

**TOWN OF SULLIVAN'S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, October 13, 2010**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30 p.m., Wednesday, October 13, 2010 in Town Council Chambers, 1610 Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Vice-Chairman John Winchester, Nicky Bluestein and Chauncey Clark; Asst to Administrator Darrow and Building Official Robinson.

I. Call to Order. Chairman Currey called the meeting to order, stated the press and public were duly notified pursuant to state law, and noted the excused absences of Aussie Geer, Anne Osborne Kilpatrick and Elaine Fowler. Chairman Currey welcomed the public to this meeting and Chauncey Clark to his first meeting as Commissioner.

II. Approval of Agenda

Chairman Currey recommended the Commission hold the public hearing next, in consideration of the public present.

MOTION: Mr. Winchester made a motion to approve the agenda with the following amendment: move V. New Business, Public Hearing forward for consideration after this motion; seconded by Chairman Currey; MOTION UNANIMOUSLY PASSED.

V. New Business

Public Hearing (General Information)

Chairman Currey reviewed the procedure for public hearings: (1) presentation of background information and applicable Staff comments; (2) public hearing opened for public comments; (3) public hearing closed, then Commissioners deliberate and/or take action on the item. Chairman Currey asked that citizens strive to not duplicate comments but, rather, to simply state he/she agrees with an earlier point already made. Chairman Currey stressed that this public hearing is the first in a many step process, and that the Planning Commission, as an advisory board, only makes recommendations to Council, the body that has final decision making authority.

Public Hearing – Community Commercial District: Overlay District Concept

Chairman Currey reviewed the two draft conceptual overlay districts for the Community Commercial area as provided in the handouts circulated to the public (**Exhibit A**):

- **Overlay District #1**: Lots between Middle Street and Jasper Boulevard from Station 22 ½ to Station 22
- **Overlay District #2**: Lots between I'On Avenue and Middle Street from Station 22 to 2019 Middle Street (currently Sullivan's Restaurant and other business) and 2120 Middle Street (currently Prime Time Fitness).

Public Comments – Chairman Currey opened public hearing for comments at approximately 6:50pm.

Asst to Administrator Darrow noted letters and public hearing information were directly mailed to over 100 residences and businesses located within and immediately adjacent to the Community Commercial District. Further, Dr. Peter C. DeVito requested that a February 9, 2009 letter to Council from himself, Mrs. Lucy DeVito, Mrs. Pamela DeVito, Dr. Tamatha Psenka, Mr. Michael Psenka and Mr. Peter W. DeVito regarding the Commercial District be entered into record at this meeting (copies provided to Commissioners, **Exhibit B**).

Kelly Rainwater

2220 Jasper Boulevard

- Regarding the residential lot in Overlay District #1 located on the corner of Station 22 and Jasper having two single-family residential dwellings on the lot: how will this lot be addressed to prevent it from causing a precedent for neighboring lots?
 - Building Official Robinson clarified that Ms. Rainwater referenced 2202 Middle (TMS 529-05-00-034 and 529-05-00-084) which is an unusual lot that is already split with a telephone building on the rear of the lot. For this property there already exists a different lot line and it may always have two different buildings on the lot. He clarified this lot would set no precedents for the remaining lots on the block in proposed Overlay District #1.
- Queried whether the gas station lot in proposed Overlay District #1 could be subdivided commercial/residential in the future.
 - Chairman Currey clarified that the gas station on 2220 Middle Street (TMS 529-05-00-030) is a non-conforming use; if its use ceased then the lot could be split and developed commercial/residential.

Pat Votava

2214 Jasper Boulevard

- Referenced Table 3 in handout (Exhibit A): clarified the square footage of a single-family residential dwelling could be up to 2000 sf and commented that such square footage would be compatible to the existing neighborhood homes.
- Supports a house across the street from her residence.
- Clarified that, in any final document, the term “house” should be re-stated as “single-family residential” only and that any split lots would remain 50% residential and 50% commercial.
- Opined that the overlay district, in its current concept, would contribute to neighborhood compatibility.

Susan Middaugh

2420 Raven Drive

- Stated she does not support commercial parking lots in Overlay District #2 as a special exception. Asked Commission to clarify, particularly for Board of Zoning Appeals and Design Review Board, if a commercial parking lot would be considered appropriate use/development of a commercial lot in this area.
 - Chairman Currey indicated the Commission would consider this question at its next meeting.
- Regarding Prime Time Fitness (2120 Middle Street, TMS 529-05-00-085): She questioned why this property is located in Overlay District #2 and not Overlay District #1 considering its close proximity to the latter proposed district.

