

0001
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
0002
1
2
3
4
5
6
7
8
9
10
11

MEETING OF THE SULLIVAN'S ISLAND
DESIGN REVIEW BOARD

DATE: February 18, 2009
TIME: 6:00 P.M.
LOCATION: SULLIVAN'S ISLAND TOWN HALL
1610 Middle Street
Sullivan's Island, South Carolina 29482

REPORTED BY: TERI L. HORIHAN
NCRA Registered Professional Reporter
Clark & Associates, Inc.
P.O. Box 73129
North Charleston, SC 29415
843-762-6294

A P P E A R A N C E S

DESIGN REVIEW BOARD MEMBERS:
Pat Ilderton - Chairperson
Steve Herlong - Vice Chairperson
Duke Wright - Secretary
Betty Harmon - Board Member
Jon Lancto - Board Member
Billy Craver - Board Member

12 ALSO PRESENT:

13 Randy Robinson - Building Official

14 Kat Kenyon

15

16

17

18

19

20

21

22

23

24

25

0003

1

2 I N D E X

3 PAGE

4

5 Certificate of Reporter 51

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0004

1 MR. ILDERTON: This is the

2 February 18th, 2009, meeting of the Sullivan's

3 Island Design Review Board. It is now 6:00.

4 Members in attendance are Duke Wright,
5 Pat Ilderton, Steve Herlong, Betty Harmon, John
6 Lancto, and Billy Craver. Great.

7 The Freedom of Information requirements
8 have been met for this meeting. The items on
9 tonight's agenda are approval of the minutes. Do we
10 like them?

11 MR. WRIGHT: I move the minutes be
12 approved as written.

13 MR. CRAVER: I second it.

14 MR. ILDERTON: Discussion? Everybody
15 in favor?

16 ALL: Aye.

17 MR. ILDERTON: Okay. 2113 Middle
18 a/k/a 2214 I'on Avenue, fence in a commercial
19 district. Randy, what do you think?

20 MR. ROBINSON: What you have in front
21 of you is an application for a fence at 2113 Middle
22 Street. That's a new office building that's being
23 built. The ordinance section 2164A is a design
24 standard, and it says, newly developed
25 nonresidential uses shall provide a buffer at the
0005

1 rear of the commercially zoned lot. The buffer
2 shall be a wall or a fence that is completely
3 opaque, six feet high.

4 The Design Review Board has to approve
5 all changes to a commercial property, so this is --
6 the fence has to come to you-all for approval of its
7 design.

8 MR. ILDERTON: Great.

9 MR. ROBINSON: What you have in front
10 of you is some plans that Mr. Ziff provided. There
11 are two designs here. One is a design of a fence
12 that is completely -- well, I question whether it's
13 completely opaque. That'll be up to you-all to
14 determine.

15 But one is a fence that goes the whole
16 way down the property line. The other fence is a
17 fence that goes the majority of the property line
18 except for 12 feet of it -- wait a minute -- 18 feet
19 of it -- okay. I stand corrected. It's 24 feet of

20 the fence is a wire fence, vinyl-coated welded wire
21 fence with gates in it.

22 I believe also in front of you is a
23 letter from the Police Department saying that -- I
24 don't know. You might want to read that letter.
25 Anyway, that's what's in front of you, and he's
0006

1 looking for approval of one or the other.

2 MR. ILDERTON: Great. Thank you.
3 Loren, do you want to make your --

4 MS. KENYON: You need to state your
5 name.

6 MR. ZIFF: Loren Ziff, 2113 Middle.
7 First of all, thank you. The objective
8 here, from my standpoint, was safety. And if you
9 look in the design of this -- may I come up and
10 just --

11 MR. ILDERTON: Sure.

12 MR. ZIFF: Again, the overriding
13 concern that I had is safety. This is Middle
14 Street, and this is the ground floor of a building
15 that will be occupied. Fire code required that we
16 put in this solid masonry wall. And what you
17 have -- this is an elevator stack and a stairwell.

18 And you have an area back here that is
19 just -- no one can see from Middle Street or from
20 any angle, and I took the Chief back there and said,
21 this is a real concern of mine because nothing good
22 is going happen back here in this corner.

23 And even though I'll have a security
24 camera here and other security cameras on the sight,
25 the Chief's recommendation was to create a view
0007

1 corridor here so that as his people patrol back
2 here, they'll at least be able to see in.

3 MR. HERLONG: That was the reason for
4 the altering?

5 MR. ZIFF: Exactly. So that's what
6 was -- it's really just safety more than anything
7 else. I own the house. And again, the objective is
8 to be able to have a view corridor.

9 MR. ILDERTON: Great. Thank you.

10 MR. ZIFF: Thank you.

11 MR. ILDERTON: I guess is there --
12 I'll call for public comment. Public comment? I
13 will use this time to read the letter from the
14 Police Chief as considering him public comment.

15 In reference to 2113 Middle Street, to
16 the members of the Design Review Board. This letter
17 represents my opinion on the fence proposed
18 separating the business from the residential zoned
19 parts of the property on the above location.

20 My opinion is strictly from a safety and
21 security point of view and does not take into
22 account the ordinances, codes, or aesthetics this
23 property is subject to.

24 The layout of the building on the Middle
25 Street side of this property forms an area in the
0008

1 back that gives me some concerns from a safety and
2 crime prevent point of view. The underneath parking
3 area is shielded from site when driving east or west
4 on Middle Street. This gives anyone wishing to
5 conceal themselves from others the opportunity to do
6 so.

7 I have learned in my business, when
8 people try to hide themselves, especially in public
9 places, they are usually up to no good. This area
10 would also be concealed from the I'on Avenue side if
11 a solid fence was built. The ability on patrol on
12 I'on to observe the covered parking both during the
13 day and night with the use of spotlights by looking
14 between the houses backing up to this commercial
15 building would relieve some of my concerns.

16 Being able to see into this secluded area
17 will possibly both deter and prevent infractions
18 from drug and alcohol violations to crimes against
19 property and/or persons.

