

**TOWN OF SULLIVAN’S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, December 11, 2013**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, December 11, 2013 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Garry Visser (Chair); Vice-Chair Hal Currey; Rusty Bennett, Carl Hubbard, Manda Poletti and Sydney Cook. Staff members present: Zoning Administrator Henderson, Asst. to Administrator Darrow and Building Official Robinson. Absent: Carlsen Huey (excused).

I. Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and noted the Commission had a quorum. No media; approximately 6 members of the audience, including Council member Jerry Kaynard disclosing he was in attendance as a resident property owner.

II. Approval of Agenda

MOTION: Mr. Bennett moved to approve the December 11, 2013 agenda; seconded by Mr. Currey. MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes

MOTION: Ms. Poletti moved to approve the November 13, 2013 minutes as presented; seconded by Mr. Hubbard. MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments – Two items

- a. Email from resident Anne O. Kilpatrick (1718 Middle Street) regarding two issues: long term boat parking on public thoroughfares and Commission consideration to clarify definition of “family” in Zoning Ordinance, reducing the number of unmarried/unrelated occupants from six (6) to three (3).
Both items discussed by Commission later this meeting.
- b. Letter via email regarding café and eating establishment issue (***Item #1 on New Business tonight***) from residents Skipper and Heather Condon (2201 I’On Ave), Jason Blain (2208 I’On Ave), Mike and Hope Parrott (2207 I’On Ave), Madeleine McGee and Bunky Wichmann (2211 I’On Ave), Sarah and Joe Church (2215 I’On Ave), John and Carolyn Ramsey (2216 I’On Ave) and Harold (Sonny) Enloe (2220 I’On Ave).

V. New Business

1. Text Amendment, Zoning Ordinance - Discussion

Café's and Food Service Establishments: Review of text amendments that would allow café uses and define other food service establishments within the Community Commercial Zoning District. Proposed, are Zoning Ordinance text amendments to Section 21-203, "Definitions;" Section 21-50A(1)(B), "Permitted Uses;" Section 21-50B(1) "Conditional Uses;" Section 21-50C(1), "Special Exceptions;" Section 21-50D(1) "Prohibited Uses."

Staff Report

(Zoning Administrator Henderson)

- Continuation of Planning Commission discussion from last night (Commission began study of issue in November 2013). Commission narrowed discussion this month to café establishment parameters, reducing discussion of bars and take-out restaurants.
- Staff initiated text changes to Zoning Ordinance to clarify current food establishment definitions and allow for small café food service establishments:
 - Allow café uses as a special exception within the Community Commercial Zoning District;
 - Clarify Take-Out eating establishment;
 - Clarify distinction between a bar and restaurant.

Commission entertained public comments from 7:15pm – 7:30pm, noting this was not a public hearing.

John Ramsey, 2216 I'On Avenue

- Expressed concern that additional eating establishments would exacerbate noise and parking problems in the CCD area.
- Noted, for example, delivery trucks come to the premises at hour odds, grease traps get cleaned at 3:00AM and garbage collection trucks usually come around 5:00AM.
- Noted that the strain on current parking problems would be continuous throughout the establishment's operational hours, increasing at peak dining hours and generally increasing as the establishment gained popularity beyond Island residents.
- Expressed that his biggest concern was the increased parking strain to the area, from 5-6PM to later hours in the evening, when other restaurants see most patrons.

Drew and Michelle Harris, Café Medley owners (home address not disclosed; not Sullivan's Island resident)

- Reiterated comments made at last meeting regarding the importance of the café to his family and sustained community support for Café Medley.
- Supports café designation with limitations to allow the community to enjoy local light fare.

- In answer to Commission questions about Café Medley:
 - Alcohol is consumed on-site and sold take-away (beer and wine).
 - If alcohol was banned, his business would not be sustainable.
 - Operational hours for Café Medley are 7AM-10PM; consumption on-site is usually wine tasting with a majority of sales being beer cases and wine bottles (usually regional wines).

Ms. Michelle Harris noted retail sales of wine through the holidays, for locals, helped the business' bottom line this year.

Drew Harris (continued)

- Responded to Commission that he would welcome other cafés in the area; was not concerned with competition.
- Café operates mainly as a coffee and breakfast shop, lunch traffic and after-dinner dessert with retail ice cream sales. Seating is sufficient.