- Plead that the Town not allow condominiums above commercial; said she could support the concept of apartments above commercial buildings, though.

Pat Ilderton

2507 Atlantic Avenue

- Noted he was present speaking as a resident, Community Commercial District property owner (although the proposed overlay districts do not affect his property) and, mainly, as a member of the Design Review Board.
- Regarding the Design Review Board: requested that the Town remove or defer to the Design Review Board, as much as possible, the technical provisions for any potential future overlay districts.
- He submitted that the Town should allow the Design Review Board to decide what good architecture is and allow this Board to be a forum for the public to object or support designs that come before the Board.
- Suggested that technical formulas within a Town code can sometimes make it difficult for the Design Review Board to get a clear determination and consensus on a request (setbacks being an example).
- Supported restrictions on square footage.
- Overall, supported splitting lots to partial commercial and partial residential.

Chairman Currey asked Mr. Ilderton for his opinion on what the maximum square footage a commercial building should be in Overlay District #2 (page 5 of Exhibit A).

- Responded that he thought the commercial square footage in the proposed Overlay District #2 (4,718sf) seemed fair, but admitted this was a hard question to answer. Submitted that he would not have an issue with square footage as much as the building's shape in relation to the lot size and configuration.

Steve Herlong

1686 Thompson Avenue

- Noted he also served on the Design Review Board and shared thoughts from this perspective:
 - Overlay District #1 – suggested proposed setbacks on residential lots could be modified, or lessened, to enable design of homes set further back on the lot, potentially mitigating noise from the restaurants (i.e. less side setback on first floor with more setbacks on the second/subsequent floors).
 - Regarding Overlay District #2 commercial square footage – he could not state whether 4,700 sf was a right or wrong amount. However, he noted that any owner in the residential area seeking a building more than 4,400 sf in size (typical building size for a 0.5 acre lot), must come before the Design Review Board with a well proportioned/balanced building. At that time the owner might be granted a square footage increase. He suggested this system might work for commercial square footage in Overlay District #2 (i.e. 4,500 sf maximum with potential bonus up to 4,700 sf, depending upon construction design and Design Review Board approval).
 - Submitted that the Design Review Board functioned well and needed to have flexibility in reviewing building design. Cited one example regarding building height: The Town may prefer to address second story wall height with regard to maximum building height to avoid construction of a tall building that has a flat roof (large wall with low roof pitch).

Helen Maybank
2262 I'On Avenue

- Questioned how large was Loren Ziff's commercial building (answer, 6,600 sf)
- Submitted that "Sullivan's Island is one of the only places left in the world where smaller is better."

Vince Graham
1401 Middle Street

- Submitted health of "main street" is good and most commercial construction is owned by Islanders.
- Stressed that the Town should:
 - Not get fixated on the square footage of construction as a sole measurement as this one restriction may not achieve the goals the Town desires.
 - Consider using width coverage ratio (minimum or maximum frontage coverage) to achieve a better buffer between commercial and residential in Overlay District #1 (minimum frontage reduced as an option).
 - Instead of reducing square footage (Overlay District #1) by twenty-percent, suggested allowing extra twenty-percent of square footage as an outbuilding allowance (i.e. garage apartments).
 - Agreed with Mr. Herlong's comment regarding height restrictions. Suggested looking at a maximum height to eave to get the height and design balance desired.
 - Recommended twenty-foot right-of-way between the commercial and residential lots along Jasper Boulevard (Overlay District #1). This would provide for a service lane to allow rear delivery of restaurant goods and residential rear garage access. A service alley/road would reduce large truck turns on Middle Street.

Susan Romaine
7 Conquest Avenue

- Recommended Town codify major restrictions to avoid any potential future conflicts.
- Noted boards change and, when considering the potential expansion of a board or commission, one should consider the Town may not always enjoy the same level of highly qualified DRB members as currently sit on the Board.
- Agreed with Vince Graham's suggestion of a service lane.

Chairman Currey asked Ms. Romaine to clarify that the Town should write down the parameters under which the Design Review Board would have latitude to give credits and deviate from restrictions laid out in an overlay district. Ms. Romaine agreed with Chairman Currey's summary of her comments.

Jeri England
2014 Middle Street

- Thanked the Commission for their work on this project.