20 If I can be of further assistance, please
21 feel free to contact me. Daniel J. Howard, Police
22 Chief.

23 All right. That's on the record. Randy,
24 anything else to add?

25 MR. ROBINSON: The only thing I would
0009

1 like to add is this is a design standard, that it

2 does have to be a completely opaque fence. So
3 Mr. Ziff, even if you-all do approve this design, he
4 still has to go to the Board of Zoning Appeals for a
5 variance on this open part.

6 MR. ILDERTON: Great. Okay.

7 MR. HERLONG: So that is to clarify
8 on whether split zone, dual zone properties that an
9 opaque, six-foot fence is in the guidelines as a
10 requirement.

11 MR. ROBINSON: That's correct.

12 MR. HERLONG: On those particular
13 group of properties.

14 MR. ROBINSON: That's correct. On
15 split zone lots, uh-huh. Well, actually not on just
16 the split zone lots, but the lots between Station 22
17 and 22-and-a-half on the backside of lots. If any
18 new building is created, they would have to put up
19 that fence.

20 The other thing you-all probably need to
21 look at is, do you-all consider this fence opaque?
22 It does have a staggered design.

23 MR. ILDERTON: Right.

24 MR. ROBINSON: So is it completely
25 opaque?

0010

1 MR. ILDERTON: Great. Thank you.

2 All right. Who wants to go first? Billy?

3 MR. CRAVER: I assume that the vinyl
4 coated welded wire part is to give -- is to open it
5 up so they can see in or what's --

6 MR. ZIFF: Yeah. So you can see
7 through, again, from a safety standpoint.

8 MR. CRAVER: I don't have a problem
9 with it, and I don't have a problem with the
10 staggered boards either. I think it's opaque
11 enough.

12 MR. ILDERTON: Great. John?

13 MR. LANCTO: Yeah. I think it, for
14 all intents and purposes, qualifies as being opaque
15 from the perspective of where it would be seen from.
16 So, yeah, I think it's a good idea to open it up
17 there at that section. It makes sense to me.

18 MR. ILDERTON: Thanks. Betty?

19 MS. HARMON: I could approve it
20 because you've opened up this section so you can see
21 in it. So I'm happy with it.

22 MR. ILBERTON: Steve?

23 MR. HERLONG: My only question is
24 sort of unrelated. In the commercial district, are
25 there -- what's required from a landscaping point of
0011

1 view? Is any of that something that goes before a
2 board, or people can landscape -- I think even the
3 next submittal deals with some landscaping issues.

4 Is that -- what's a requirement of the
5 Design Review Board from landscaping? Or maybe
6 there's none. I'm just curious.

7 MR. ROBINSON: I don't think there is
8 any.

9 MR. LANCTO: 2165.

10 MR. ROBINSON: There is.

11 MR. HERLONG: Okay. So it really
12 just deals with a requirement for trees is all it
13 says.

14 MR. ROBINSON: Right. One tree for
15 every 35 feet of front frontage.

16 MR. HERLONG: Well, that's unrelated
17 to this discussion. I think, as Billy said, it's --
18 in my opinion, it's going to be opaque enough. It
19 may be a zoning issue as to what opaque means. You
20 can see through it at an angle, but I would think
21 this fence is suitable to meet the ordinance, so --
22 and I think having it open to that one area as a
23 view corridor for safety is fine, appropriate.

24 MR. ILBERTON: Great. I think it's
25 fine also.

0012

1 MR. WRIGHT: Yeah, I agree. I have
2 one question. Is this area under here going to be
3 open for public parking at night?

4 MR. ZIFF: That's a very good
5 question. I'm trying to find a balance between
6 helping out the neighborhood in general and
7 providing some element of public parking, while at
8 the same point, being very sensitive to the two
9 neighbors that live right there and not disturbing

10 them because they've had many years of quiet.

11 So I'm trying to find that balance where
12 it will be available. And right now I'm thinking
13 possibly open till 11:00, something moderate like
14 that. So again, I'm trying to find that balance.

15 MR. WRIGHT: Good. That's fine.

16 Thank you. I'm okay.

17 MR. ILDERTON: All right. Do I hear
18 a motion?

19 MR. CRAVER: I move we approve the
20 request. And I guess if he needs to go to the
21 Zoning Board of Adjustment, that we recommend that
22 they approve his request for a variance to the
23 extent it's needed.

24 MR. ILDERTON: All right. Do I hear
25 a second?

0013

1 MR. LANCTO: I second.

2 MR. ILDERTON: Discussion? Everybody
3 in favor?

4 ALL: Aye.

5 MR. ILDERTON: All right. The next
6 item I'm going to recuse myself for and turn it over
7 to Steve.

8 MR. HERLONG: Okay. The next item is
9 2213B Middle Street, modification of an approved
10 design. So we'll wait for Randy to give us a
11 presentation.

12 MR. ROBINSON: Let's see. This is
13 for a change in design to the front of the building
14 at Station 2213B Middle Street. Let me get my stuff
15 out in front of me. In the description it says, a
16 modification of approved design to include comments
17 and recommendations from public charrette.

18 This has been before you-all before. It
19 was before you-all in July of '08. You-all approved
20 the change in the parking in front of this building.
21 In that change, it was kind of a temporary change.
22 And this one is a -- it's a more permanent change.

23 The design consultants for the commercial
24 district had several charrettes, and out of those
25 charettes came out a basic plan for the commercial

0014

1 district. I believe that this came from the
2 consultants. The first page in your application
3 came -- this is directly from the consultants.

4 The second page is a site plan showing
5 you the building and what is proposed out front and
6 on the side, some raised planters on the side. The
7 third page is a planting plan, and the fourth page
8 is a staking plan.

9 Anyway, this -- I'll wait for my comments
10 on the rest, and we'll go ahead and let the
11 applicant present what he's got, but that's what's
12 in front of you right now.

13 MR. HERLONG: Okay, Randy. Thanks.

14 Is the applicant present?

15 MR. SEEL: Harry Seel, Seel's on
16 Sullivan, 2213B Middle Street. As Randy said, we
17 got approval to do the modifications on a temporary
18 basis. It took myself and Kent about a
19 month-and-a-half to finally get together and look at
20 the way it needs to be laid out and kind of scope
21 everything out.

