



**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA  
LAND USE & NATURAL RESOURCES COMMITTEE OF COUNCIL**

Monday, June 28, 2021

Committee met at 8:30am, this date, at Town Hall (2056 Middle Street), all requirements of the Freedom of Information Act having been met. Present were

Committee members: Gary Visser (Chair), Scott Millimet and Pat O'Neil

Staff: Administrator Andy Benke, Building Official Randy Robinson, Building Inspector Max Wurthmann and Committee Secretary Pam Otto

- 1. Call to Order.** Chair Visser called the meeting to order, stated the press and public were duly notified pursuant to state law, and all members were present: no media and approximately twenty-seven (27) members of the public were present including Council member Kaye Smith
- 2. Consideration of a review of how the relevant provisions of the Town's current zoning ordinance and its implementation have functioned regarding historic preservation, design review and the Island's built environment.**

**Discussion:** Chair Visser asked Mayor O'Neil how long the historic designations had been in effect. Mayor O'Neil answered since around 2004. Chair Visser questioned whether the current process is enough or does it need to be modified. Mayor O'Neil said since 2006 there was a provision where the small historic structure can remain on the lot as an accessory dwelling unit and a primary structure built under certain circumstances. The Design Review Board (DRB) is permitted by ordinance to grant exceptions for additions in certain circumstances. There needs to be a review of the efforts of the Board and staff per the Comprehensive Plan.

Henderson stated several citizens had requested the zoning ordinance be updated and the Comprehensive Plan has a goal stating that as well. The zoning ordinance addresses new construction and how to add on to historic structures. The DRB reviews and approves requests for new construction, they also authorize the historic preservation incentives. There have been requests to look at the provisions to ensure they are working correctly.

It led to the addition of 2 goals in the 2018 Comprehensive Plan. The first, H1.4, states that Council is to establish a task force of concerned citizens that will look at the standards that address mass, height and scale for neighborhood compatibility. The second, H1.5, asks for an evaluation of the residential design guidelines and how do they effect the DRB process and

what can be done to adjust those standards. Council can act on this and establish a task force to evaluate the current ordinances and standards.

Mr. Millimet felt that preservation was missing from the 2 goals and the DRB has a lot of flexibility within their guidelines.

### **Public Comments**

**Kevin Pennington (1514 Middle St)** sits on the DRB and feels the incentives to preserve properties are upside down, they actually encourage the building of a new structure rather than preserve what is there. There is also a problem with enforcement, DRB has no power to penalize those who are willfully defiant, the Town must step up and take action.

**Karen Coste (322 Station 19 St)** wants the staff reports added to the agenda of all of the Boards, Commissions and Committee meetings and made available to the public. She also voiced her support for Kevin Pennington.

Mr. Millimet mentioned that there should be a historical preservation expert on the DRB, to get their input.

**Kat Kenyon (2023 Atlantic Ave.)** agrees with Kevin Pennington. She also felt that if a home owner applies for every possible variance, then it does not fit that lot.

**Motion:** Mayor O’Neil made a motion that the Land Use and Natural Resource (LUNR) Committee recommend to Town Council that a task force be established with the purpose of reviewing the zoning ordinance and its implementation from the standpoints of design, neighborhood compatibility and historic preservation. Seconded by Mr. Millimet. This motion passed unanimously.

### **3. Consideration of the Planning Commission’s proposed Public Facilities Zoning District.**

Chair Visser explained that the discussion of this agenda item will be taking place in three parts.

- A. Is the formation of a Public Facilities (PF) Zoning district useful to identify significant public use, protect that public use and protect adjacent residential district properties/neighborhoods from undue disruption?
- B. Are the properties identified the correct selections for Public Facilities zoning?
- C. Is the language of the Public Facilities zoning sufficient to the objectives or should it be clarified/alterd?

Henderson gave an overview of the public notifications about the Public Facilities and how they met the FOIA requirements. He then discussed how the idea for a Public Facilities zoning district came to be, through the desire of Town Council to offer civic events in a

zoning district compatible with these events. It came up in the rewrite of the Comprehensive Plan 2018. In December 2019, the Planning Commission completed a draft text amendment for Town Council. Due to the COVID-19 pandemic, Council was not able to request a public hearing until March 2021. June 9, 2021 the Planning Commission held a public hearing recommending approval of this zoning map change and the creation of the new Public Facilities zoning district.

There are three (3) main reasons to create the Public Facilities District

- Fix the Zoning Map inconsistencies, zoning Town Hall and the Elementary School
- The property included corresponds with the Future Land Use Map (included in the Comprehensive Plan)
- Allows higher fences and buffering for properties adjacent to land with public facility uses

There are nine properties to be included: Town Hall, Sullivan’s Island Elementary School, Sullivan’s Island Post Office, Fort Moultrie and Battery Jasper, Battery Gadsden, Battery Thompson, Battery Logan, Fry Shack and Fort Moultrie Visitor’s Center. The old Town Hall and the Lighthouse property are not included to avoid spot zoning.

Mr. Millimet asked what would happen if the Post Office closed. Henderson said that the Planning Commission included a reversion clause. If one of the Public Facilities properties is sold to a private entity, it would return to the zoning district of the area, so the Post office would go back to a commercial/residential split zone.

Henderson briefly summarized the proposed Public Facilities Ordinance, see exhibit 1.

Public comments will be broken up into the three (3) parts previously mentioned by Chair Visser.