Rusty Bennett

3124 Marshall Boulevard

- It is his understanding that the Town's goals with Overlay District #1 are to:
 - Achieve neighborhood compatibility for residential construction.
 - Create zoning that should be compatible with neighbors across the street on Jasper Boulevard.
- Noted the neighbors along other side of Jasper Boulevard do not have restrictions which prevent them from tearing down and constructing larger homes on their lots. As such, the lots in Overlay District #1, if built with the proposed restrictions, could no longer be compatible to their neighbors' homes in the future.
- Submitted bonus square footage should be allowed with no reduction to the maximum square footage of the primary dwelling provided a good design is provided to the Design Review Board (repeated point made by Mr. Herlong). Submitted the Town may "box itself in" with a restrictive square footage requirement.
- Clarified a question Mr. Currey posed: Mr. Bennett does not recommend reducing square footage further than the twenty percent reduction already being proposed. He recommended giving back the twenty percent square footage reduction for the properties and allowing for additional square footage bonus.

Jerry Kaynard

2501 Atlantic Avenue

Council Member

- Noted he was present tonight to speak as a resident and property owner of some split zone lots in the Community Commercial District, not as a Council member.
- Submitted that we can all agree that the Town is trying to promote single-family residential on the Island (a major goal of the Comprehensive Plan). He addressed comments to this goal.
- Noted the average size of a home in America, based upon a quick Google Internet Search, is approximately 2,500 sf. Stated this should give the Town an idea of the typical home size Americans would seek on average. Asked if the Town wanted, with its rules, to eliminate the ability to build an "average size" home.
- Elsewhere on the Island a 7,000 sf lot allowed for a 2,600 sf house with a twenty-five percent potential bonus, for a total potential home at 3,250 sf . Noted the houses on Jasper Boulevard across from split zone lots could, generally, be approximately 3,250 sf and potentially larger if torn down and built back (reiterated Mr. Bennett's comments).
- Noted there are eight residential construction restrictions proposed for Overlay District #1 that do not apply to other houses on the Island. Questioned whether all these restrictions (special conditions) were essential to meet the objective of encouraging single-family residential homes on the split zone lots:
 - Building height limitation (item #10)
 - Building square footage (item #10)
 - Impervious coverage, 20% reduction (item #10)
 - Sound-proofing (item #4)
 - No DRB bonus on square footage (item #2)
 - Garage exemption does not apply (item #5)
 - Two parking spaces on lot required (item #6)
 - Building elevation (item #10)

- Properties already have the burden of being close to the commercial district. Submitted Town should find ways to encourage single-family residential construction on the lots instead of placing extra restrictions on them.

Loren Ziff

1412 Thompson, 2114 I'On and 2113 Middle)

- Consider a requirement for developers to build commercial buildings at grade along Middle Street. Commented FEMA and insurance issues make building at grade somewhat cost prohibitive; however, from a character standpoint, building at grade level should be encouraged as much as possible.
- Parking: Recalled Town ordinance was vague regarding parking plans, stating that they are “subject to Town approval.” Opined there is no real parking guideline for commercial development.
- Submitted the Town should consider minimum parking standards and develop some good, consistent parking guidelines. However, the Town should construct guidelines so that developers will not see parking considerations as a stumbling block to development, particularly for grade level commercial construction.

There being no further comments, Chairman Currey closed the public hearing at approximately 7:45pm. He thanked public for feedback and noted that this meeting was held to gather information only with Commission scheduled to discuss the concept further at its November 10, 2010 meeting.

Planning Commission agreed to a five-minute break to allow residents to enter/leave as desired. Commission reconvened at approximately 7:52pm.

Commission Discussion:

Commission briefly discussed the next step for considering public feedback on this concept. Commission members agreed to document and share their understanding of the comments made tonight to develop some talking points for the November Commission meeting.

III. Approval of Minutes.

MOTION: Mr. Winchester made a motion to approve the September 14, 2010 minutes as presented; seconded by Mr. Bluestein; MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments - None

VI. Unfinished Business

A. Continued Discussion of Comprehensive Plan Needs & Goals (Land Use)

Due to time constraints the Commission agreed to defer this matter for discussion at the November Planning Commission meeting.

VII. Next Meeting – 6:30PM, Wednesday, November 10, 2010

There being no further business, the meeting was adjourned at approximately 8:10 pm (Mr. Winchester motioned; Mr. Clark seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow, Asst. to Administrator

To be approved at the Wednesday, November 10, 2010 Planning Commission Meeting



What is an Overlay District?

An overlay district or zone is a planning tool a Town uses to identify a special geographic area or zone upon which special requirements are laid over the existing, underlying zoning. [From SC Code Sec. 6-29-720(B)(5)]

Why an Overlay District?