22 One of our major issues is by the time we
23 got it resolved, we were in the winter months, and
24 we had no business. We went to design charrette.
25 There was overwhelming feedback from all the

0015
1 neighbors around us, the people that had come out to
2 talk about the design charrette saying that the
3 front of our building was not the most attractive
4 one on the island, and that some landscaping and
5 stuff would be beneficial.

6 It even went so far as to kind of give us
7 an idea of what they actually wanted the front of
8 the building to look like. And if you look, it's
9 basically Poe's. It was overwhelmingly -- with all
10 the town people there that Poe's -- the front of
11 Poe's kind of embodied what Sullivan's Island design
12 should look like from a consumer's commercial
13 standpoint. It's very attractive, and so this is
14 kind of where this design come from.

15 We modified the design just a little bit
16 so that when the fence line would come across the
17 front to kind of give it that little bit of a more a

18 family feel and little more secluded feel.

19 We turned the fence back towards the
20 building and that basically provides a tighter
21 enclosure for customers coming and going. They
22 basically have to come and go near the front door,
23 which is something that the Chief has asked for --
24 from a Police standpoint, basically given us clear
25 guidelines. I think we talked about it last time,
0016

1 clear delineated guidelines from where people can
2 be, where people cannot be, and also more of a
3 controlled flow.

4 So in the evening, the security people
5 will be standing there so that people have a
6 clear -- it's like Poe's gates basically, but
7 because we have such a longer front end, we
8 basically -- the fence line has been moved in toward
9 the front of the building, towards the main
10 entranceway.

11 Since we have put in the design -- one of
12 the things that most of the town people wanted was a
13 sidewalk that connected the commercial district. On
14 all the commercial designs that were done, there's a
15 sidewalk basically that runs the entire length of
16 the commercial district now, just like it does
17 mirrored on the opposite side of the road. So that
18 is included in our design.

19 We actually said, when we kind of talked
20 to the Mayor and stuff about kind of what we were
21 looking at, we would actually pay for the sidewalk
22 to be put in. Since I've given you this package,
23 DOT has come in. And DOT with the stipend money
24 they're getting from the government wants to come in
25 and put a drainage ditch, a basin -- I don't know
0017

1 what the proper word would be, but a catch basin
2 along the front of the property.

3 The last catch basin on our side of the
4 street is in front of Bert's. So from Bert's all
5 the way down to Dunleavy's, there's nothing there to
6 catch and pool and collect water, so DOT would like
7 to put one in there, which basically means that the
8 sidewalk would not be able to be installed until

9 after DOT had finished their stuff. They're
10 expecting to be done by October, so that when they
11 pave our side of Middle Street, they'll be able to
12 pave up to a new curb.

13 DOT has also stated but not confirmed
14 that since they have to dig all that up, they'd have
15 to put it back in place anyways, and that they would
16 put a sidewalk in place, if that's what was so
17 required. So that's the only modification that we
18 have from the design plan you have in front of you.
19 It would just be a delay from the time we did our
20 section to the time DOT did their section too.

21 MR. HERLONG: We'll probably have
22 time to ask questions, but I think the next
23 procedure is for -- if you're through with your
24 presentation.

25 MR. SEEL: Yeah. I know everybody
0018

1 has a lot of questions.

2 MR. HERLONG: It would be public
3 comment. Is there any public comment? It looks
4 like the public comment section is closed. Randy,
5 do you have any final comments?

6 MR. ROBINSON: Okay. Yeah, I do.
7 This came before you-all before as a change in the
8 parking plan.

9 MR. HERLONG: Right.

10 MR. ROBINSON: They used to have the
11 other parking spaces out front, and it was a
12 reduction in parking places, and you-all approved
13 that plan kind of with some conditions. The first
14 was that it -- that this would be in place only as
15 long as Town Council allows the Durst lot to be used
16 for valet parking. Two, only as long as Off the
17 Hook has an agreement with Durst to use the lot.
18 Well, I haven't seen an agreement yet.

19 MR. SEEL: Kent has it.

20 MR. ROBINSON: I haven't seen any
21 agreement yet. Maybe Kent does have it. But it was
22 something that could be reversed at that point. You
23 could take the parking stops that are there, move
24 them back to the building, create the parking spaces
25 again. When this is done, this is irreversible.

0019

1 You're going to have those parking spaces out front
2 there, and that's it, no others. Am I correct?

3 MR. SEEL: Yes, sir, you are.

4 MS. HARMON: What do you mean by
5 that? They don't have parking spaces now up here,
6 right? They can park the car for valet service.

7 MR. ROBINSON: Well, there has never
8 been a valet service created. That part of it has
9 just not materialized, and so we haven't seen if it
10 works yet.

11 MS. HARMON: Right.

12 MR. ROBINSON: Another thing is, the
13 plan that was created by the charrettes and by the
14 consultant has not been approved by Town Council.
15 There hasn't even been a public meeting on it, so I
16 kind of question whether we're putting the cart
17 before the horse here.

18 I understand that DOT is going to come in
19 and pave the road and all that, but this would be
20 doing something that is going along with that plan,
21 and we don't even know if we're going to do that
22 plan or not.

23 MS. HARMON: Okay.

24 MR. ROBINSON: Let's see. There are
25 some raised planters along the side also in the

0020

1 plan. Those planters may or may not -- but it looks
2 like to me the parking in that area between those
3 two buildings is real tight already. If you go and
4 put planters in there, it's going to get more tight.

5 This plan also will add more seats out in
6 front of the business. Really that is not under the
7 parking requirements, but it just is something for
8 you-all to look at too. There is going to be more
9 seating out in front of this business.

10 The sidewalk shows five feet wide, and
11 this is just a little thing, but the sidewalk is
12 five feet wide on your plan, but our design
13 guidelines in our commercial district says the
14 sidewalk ought to be six feet wide. That's really
15 not a big deal because you-all have purview to make
16 it five feet if it meets neighborhood compatibility.

17 That's about it from my standpoint.

18 MR. HERLONG: I have a question about
19 the drawing and what I see over there. You go
20 around the corner where Dunleavy's is, and there is
21 a curb.

22 MR. SEEL: That's correct.

23 MR. HERLONG: And the curb goes over
24 maybe to about where Dunleavy's stops, and the curb
25 stops.

0021

1 MR. SEEL: Right.

2 MR. HERLONG: And then the road --
3 doesn't the road turn in on a little bit of an --
4 there's an angle. I see an angle, and then that's
5 what creates what you've currently got as parallel
6 parking. And you've got some curb bumpers, wheel
7 stops, out there that kind of define an inner part
8 of the parallel parking.