### **Public Comments**

1. Is the formation of a Public Facilities (PF) Zoning district useful to identify significant public use, protect that public use and protect adjacent residential district properties/neighborhoods from undue disruption?

**Barbara Spell (1702 Atlantic Ave.)** feels this zoning district gives too much power to Town Council. The Town should have to go through the same approval processes as residents and businesses, publicly through the DRB and Board of Zoning Appeals (BZA).

**Karen Coste (322 Station 19 St.)** does not understand how the nine (9) properties listed in the proposed Public Facilities district were chosen.

**Linda Perkis (2871 Brownell Ave.)** wanted to know if there was anything in this proposed redistricting that allows Council to do anything they can’t do now. She also questioned the historic preservation process and the 1200 square feet cutoff to allow an additional primary

structure. Many historic structures have additions added later and could possibly be cut off to make the historic structure fit the size requirement.

**Cathy Curtis (2824 I'On Ave.)** stated that parts 2 and 3 of the parts waiting to be discussed will affect part A and the parts should be discussed as a whole.

2. Are the properties identified the correct selections for Public Facilities zoning?

**Bob Trussler (1650 Atlantic Ave.)** objects to Battery Logan being included in the district. He wants it to be protected, maybe as a wetland.

Mayor O'Neil asked if the land could be sold off as residential properties. Benke said it is allowable but development would be limited by the View Easement by the National Park Service (NPS), possible but not likely.

Chair Visser stated that at this time, there is no plan to put a parking lot on the property.

**Charles Stockdale (1702 I'On Ave.)** is also concerned about Battery Logan. He asked if adding it to the Public Facilities district would lessen the opportunity for public review of the use of that area, because that is not a good idea. He feels Battery Logan should not be included in the proposed district.

Mr. Millimet asked if Battery Logan had less protection as a residentially owned property than it would if it was rezoned under the Public Facilities district. Henderson said that leaving it as it is, offers less protection because it is not identified as a government property, keeping it in the proposed district means that any changes or uses of the property must be discussed in a public meeting.

Mayor O'Neil asked if it was unusual for a municipality to have this sort of district. Henderson said it is not unusual at all, there are many that have Public Facilities zoning districts.

3. Is the language of the Public Facilities zoning sufficient to the objectives or should it be clarified/altered?

**Miles Jordan (2008 I'On Ave.)** wants to find a way to protect these properties from a future council that might wish to misuse the properties in this district. He wants current Council to make it difficult for anyone in the future to abuse the properties in the proposed Public Facilities district. He felt that can be done through the language used.

**Melanie Burkhold (1660 Atlantic Ave.)** is concerned about the for-profit language under the conditional uses. She wants there to be limits on the size, so there are no large concerts for significant financial gain.

**Susan Middaugh (2420 Raven Dr.)** can appreciate the desire for limits but thinks that leeway would be nice as it would help with authors being able to sell their books after they speak at Battery Gadsden.

**Vicki Rudd (1617 Middle St.)** is concerned with additional traffic due to for-profit events.

**Barbara Spell (1702 Atlantic Ave.)** feels that protections should be for the residents, as the protections discussed are not clearly for them.

Mayor O’Neil asked if the proposed district changes anything that can be done at Battery Logan that can’t be done now. Henderson stated that the proposed district is not more permissive. It would separate and identify government properties for anyone who was considering buying around them.

**Bayne Selby (2650 Middle St.)** wants to know the reason for creating a new zoning district if Council can do whatever they want now and what are the unintended ramifications.

**Chris Richardson (2820 Jasper Blvd.)** feels that the impact of zoning should be considered, because they can be long term.

**Randy Robinson (Town Building Official)** said if something is not zoned a specific way, then you can’t govern it with regulations. The district is being created to put specific restrictions on that district, so if mistakes are made, then they can be corrected. It will limit future Councils by letting them know the desired uses for that zone.

**Camille Tezza (2820 Jasper Blvd.)** asked if all of the maps and documentation can be made available online.

**Motion:** Mr. Millimet made a motion for staff to refine the language of the Public Facilities Zoning district for it to be brought before the Land Use and Natural Resource (LUNR) Committee for discussion at the next LUNR meeting, seconded by Mayor O’Neil. This motion passed unanimously.

**Discussion:** Chair Visser wanted to make sure members of the public, who wish to have input on the language of the Public Facilities zoning district, forward their concerns to staff so they can be discussed and the next LUNR meeting. This includes potential alternatives for removal of the Battery Logan property and the “for-profit” language of the proposed ordinance.

#### **4. Discussion of designating parking spaces along Station 22.5 between Middle St. and I’On Ave. to be for golf carts and Low Speed Vehicles (LSVs) only.**

Mr. Millimet discussed the proposal to make the one block section golf cart or LSV parking only, the benefit being providing more places for residents and renters to park thereby reducing the number of car parking spaces taken by golf carts and LSVs.

**Motion:** Mr. Millimet made a motion to send the proposal to allow golf cart parking only at a forty-five (45) degree angle on Station 22.5 between Middle St. and I'On Ave. on to the Public Safety Committee with a recommendation to approve, seconded by Mayor O'Neil. This motion passed unanimously.

## 5. Adjourn

There being no further public discussion or new business, the meeting adjourned at 11am.

**Motion:** A motion was made to adjourn by Mayor O'Neil, seconded by Mr. Millimet. This motion passed unanimously.

Respectfully submitted,

  
Pamela Otto