- Recognizes unique nature of these particular areas in the CC District;
- Allows Town to be very specific with regard to construction, design, uses and other criteria;
- Clearly differentiates these areas from the balance of the Island and within the Community Commercial District regarding potential subdivision, uses and construction.

What Areas Are Being Discussed for Overlay Districts?

Overlay District #1 consists of those lots between Middle Street and Jasper Boulevard from Station 22 ½ to Station 22



Overlay District #2 consists of those lots between I'On Avenue and Middle Street from Station 22 to 2019 Middle Street (currently Sullivan's Restaurant and Green Horse Brewery) and 2120 Middle Street (currently Prime Time Fitness)



Concept for the Terms of an Overlay District (Overlay District #1)

This overlay district would allow the lots contained therein to be subdivided and would allow the owner to sell either or both individually as he/she desires and provides conditions for the construction of houses to be built upon the residential portion.

Special Conditions

1. All houses to be built in the residential portion of the overlay district must be reviewed and approved by the Design Review Board.
2. There will be no square footage or other bonuses for neighborhood compatibility for the houses constructed on the residential half of the lots in the overlay district.
3. Houses in the residential portion of the overlay district must be constructed with south facing walls appropriately built for sound proofing.
4. Setbacks in the residential portion of the overlay district will remain the same as existing setbacks for similar sized lots.
5. The existing garage exemption does not apply in the overlay district residential portion.
6. There must be provisions for off-street parking for a minimum of two vehicles in the residential portion of the overlay district.
7. The split zoned lots in the overlay district will remain divided as before, that is 50% commercial and 50% residential.
8. Buildings which might be constructed in the future on the commercial side of these lots must be built in accordance with the conditions of Sections 21-52(C), 21-54(E) and 21-59 (D) of the Town of Sullivan's Island Code of Ordinances.
9. The owner of a split zoned lot who subdivides such lot into a residential lot and a commercial lot shall be required, at the owner's sole expense, to create a water and sewer easement between the owner of the residential lot and owner of the commercial lot, from Jasper Boulevard to the commercial lots on Middle Street, which easement must be incorporated into the final plat for the two new lots and which easement, as well as the water and sewer tap locations for both lots, shall conform in all respects to the requirements of the Town [final language subject to review and approval by Town Attorney].
10. For houses to be constructed on the residential portion of the split zoned lots square footage, lot coverage, building height and building elevation to be determined by attached Table (Table 1.1).

Overlay District 1 Split Zone Lot Residential Construction - Comparisons

Table 1.1

Lot Size	Maximum Impervious Coverage (per current ordinance)	Maximum Impervious Coverage (with 20% reduction)	Principal Bldg Coverage Footprint (per current ordinance)	Principal Coverage Footprint <u>No Change</u>	Principal Building Square Footage (per current ordinance)	Principal Building Square Footage (with 20% reduction)
10,890	3474 sf	2799 sf	1839 sf	1839 sf	2989 sf	2391 sf
7000	2500 sf	2000 sf	1450 sf	1450 sf	2600 sf	2080 sf

Building Height (all lot sizes)

With 20% Reduction – 30.4 ft (max)

Building Elevation (all lot sizes)

4ft above grade or 1ft above Base Flood Elevation

Rationale for Creation of Overlay District One (OD1)

1. The residential portions of the lots are generally under-utilized and do not support neighborhood compatibility.
2. Houses properly constructed and sited in the residential portion of the overlay district will provide a buffer from the distractions inherent in the commercial district.
3. This concept is consistent with the south or beach side of the same block, i.e. 50% commercial and 50% residential.
4. If built out in accordance with these recommendations the residential area north of Middle Street could become a neighborhood with generally consistent sized lots and homes thus creating real neighborhood compatibility.
5. The lots in the overlay district are generally of two sizes, approximately 22,000 sf and 14,000 sf. In the case of the 14,000 sf lots, to divide them in a ratio greater than 1 to 1 could create lots too small for comfortable residential construction, thus decreasing the possibility of homes being built.
6. Planning Commission is recommending conditions that will promote appropriate development in the Community Commercial District consistent with the values of Sullivan’s Island.