9 So I'm not sure -- I'm assuming this is
10 drawn straight, so the curb would continue in a
11 straight line --

12 MR. SEEL: That's correct.

13 MR. HERLONG: -- to the edge of the
14 building and then maybe it just --

15 MR. SEEL: It would taper down to the
16 parking lot, yes, sir.

17 MR. HERLONG: And I'm wondering if
18 that -- doesn't that eliminate the parallel parking
19 that's there?

20 MR. SEEL: If the sidewalk was put in
21 there, then that would alleviate the parking. But
22 in the design plan, the parking would start after my
23 building per the charrette. One of the -- if I can
24 back up just one second, the idea of this came out
25 of the charrette, but my plan is not contingent on

0022

1 the charrette taking place or the plan being
2 approved. It was what the town -- the people who
3 were at the charrette would have liked to have seen.
4 We liked the idea ourselves, so we decided that
5 would be a good move for us to basically redo that
6 front entrance when you come onto the island.

7 With the design the way it is right now,

8 since the five-foot sidewalk or the six-foot --
9 five-foot came out of the charrette, so that's the
10 only reason I put five feet in there. If the
11 sidewalk was not put in at all right now, we would
12 not lose any of those three parallel parking spaces
13 that could be either used for parallel parking or it
14 could be used for valet parking depending on the
15 need and the time of the year.

16 Right now, we have the three parking
17 places there, four depending on what kind of cars
18 you have, and people use it.

19 But as it comes around the corner, it
20 would come straight down. Why they dropped it off
21 there and not at the curb for handicapped, nobody
22 knows. If you remember, this whole thing was
23 started because of a DOT issue with the tail end of
24 the cars parked in my parking lot being in the lane.

25 And so on DOT's roads -- basically, from
0023

1 my understanding, there's one lane there. And where
2 the Town through paving has made kind of a
3 lane-and-a-half there. James Law, is that --

4 MR. RIGGS: Yeah. James Law at DOT
5 came out and looked at it, and he --

6 MS. KENYON: When you get up, you
7 need to tell our court reporter your name.

8 MR. RIGGS: My name is Bobby Riggs,
9 and I'm partners in Seel's. James Law came out. He
10 reviewed this, and he's looked at it since we put
11 the plan up. He said DOT didn't approve for cars to
12 back out into traffic like we were having to do. We
13 were on the right-of-way.

14 And we saw it ourself. When a car backs
15 out and it's a big SUV here and a small car backs
16 out, it is really dangerous. And then the reason we
17 haven't done the valet is like Harry said. We
18 haven't had any business to valet park. We have the
19 parking lot whenever we need to use it.

20 MR. SEEL: We've got \$1,000 retainer
21 at Durst that they have. They've had it since this
22 plan was approved. And you know, basically, we just
23 haven't had any use for it right yet.

24 Now, since the plan is into action when I

25 spoke with Kim and stuff, both the restaurants on
0024

1 either side of us didn't really want to have
2 anything to do with this. They wanted us to run our
3 valet system, and then they would be totally
4 separate from us. Since the design was approved,
5 now they want to be a part of whatever happens at
6 the Durst property also.

7 So what their thought has been -- and
8 I'll just lay it on the table -- is that Dunleavy's,
9 myself, and High Thyme, since we're all right there,
10 we would all use Durst's property, and it would be
11 handled by either a valet system, if it worked, or a
12 lot attendant if the valet did not work.

13 Either way, per our agreement with
14 Dr. Durst, we need to have somebody over there.
15 Somebody needs to patrol the parking lot and make
16 sure people are responsible for their behavior and
17 the noise and so forth to remaining a residential
18 atmosphere at Dr. Durst's property.

19 MS. HARMON: Well, my question is, if
20 you take the valet parking away from the front of
21 your house, in front of your business, with the
22 five- to six-foot sidewalk, then you won't have
23 valet parking.

24 MR. SEEL: That's correct. The issue
25 that came out in the charrette was the safety of
0025

1 being able -- for children to be able to ride on
2 that side of the street from Green Heron all the way
3 down on the sidewalk. And so if you see all the
4 plans that were laid out, that's why we went with
5 that plan, to do the sidewalk.

6 MR. RIGGS: And that's why we went
7 back to Dr. Durst and said, we might not valet park
8 if it doesn't get approved with Durst or doesn't
9 prove affordable, then we'll just have a lot
10 attendant. He'll monitor the people in the parking
11 lot.

12 MR. HERLONG: I tell you what, why
13 don't we let -- let's just kind of go back with our
14 process and maybe just let each of us ask any
15 questions we might have. So Billy, do you have any

16 questions?

17 MR. CRAVER: The construction that
18 you-all are proposing here is all on you-all's
19 property?

20 MR. RIGGS: That's correct, sir.

21 MR. CRAVER: Okay. I think it looks
22 good. I don't have a problem with it, as long as
23 the -- you've got to work the parking out. And if
24 you can't -- the sidewalk makes sense. It makes
25 sense from a safety standpoint to have a sidewalk

0026

1 there. Someday maybe people will realize there's
2 not a stop sign at that intersection too on Middle
3 Street because they stop all the time there at the
4 crosswalk. But I think anything that can be added
5 to add safety makes sense.

6 Having a parking lot attendant at Durst's
7 as opposed to valet parking, that suits me -- I
8 mean, that would suit me fine. And I know this
9 isn't a parking -- we're not dealing with parking
10 tonight. But either way, I think having it
11 available to provide parking covers that issue.

12 And if the three businesses there get
13 together and they work out something with all of
14 them, that's even making more and more sense, you
15 know, that they're all getting together and
16 cooperating.

17 Steve's point about the planters or
18 whoever's point it was, could be a good one. You
19 just need to make sure that doesn't interfere with
20 your ability to use those spots. Other than that, I
21 don't have a problem with it at all.

