014 at Town Hall

Ms. Cook noted she would be absent from the July meeting.

There being no further business, the meeting adjourned at approximately 10:20p.m. (Mr. Huey motioned; Ms. Poletti seconded; unanimously passed).

Respectfully submitted,
 Lisa Darrow
 Asst. to Administrator

Approved at the Wednesday, July 9, 2014 Planning Commission Meeting