Jerry Kaynard, 2501 Atlantic Avenue, owner of property in CCD

- Noted any new eating establishment business in the Community Commercial District (CCD) would have an impact within the community.
- Submitted there should be equal opportunity to allow similar (café eating establishment) business within the area.
- Noted he owns two properties in the CCD on Middle Street that could be affected by this ordinance.
- Submitted the proposed distance between (number of feet), and total cap (fixed number) of, eating establishments restricts existing food service businesses and/or businesses that may wish to provide café type fare. One example of this would be the Co-Op that might wish to be placed in the café eating establishment category in the future.
- Town should consider café eating establishments as a use within the CCD, not just one block of the CCD.
- An eating establishment's impact on parking, noise and traffic (for example) is determined by where the CCD is located on the Island, not by an eating establishment's proximity to Café Medley.
- Regarding establishment limitations:
 - Supports efforts to prevent late night bars; limiting operation hours and size helps.
 - Restricting types of food and kitchen equipment limits entrepreneurs and innovation. These types of restrictions can never be totally effective and incorporate all foreseen future innovations. Proposed language also seems legislatively intrusive.
 - Submitted that liquor restrictions limit new bars.
- The café eating establishment category is likely a good use for the Island; however, the Town should not design the zoning use to Café Medley specifications.

Heather Condon, 2201 I'On Avenue (corner of Station 22 and Jasper Boulevard)

- Observed that allowing kitchen hoods does impact the type of food served and impacts the neighboring residents:
 - Grease odors emanating from the establishment;
 - Grease deposits on neighboring houses, cars and trees;
 - Smoke emanating from grease hoods.

Chair Visser suspended public comments focusing meeting on Commission discussion and deliberation at this point.

Mr. Bennett expressed general opposition to expanding eating establishments in the area:

- Noted a delicate balance of harmony exists between the restaurants and neighbors around the CCD.
- Submitted this harmony exists because of conscientious dialogue and cooperation between the existing parties.
- The impact of parking and potential noise from new eating establishments would add pressure to the CCD and could negatively impact all current eating establishments.

Other Commission discussion points:

- Discussed concept of limiting liquor licenses to beer and wine only; no mixed drinks or hard liquor sales.
- Formula restaurants
- Take out restaurants
- Total number of café eating establishments in the area and parking concerns:
 - Devise a total number allowed or establish a distance between establishments?
 - Expand café establishments beyond Station 22 ½ - Station 22?

Ms. Cook:

- Observed the Commission was discussing the issue of expanding eating establishments, perhaps beyond a one block corridor, solely because Café Medley was currently operating outside allowed zoning guidelines.
- Noted that expanding eating establishments would have a significant impact on the Island.
- Submitted that expanding eating establishments would have been a “non-starter” with the Town as a study, but for the Commission considering Café Medley’s zoning non-compliance.
- Questioned the Commission’s narrow focus on café eating establishments:
 - Why not discuss restaurants beyond Station 22 ½?
 - Why not allow an existing restaurant to change status to a café (example Sullivan’s Restaurant)?
- Noted that the Commission is really talking about a new zoning use for the Island and debating what that use should look like. This is the focus of the Commission’s discussion, not Café Medley.

Other general Commission discussion regarding reason for proposed 150 foot distance between café establishments, suggesting it was recommended to control the impact of parking on the neighborhood. This issue point requires further study and discussion.

- **No formal motions were made by Commission on this topic. Study items for Staff January report/update:**
 - **Bars** – potentially eliminate reference to this non-conforming use (last bar was Bert’s which closed about four years ago).
 - **Take-out restaurants**
 - **Café (new designation)** –
 - Conditions to include:
 - Hours of operation limited: 6AM-10PM
 - Square footage and seating limits
 - Maximum patron floor space at 700 sf (area excludes kitchen, bathrooms and storage)
 - Maximum 30 seats (inside/out)
 - Porches/decks/patio dining limited to additional 25% of interior patron floor space (maximum 250sf exterior dining if 700sf interior patron space)
 - On-site alcohol consumption (75% food 25% alcohol)
 - No outdoor amplification or speaker system
 - No kitchen exhaust hood system allowing for grease cooking (restricts café to light meals, salads and sandwiches).
 - **Other items of consensus:**
 - Include language to prohibit chain and “formula” restaurants
 - Do not include draft language for “take-out restaurant,” which could possibly allow other types of take-out establishments as conditional uses (i.e. Pizzerias, Chinese food, etc.).
 - Leave “bakery” and “delicatessen” as conditional uses, defining both.
 - **Points to study and clarify:**
 - Location in CCD – within restricted area only (St 22 ½ -Station 22 only) or allow throughout CCD
 - Distance between café’s and/or other eating establishments in CCD (minimum 150 feet distance, other distances or no distance)
 - Define delivery and hours of delivery
 - Feasibility of on-site parking for cafés and creating a requirement for the same.
 - Impact of table side (wait) or counter service in café: average table turn-over rate, patron traffic increase and parking demands.
 - Chair Visser noted Commission would look at aforementioned discussion/study items and discuss how cafés would affect density and parking in the area and impact neighboring residents.