22 MR. SEEL: I was just going to
23 respond to that if it's okay, the planters. The
24 reason why the planters were going to go in -- and
25 Randy's right. The problem is that our parking lot

0027

1 is very tight. The problem we have with customers
2 is, they don't feel comfortable enough to pull up to
3 the building. So what we have is this four-foot gap
4 where people leave their car substantially away from
5 the building.

6 So by putting these -- we have these big,

7 galvanized planters that will go up against the
8 building. And on there, each one has a sign that
9 says, please pull up to planter, so basically
10 they'll pull up. And if for some reason somebody
11 slips, you're not moving -- the planter is full of
12 rock. So you hit the planter first.

13 But it's basically, we're trying to get
14 them tighter to the building so that we do have an
15 opening in the parking lot. That was our thought.

16 MR. CRAVER: Makes sense to me.
17 Okay?

18 MR. HERLONG: John?

19 MR. LANCTO: Well, I wasn't here when
20 you went through the process for the parking, so I'm
21 kind of at a disadvantage, but I do like Randy's
22 point about, it's an irreversible decision on the
23 parking once we make approval on it.

24 So I do have a problem with the concept
25 in that regard that we're eliminating the option of
0028

1 taking the recommendations from the charrette and
2 applying them, if they conflict with what's on this
3 paper. So that's my -- I do like the looks of this,
4 even though this isn't exactly what's over there
5 now. I think that there's a large, angled section
6 under the roofed or porch area now that cuts across
7 there, and this would add a significant amount of
8 more dining space to this facility, which would in
9 turn increase the amount of parking that would be
10 required to accommodate the customers.

11 So that kind of exacerbates the situation
12 here. So I would kind of be reluctant to grant any
13 kind of a change until we see what the results of
14 the planning charrette and that process is.

15 MR. HERLONG: Betty?

16 MS. HARMON: I feel the same way. I
17 think that we ought not to be making decisions until
18 the Town Council and the meeting has been -- I mean,
19 I like what I see, but I think it would be
20 presumptuous to do this before Town Council has a
21 meeting and it's approved by the Town.

22 MR. SEEL: Well, the only thing that
23 would be approved by the Town would be the sidewalk.

24 The other stuff would not be. The only issue would
25 be whether or not the sidewalk would take away
0029

1 parking or not.

2 If the sidewalk, since it can't be put in
3 now anyways, was left off until after the charrette
4 and after DOT did all their work, then the Town
5 could decide whether or not they want DOT to put the
6 sidewalk in or not. Everything else is on our
7 property, so we have the ability to ask for that
8 area.

9 And we have 16 seats that will be added
10 to the outside. None will be added to the porch.
11 You're right. In this, it kind of looks like a box,
12 but that's just because of the limitations of the
13 drawing. That's all it is. So it would add 16
14 seats. We have an outdoor -- like a picnic table
15 that would add 10 seats, and then you'd have two
16 four-top seats out there.

17 MR. HERLONG: Duke?

18 MR. WRIGHT: Why can't we separate
19 this issue?

20 MR. HERLONG: That's what I'm
21 wondering too.

22 MR. WRIGHT: This is a design issue
23 we should be talking about tonight.

24 MR. HERLONG: Exactly.

25 MR. WRIGHT: If you can do what you

0030

1 want to do design-wise to the building, that's fine.
2 And let's not worry about the sidewalk and the
3 parking and the road. Let's just discuss the
4 aesthetics of the building and the front of it. Is
5 that --

6 MR. HERLONG: That was going to be my
7 comment.

8 MR. WRIGHT: I mean, we're muddying
9 this thing up.

10 MR. HERLONG: There's several issues.
11 The first time you were in, there was even more
12 discussion about parking. This is a Design Review
13 Board. And Billy, you made the point that -- I see
14 a dashed line, and I'm assuming that's where the

15 property begins. And what you're proposing is some
16 landscaping and a fence inside the property line.
17 And that's one issue that could be debated,
18 discussed.

19 And then outside of the property line,
20 there are things that can occur, either a sidewalk
21 or the current three parallel parking places that
22 would still sit where they are now. It seems,
23 unless I'm mistaken, this could be done on the
24 property, and the current parallel parking stays,
25 unless I'm mistaken.

0031

1 MR. ROBINSON: Well, the only thing
2 is you'd have to go back to what was approved
3 before, which was a temporary situation. And if
4 this is put in, this is a permanent situation.

5 MR. WRIGHT: But this does not affect
6 what we approved before, as I understand it. We're
7 talking now about an aesthetic issue from the fence
8 back.

9 MR. ROBINSON: No. It does concern.

10 MR. WRIGHT: Why?

11 MR. ROBINSON: Because they had more
12 parking places before, and they took those parking
13 places away. There were six parking places across
14 the front, and now they only have three out on the
15 road.

16 MS. HARMON: They took those away.

17 MR. CRAVER: Didn't he say that DOT
18 said they couldn't use those parking places?

19 MR. ROBINSON: DOT can't say they
20 can't use those parking places. Those parking
21 places have been there since forever. I remember
22 them when I was a child. What they're saying is,
23 it's not a good situation. I think we all agree on
24 that, that it's not a good situation. But that's
25 what we've got.

0032

1 MR. WRIGHT: But aren't we wrapped
2 around the axle here over some issue that we have no
3 control over?

4 MR. ROBINSON: Yes, you do.

5 MR. WRIGHT: What?

6 MR. ROBINSON: Parking.

7 MR. WRIGHT: I mean, let's not muddy
8 up the aesthetics of the building with the issue of
9 DOT and parking and the master plan and all that.
10 Whatever that group decides should not, as I see it,
11 affect the design of the front end of this building.

12 MR. LANCTO: Well, unless we're
13 taking away parking spaces to accommodate the
14 design.

15 MR. WRIGHT: I don't think we're
16 doing that.

17 MR. LANCTO: Yeah, I think we are.

18 MS. HARMON: If you put in a
19 sidewalk --

20 MR. WRIGHT: Oh, I'm not talking
21 about a sidewalk. I'm talking about from the fence
22 in. He said the sidewalk might be approved and
23 constructed by DOT.