Concept for the Terms of an Overlay District (Overlay District #2)

This overlay district would allow the lots contained therein to be subdivided and would allow the owner to sell either or both individually as he/she desires subject to the following conditions:

Special Conditions

COMMERCIAL CONSTRUCTION – Middle Street Lots

1. Buildings which might be constructed on the commercial half of a lot will be required to adhere to current zoning ordinance regulations as to size, setback

heights, etc. [Section 21-52(C), 21-54(E) and 21-59(D) of Sullivan’s Island Town Code of Ordinances] Table 1.2 Attached

2. Buildings constructed in the commercial half of the area in Overlay District #2 would continue to be regulated by the existing zoning ordinance with respect to permitted uses [Section 21-50 (A-E) of Sullivan’s Island Town Code of Ordinances, excepting Section 21-50(C)(3) (a-g), which shall be deleted.]
3. Buildings which might be constructed on the commercial half of a lot in Overlay District #2 may have a maximum of two residential units on the upper level in accordance with Section 21-50 (C)(2)(a-f) allowing designation as condominiums in accordance with South Carolina State Law. No more than fifty (50%) percent of the total square footage of the structure may be dedicated for residential use.
4. Buildings which might be constructed in the commercial half of the area in Overlay District #2 must be approved by the Design Review Board and must be consistent with typical Sullivan’s Island architecture. Off-street parking must be provided in accordance with Section 21-143(D) of the Town Code of Ordinances.
5. There will be no square footage or other bonuses for neighborhood compatibility for commercial buildings constructed in Overlay District #2.
6. Sidewalks must be provided and approved by the Design Review Board whenever commercial buildings are constructed.
7. Single-family dwellings or buildings solely for residential use are prohibited on the commercial lots.
8. The owner of a split zoned lot who subdivides such lot into a residential lot and a commercial lot shall be required, at the owner’s sole expense, to create a water and sewer easement between the owner of the residential lot and owner of the commercial lot, from I’On Avenue to the commercial lots on Middle Street, which easement must be incorporated into the final plat for the two new lots and which easement, as well as the water and sewer tap locations for both lots, shall conform in all respects to the requirements of the Town [final language subject to review and approval by Town Attorney].

Overlay District 2 Split Zone Lots Commercial Construction

Table 1.2

Lot Size Acreage	Lot Size Square Footage	Maximum Size - Sec. 21-52(A)	Maximum Size – Sec. 21-52(C) (6/19/2007)
¼ - Acre (+/-5%)	10,346	5,897 sf	4,718 sf

Building Height (all lot sizes)

Per Current Ordinance Section 21-52 (A) – 38 ft (max)
Per Current Ordinance Section 21-52 (C) – 30.4 ft (max)

Building Elevation (all lot sizes)

Per current ordinances

See Section 21-59 (A-D) guidelines that determine building elevation in accordance with FEMA and other regulations.

Design Review Board shall not be allowed to increase elevation allowances.

Special Conditions

RESIDENTIAL CONSTRUCTION – I’On Avenue Lots

1. Houses constructed in the residential side of these formerly split zoned lots in Overlay District #2 must conform to construction requirements of a ¼ acre lot anywhere else on the Island, excepting those in Overlay District #1. Table 1.3 attached. Height and building elevation will be determined later in order to achieve consistency with commercial buildings in this district.
2. There will be no square footage or other bonuses for neighborhood compatibility for the houses constructed in Overlay District #2.
3. Water & Sewer easements must be incorporated in the final plat for split zoned lots, to conform to requirements outlined by the Town.

Overlay District 2 Split Zone Lots Residential Construction

Table 1.3

Lot Size Acreage	Maximum Impervious Coverage	Maximum Principal Building Coverage	Maximum Principal Building (square footage)
¼ - Acre (+/-5%)	3,474 sf	1,839sf	2,989 sf

No bonuses for neighborhood compatibility

Building Height (all lot sizes)

Maximum – 38 ft. or such height as later approved for commercial building height

Building Elevation (all lot sizes)

7 feet above grade or 2 feet above FEMA Base Flood Elevation in accordance with Section 21-31(B)(1)(2) of Sullivan’s Island Codes of Ordinances

Rationale for Creation of Overlay District Two (OD2)

1. The current conditions represent scattered development. There are a total of ten (10) lots; seven (7) with varied commercial uses, condominiums, post office, restaurants and professional offices. Three (3) of the lots are essentially undeveloped for commercial use.
2. There are advantages to the Town and residents in having low-impact commercial development along this corridor including convenience of potential services, appearance, and tax revenues for the Town.
3. Certain commercial development could result in increased off-street parking.
4. Commercial development is consistent with the Town’s Comprehensive Plan.
5. Any future commercial development must be architecturally compatible with Sullivan’s Island and of low impact to the community.
6. The conditions proposed are designed to promote appropriate commercial development consistent with our Comprehensive Plan and consistent with Island values as to use, size and appearance.