ACTION: Further study and discussion; Commission retains on January agenda.

2. Bike Path and Marsh walk at Patriot Street (continued from November)

MOTION: Vice-Chair Currey moved to defer this topic for the January meeting; second by Mr. Bennett. MOTION UNANIMOUSLY PASSED.

VI. Old Business - None

VII. Other Business

1. Staff Update on Town Projects

Staff provided brief update on various Town projects at Commission's request.

a. SC703 Bike Path widening project (Town and Mt. Pleasant joint initiative)

b. Town Hall, Police Station and Park Improvement project

Staff reviewed current capital project:

- Town Hall/Police Station new construction will be located on the current municipal campus facing Middle Street, between the Marshall Stith/Sullivan's Island Park and Fire Station.
- Proposed building will not encroach into the Park;
- Various public enhancement features will come with project: toilet facilities for park patrons on ground floor of Town Hall/Police Station, parking improvements to the rear of building and current campus toward the Water/Sewer facilities, and integration of building with Park and Fire Station with plantings, lighting and walkways;

Commission reviewed Chapter 7 of the Comprehensive Plan (Community Facilities Element) and discussed several individual sections involving Government Facilities, Public Safety, emergency Preparedness and Administration and Building Department.

ACTION: Motion made (Currey; Bennett seconded) and unanimously approved by Planning Commission acknowledging to Council that the Commission has received and endorse the Town Hall/Police Station/Park Improvement project update, acknowledging that the proposed capital improvement project achieves the recommended goals and implementation strategies in the Town Comprehensive Plan.

2. Correspondence Received by Commission - Discussion

a. December 11, 2013 letter emailed received from Madeleine McGee – Topic restaurants and cafés (item #1 of this report).

Letter and contents were referenced in Commission discussion of topic. Chair Visser requested clarification of residents' position on various points mentioned in letter; Zoning

Administrator will communicate with owners before January Planning Commission meeting.

Note: letter was “co-signed”/endorsed by Skipper and Heather Condon (2201 I’On Ave), Jason Blain (2208 I’On Ave), Mike and Hope Parrott (2207 I’On Ave), Madeleine McGee and Bunky Wichmann (2211 I’On Ave), Sarah and Joe Church (2215 I’On Ave), John and Carolyn Ramsey (2216 I’On Ave) and Harold (Sonny) Enloe (2220 I’On Ave).

**b. December 10, 2013 email received from Anne Osborne Kilpatrick –
Two topics:**

Long-term and short-term boat parking on main thoroughfares

Commission reviewed its earlier study and discussion of this item, which included review of other municipalities’ ordinances, policies and processes, research with SC Department of Transportation, feedback from both public safety officers (Police Chief Howard attending past Planning Commission meetings), feedback from Town Council, specifically Land Use and Natural Resources Committee of Council, and, public input.

Commission removed item from agenda in summer 2013 for three reasons:

- (1) Staff noted there has not been a documented rise in complaints about boat parking elevating matter to a top-priority problem requiring purposive, restrictive zoning language restrictions;
- (2) Police Chief Howard identified current intermittent complaints as something enforceable with current policies and procedures available to Police Department and/or Zoning Administrator;
- (3) Due to 1-2, Council feedback indicated they were not inclined to consider implementing restrictive ordinances for parking.

Commission agreed this was a topic to consider as a long-range management issue, but would table further study and ordinance language pending documented increases in complaints/parking, allowing the Police and Zoning Staff to take a softer approach to dealing with individual issues over overarching zoning ordinance change.

Definition of family, regarding unrelated persons who can live in a single-family residence

Commission noted the definition of a family was discussed during public comment and Commission discussion of adaptive reuse for large historic structures on the Island (February-October 2013). Staff briefly examined the existing Town ordinance language based upon resident’s email, discussing various non-traditional living arrangements that would be a family unit but not considered a family if the ordinance definition were more restrictive to be three (3) unrelated people (i.e. unmarried cohabitating man and woman with a blended family of children or step-children exceeding 6 people).

Commission decided to take a similar approach with this ordinance as the aforementioned boat parking issue: wait for Town to receive documented problems to quantify the level of public concern, taking care to not recommend more restrictive ordinance language that would create unintended consequences for residents.

Next Meeting – (6:30pm) Wednesday, January 8, 2014 at Town Hall

There being no further business, the meeting adjourned at approximately 8:50 pm (Mr. Bennett motioned; Ms. Poletti seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, January 8, 2014 Planning Commission Meeting