24 MR. LANCTO: When you pull into this
25 place right now, your car would cover this fence.

0033

1 MR. WRIGHT: I don't think so.

2 MR. LANCTO: I just pulled in there
3 tonight. I just did it myself tonight to line up
4 where cars park.

5 MR. WRIGHT: Where the bumpers are
6 now --

7 MR. LANCTO: No. If you pull in
8 parallel right now --

9 MR. WRIGHT: You can parallel three
10 cars there right now, as I recall.

11 MR. LANCTO: Yeah. But the outside
12 of your car is even with the curb.

13 MS. HARMON: So you're saying right
14 now that if we tried to parallel park there, we
15 could not because of the fence?

16 MR. LANCTO: If you just eliminate
17 the sidewalk, you could not parallel park where the
18 sidewalk is proposed.

19 MR. WRIGHT: I understand that. But
20 that's not --

21 MR. LANCTO: Well, what I'm saying is
22 if we approve the design and say, okay. We're not

23 going to involve ourselves with the sidewalk because
24 you're still leaving that for parallel parking, that
25 concept doesn't work. Because you can no longer --
0034

1 we eliminate all three of those parking spots by
2 having that fence there.

3 MR. RIGGS: That's not --

4 MR. LANCTO: Well, I pulled myself in
5 there tonight, and I lined up where the outside of
6 the car is and this curb and gutter that wraps
7 around Dunleavy's is the road running through here.
8 Okay?

9 So you don't -- cars are wider than five
10 feet. All right? And he's proposing to have a
11 planter on the outside of that fence as well. I
12 mean, you can't put a car with what we would leave
13 there. We could approve it, I think, if we said,
14 move the fence back. But under the current
15 situation, by just saying, okay -- and I agree. I
16 like the design. I think it's a great design, but
17 you cannot keep those three parking spots with this
18 design.

19 MR. HERLONG: John, I tend to agree.
20 I looked at that, and that was -- that's truly my
21 only concern is that -- and you just hit the issue.
22 I think a car has to be parked outside of that curb
23 or totally inside that curb line, or it is on the
24 street. And so I'm not sure that this is completely
25 accurate.

0035

1 It may be that we might ask you to
2 restudy -- I think this may need actually a survey
3 of the actual conditions going on to know that we're
4 getting it right.

5 MS. HARMON: Right. I agree with
6 that.

7 MR. HERLONG: I would agree that this
8 is a great improvement, and it will be wonderful for
9 the community to see the visual improvement, to get
10 some landscaping in there. It'll help buffer noise.
11 It's a very noisy place, and that will help so much
12 with the noise buffer.

13 MR. SEEL: Yes, sir. That's

14 definitely one thing we're looking for.

15 MR. HERLONG: But I would hate for
16 this board to do something that we may not realize
17 is happening. And I think as it currently is drawn,
18 we might not have those three parking places.

19 MR. CRAVER: What if we were to --
20 what if we were to approve it subject to them
21 adjusting the fence in such a fashion that those
22 three places would still be there and let Randy deal
23 with that?

24 I mean, I would think -- because that's
25 similar to what we did before is we -- rather than

0036

1 hold them up, because I assume this is a good time
2 to be doing construction, that if we say, come back
3 to the next meeting, making the deadline for the
4 next submittal, which would be in a week or
5 something.

6 MR. HERLONG: Three days.

7 MR. CRAVER: So they could be two
8 meetings hence, and they're in the season, as
9 opposed to being in the off season.

10 Randy, would you be comfortable -- what
11 we're saying is we want to make sure that the three
12 spaces stay there. I hear what you're saying is
13 that there are really six spaces that we're dealing
14 with. But we've sort of made the decision that
15 three --

16 MS. HARMON: Three was what it was
17 going to be.

18 MR. CRAVER: Three was okay.

19 MR. ROBINSON: Well, no. You left
20 that up to us.

21 MR. CRAVER: Okay.

22 MR. ROBINSON: What you said was that
23 if either the Department Of Transportation,
24 Sullivan's Island Police, or Kent determines that
25 it's not working, then it would go away. They would

0037

1 move the curb stops, and you'd have those six
2 parking places back -- or five.

3 So now you're saying, well, you-all
4 approved three. But, no, you didn't. You put it on

5 staff before to say whether it was working or not.

6 MS. HARMON: So when will you-all
7 know?

8 MR. ROBINSON: Well, we'll know when
9 the parking situation is different. We're not going
10 to know until business picks up whether it's working
11 or not.

12 MR. SEEL: What we did was we gave up
13 a parking space. We had five in front of our
14 building. We have three there now plus the
15 handicapped parking spot that used to be where cars
16 didn't park. We moved everything around, and we put
17 the handicapped parking spot on the concrete so that
18 van accessible could operate from the rear, which is
19 one of our problems.

20 Of the five spaces in the front, one was
21 handicapped. Anybody that was in a van accessible
22 wheelchair was actually unloading physically in the
23 street, so we moved it around per the last drawing.
24 And what we did was by losing one parking space, we
25 gained 32 parking spaces at Durst. That was kind of

0038

1 the trade-off.

2 And I do see what you're talking about
3 now. The tire stops that are out there right now
4 are on our property line. So the cars that are
5 there now are physically in that kind of DOT
6 right-of-way where -- whatever we want to do.

7 It will stay there based on decisions in
8 the future, based on the charrette and all that
9 stuff. If you felt like we didn't have enough room
10 in there for an adequate egress route through there,
11 then I'd be more than happy to work with Randy about
12 moving the whole structure back to make sure that we
13 had adequate space there as it sits now.

14 And if they decide to do something in the
15 future, then we'd just have a wider sidewalk. So
16 I'd be more than happy to be able to move that back
17 a little bit.

18 As Mr. Craver said, this is our time for
19 us to be able to do it because in another two
20 months, we won't be able to afford seven days.

21 One of the things that we looked at in

22 the front of this building is that we have a large
23 drainage problem in the front of our building. So
24 when we take the concrete out through a
25 recommendation of -- not a recommendation, but
0039

1 Randy's comments to us was, we're going to put
2 porous concrete back in its place. So basically we
3 opened about 700 square feet of porous concrete now
4 to allow and facilitate extra drainage in that area.

5 And right now, if you look at it, it's
6 all uneven. Two Saturdays ago, we had a lady trip
7 over a broken piece of concrete that was out in the
8 road. It's on the DOT side, but it's still not the
9 best situation out there.

10 MR. WRIGHT: I still go back to my
11 thought that we should separate these two issues as
12 much as we can to allow them to proceed with the
13 aesthetical part of the question on the building,
14 and address the parking and the right-of-way and the
15 sidewalk in the subsequent comprehensive plan
16 business that will come before the Town Council.

17 MS. HARMON: Well, if they put the
18 fence in now, that can be removed, right, Randy? If
19 we wanted to keep the six parking spots? I mean,
20 they would have to take it down?

21 MR. ROBINSON: Yeah.

22 MS. HARMON: It's just a fence that
23 can be removed.

24 MR. ROBINSON: Well, you've got fence
25 planters, plants. I mean, it's pretty irreversible.

0040

1 I mean, you could reverse it, but it would be a
2 pretty great expense to do that and not to mention
3 the expense that it costs to create all this.

4 MS. HARMON: Right. Well, I
5 understand it would be expensive, but if they wanted
6 to do that at their own risk.

7 MR. LANCTO: Randy, have you seen the
8 plans? Is the result of the charrette -- is there
9 any parking left in front of this building?

10 MR. ROBINSON: No, not on --

11 MR. WRIGHT: Where is that master
12 plan? It was in here yesterday.

13 MR. ROBINSON: I can get it.

14 MR. HERLONG: Duke, I tend to agree
15 with your line of thinking. This board is not
16 really in a very good position to be dealing with
17 the parking issues. It's a non-solvable issue to
18 this board. We can deal with improving aesthetics.
19 That's what the board's for, and I think we can deal
20 with what's on this property. It may not -- and
21 just take that portion of it and work with it.

22 MR. WRIGHT: If we can do that, that
23 makes sense to me. And let them get on with this in
24 the wintertime.

25 MR. SEEL: This was the design

0041

1 proposal here which basically had this sidewalk
2 coming all the way down here. One of the secondary
3 proposals was that -- to take all service trucks off
4 of the front road and basically stick them in my
5 parking lot when they made deliveries throughout the
6 island. That's probably not going to be able to
7 happen.

8 But that's why you see it right here.
9 This was a service road. Basically, parking would
10 start in front of High Thyme, and they did reverse
11 parking from there all the way down.

12 Again, you know, we would lose -- if the
13 design went over and we did it, we would lose that
14 one extra parking space that we could possibly have
15 if we switched everything back around. But the
16 safety and aesthetics of the front of the
17 building -- I mean, we hear it from all the town
18 people, that we're ugly.

19 And no disrespect, but you constantly are
20 modifying a building, and there's not a lot of
21 aesthetics left. It's just a lot of concrete. So
22 that's one of the things that we wanted to do was we
23 wanted to make it more a part of the island. That's
24 really the first building you see when you come to
25 the stop sign.

0042

1 MR. WRIGHT: It's going to take years
2 for this master plan to be approved and implemented.
3 We're going to be a long time before that's done, so

4 I just think that we need to address as much as we
5 can if we can from the fence back.

6 MR. SEEL: The noise reduction from
7 our standpoint is going to be a great asset too.
8 We've spent a lot of money in trying to reduce the
9 noise. And that's not an issue particularly for
10 this board, but I do want you to know that -- that's
11 why there's a double layer of landscaping versus
12 just on the outside is constantly breaking up that
13 different flow of noise.

14 MR. CRAVER: So what you're saying is
15 the three parking places that are there, those are
16 actually on the DOT right-of-way as it is now?

17 MR. ROBINSON: Not completely, Billy.

18 MR. CRAVER: Pretty close?

19 MR. ROBINSON: Not completely.

20 MR. SEEL: Right now, they are. The
21 tire stops are on our property boundary line.

22 MR. CRAVER: So the tire stops are on
23 your property, but the --

24 MR. SEEL: The current parking is on
25 the DOT right-of-way, and that's the reason why we
0043

1 had to go to Mr. Law, James Law, was because we had
2 to have approval for them to be able to change that
3 parking. And they said, hey, it's a better
4 situation than what we had because people can pull
5 out into traffic looking over their shoulder versus
6 backing into traffic at an interaction.

7 MR. CRAVER: Duke, I agree. I think
8 we ought to just deal with the design part of it.

9 MR. HERLONG: So it's possible to
10 just approve --

11 MR. CRAVER: This with no sidewalk.

12 MR. HERLONG: -- a portion of it and
13 defer any issue regarding the sidewalk or curb and
14 gutter.

15 MR. CRAVER: Right.

16 MR. HERLONG: And just let it -- do
17 you think that's --

18 MS. HARMON: Are we including that we
19 make sure that the parking spaces are still there?
20 If he has to move the fence in, then he'll have to

21 do that.

22 MR. WRIGHT: Well, the fence, again,
23 as I understand it -- and if you look at this
24 drawing, the fence is -- to scale, it may be three
25 or four feet in from the sidewalk for Poe's, and
0044

1 that's where the bumpers are right now. So the
2 fence is still well within his property.

3 MR. HERLONG: Probably two feet
4 within the property.

5 MR. WRIGHT: Right. Now, we may have
6 to do away with the landscaping outside the fence.

7 MS. HARMON: Could you park if the
8 landscaping weren't there when you went today?

9 MR. LANCTO: No. And I question -- I
10 know you say that those bumpers are on that dotted
11 line, but I think that they're more like back where
12 these tables are based upon when I pulled in there.
13 Because I kind of did some quick calculations as to
14 the amount of distance that was involved there.

15 And what I was worried -- you know, in
16 reality, I really like the idea of having a sidewalk
17 running in front of this place and I like the idea
18 of isolating the interior. And if everybody's okay
19 with saying, hey, we're not going to worry about
20 those three parking spots, then let's just -- I
21 think we should do that.

22 But if what you decided at that prior
23 meeting has any bearing whatsoever on this decision,
24 then I can't -- I wasn't there. I don't know what
25 the discussion was, so you guys are going to have to
0045

1 come up with your own resolution on that.

2 MS. HARMON: Well, I remember it as
3 being that we gave them those three parking spaces
4 for valet. Nothing was said about taking those
5 away. It was so they could park, and now he says
6 that the Town's worried about kids getting hit or
7 whatever with the traffic problem there. So at the
8 time, we did say that the three parking places had
9 to be there.

10 MR. WRIGHT: Don't they stay there?

11 MR. SEEL: Yes, sir.

12 MR. WRIGHT: Under my ideas, we're
13 not messing with those three parking places.

14 MS. HARMON: Well, he just said you
15 couldn't park there. The fence was in the way if
16 you tried to park there.

17 MR. WRIGHT: Is that what you said?

18 MS. HARMON: That's what John says.

19 MR. LANCTO: That's what I said. I
20 said, when I pulled in there today -- you know, my
21 car is 7 feet wide or 6-and-a-half, something like
22 that, I would have been at least on top of the
23 plantings that are proposed here.

24 MR. WRIGHT: Well, the plantings,
25 yes.

0046

1 MR. LANCTO: So if you wanted to be
2 really safe about it, you say move the fence back
3 two feet and you --

4 MR. CRAVER: Or if we just say we
5 approve subject to them leaving enough room to make
6 sure that those three parking places are still
7 there, whether they're on DOT property or your
8 property, it has to be enough and leave in place
9 Randy working with them to make sure it happens.

10 MR. ROBINSON: How much are we going
11 to make sure happens?

12 MR. CRAVER: The three parking
13 places.

14 MR. ROBINSON: And how wide are they
15 supposed to be?

16 MR. CRAVER: Well, as wide you've got
17 to have a parking place.

18 MR. LANCTO: I think that a parking
19 spot is usually wider than 7 feet. It's probably
20 more like 9 or 10.

21 MR. WRIGHT: Well, we're kind of --

22 MR. CRAVER: I'm where you are on
23 this, Duke, is we're on the inside of the -- we're
24 on the private property side. If we don't mess with
25 the parking plan we've approved, then we're not

0047

1 saying that that goes away. But on the inside,
2 we're saying, yeah, you can do what you want to do.

3 So the parking plan that's approved stays in place
4 as approved. So it's got to still be there.

5 MS. HARMON: Right. Well, why don't
6 we say that we approve it as long as they leave
7 space --

8 MR. CRAVER: I think we can say we
9 approve it subject to the fact that the parking plan
10 that we've approved stays in place.

11 MS. HARMON: Right. I agree with
12 that.

13 MR. HERLONG: And I also feel like
14 whether it's adding or moving tables is irrelevant
15 to the design review. That's not our purview to
16 count tables. There are issues maybe, but they're
17 not our issues. Ours is the overall appeal and
18 aesthetics of an area that needs it real bad.
19 That's the way I see it. So I wonder if you could
20 phrase a --

21 MR. CRAVER: Maybe like there be a
22 motion that we approve the request without any work
23 being done on the -- we approve the request but not
24 the sidewalk, and it's subject to leaving the
25 parking plan in place. Does that sound right?

0048

1 MR. WRIGHT: Uh-huh.

2 MS. KENYON: Okay. Make a motion.

3 MR. CRAVER: I move that we approve
4 the request as submitted with the exception of the
5 sidewalk, which will not be -- the sidewalk and the
6 curb and gutter, which will not be done, and subject
7 to the parking plan that was previously approved
8 staying in place.

9 MR. WRIGHT: I'm fine with it.

10 MR. HERLONG: Do you second it?

11 MR. WRIGHT: Oh, second.

12 MR. HERLONG: Any discussion about
13 that motion?

14 MS. HARMON: I just wanted to make
15 sure that we have enough space there for parking. I
16 mean, if you're going to --

17 MR. HERLONG: That said it, I
18 believe.

19 MR. CRAVER: I think by leaving the

20 prior parking plan in place, that gives us the
21 most -- because we had some pretty good checks and
22 balances on that. They've got to satisfy DOT,
23 Police, Randy. We'll substitute Randy for Kent.

24 MR. LANCTO: Your prior plan was that
25 if the parking didn't work out, you would restore
0049

1 the five spaces, right?

2 MR. WRIGHT: Yeah, that was it.

3 MR. CRAVER: So if we get down the
4 road and for some reason the parking doesn't work
5 out -- you know, which you're back at the drawing
6 board anyway.

7 MR. LANCTO: They're going to have to
8 tear down the fence, remove the planters?

9 MR. WRIGHT: Right.

10 MR. HERLONG: In reality, I can't see
11 anyone ever wanting to go back to having people pull
12 out.

13 MR. CRAVER: I agree with that.

14 MR. HERLONG: There's an improvement.
15 How it's ever going to go backwards is beyond me.

16 MS. HARMON: It is dangerous,
17 especially if you've got an SUV and a little car
18 trying to back out.

19 MR. LANCTO: I suspect that that plan
20 will become reality at least in that respect with
21 the parking.

22 MR. WRIGHT: Hopefully in my
23 lifetime.

24 MR. HERLONG: Who knows.

25 MR. CRAVER: And mine too.

0050

1 MR. WRIGHT: And we're -- I
2 understand these businessmen have to get on with
3 something, and we should be helpful with that.

4 MS. HARMON: Okay. Are we going to
5 take a vote?

6 MR. HERLONG: Yeah. All in favor of
7 the motion?

8 ALL: Aye.

9 MR. HERLONG: Any opposed? So it
10 passes.

11 MS. KENYON: Pat, you can come back

12 in.

13 MR. ILDERTON: The meeting is

14 adjourned.

15 (The hearing was concluded at 7:03

16 p.m.)

17

18

19

20

21

22

23

24

25

0051

1

2 REPORTER'S CERTIFICATE

3

4 I, TERI L. HORIHAN, Registered Professional Reporter and

5 Notary Public in and for the State of South Carolina at

6 Large, do hereby certify that I correctly reported the

7 within-entitled matter and that the foregoing is a full,

8 true and correct transcription of my shorthand notes of the

9 testimony and/or other oral proceedings had in the said

10 matter.

11

12 I further certify that I am neither related to nor counsel

13 for any party to the cause pending or interested in the

14 events thereof.

15

16 Witness my hand, I have hereunto affixed my official seal

17 this 3rd day of March, 2009, at Charleston, Charleston

18 County, South Carolina.

19

20

21 Teri L. Horihan

22 NCRA Registered Professional Reporter

23 My Commission Expires January 17, 2017

24

25