



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

Tuesday, February 2, 2021

Committee met at 8:45am, this date, via Zoom, all requirements of the Freedom of Information Act having been met. Present were Committee members, Councilmember Chauncey Clark (Chair), Mayor Pat O'Neil, and Councilmember Kaye Smith.

Staff members: Andy Benke, Town Administrator; Joe Henderson, Director of Planning; Pamela Otto, LUNR secretary; Anthony Stith, Fire Chief

**Call to Order.** Chair Clark called the meeting to order, stated the press and public were duly notified pursuant to state law, and all members were present; no media and 2 members of the public were present in addition to Councilmember Tim Reese and Commission member Carl Hubbard.

- 1. Driveways, Zoning Ordinance Section §21-15: Consideration of increasing the number of driveways allowed on residentially zoned properties (RS-District).** Henderson discussed the ordinance that regulates driveways, which limits the number of driveways to one per lot in the residential district and 2 per lot for non-residential uses. It has been suggested to modify the ordinance to allow 2 driveways per residential property based upon certain conditions.

**Discussion:** Mr. Clark asked if this would be covered under the permeable surface ordinance requirements. Henderson said driveway aprons in the public right of way are under the oversight of the Department of Transportation but the portion of the driveway that falls on private property would be under impervious requirements.

Mr. O'Neil said the purpose of the original ordinance was to preserve public parking. He asked Henderson how prevalent the issue was. Henderson stated it was becoming a common request. Mr. O'Neil asked if it would help to add language specifying there can be 1 driveway per frontage but not exceeding 2 driveways.

Mr. Reese mentioned that this is a necessary consideration. He mentioned putting this under the design and review process, overseen by staff, to make sure it is appropriate. Henderson stated that instead of making every request subject to review, that conditions are set so Town staff can review that it meets the conditions and issue the permit with no review.

Mr. Clark asked about variance requests and where they would be heard. Henderson said the

BZA (Board of Zoning Appeals) would hear those requests.

There were no other questions from Committee members or the public.

**Motion:** A motion was made by Mr. O’Neil to recommend to Town Council they ask the Planning Commission to consider changing the language in 21-15, A, (1), (a). to read “driveway access shall be limited to 2 driveways per lot in RS district provided only one driveway may be on a single frontage”; seconded by Ms. Smith. This motion passed unanimously.

**2. Public Facilities Zoning District: Consideration of amending the Zoning Ordinance by establishing a new zoning district to accommodate property owned and used for governmental purposes.** Henderson covered the Planning Commission memo dated January 6, 2020. It approves and recommends a new chapter of the zoning ordinance dedicated to public facilities zoning district, properties owned and used for government purposes. It was a short-term goal listed in the Comprehensive Plan, LUI.4. It is not beneficial to have isolated “spot zones” so the larger districts will be the ones zoned as public facilities; Town Hall Complex; SI Elementary School along with Battery Thompson and Battery Gadsden; Fort Moultrie with the visitor’s center, Island Club, Fry Shack and Battery Logan.

**Discussion:** Mr. O’Neil asked about why the Post Office did not fall in the Public Facilities district. Henderson and Benke had discussed it but it was determined it could remain in the CCR2 district. Mr. O’Neil then mentioned that if the Federal Government should vacate and sell the Post Office lot then, it would go back to CCOD-2 zoning. Mr. Clark asked if anyone had objections to adding the Post Office to the new PF zoning district.

Mr. O’Neil asked about the light house and the exclusion of not for profit uses. Henderson said that the State of South Carolina planning guide document encourages municipalities to not re-zone any parcel that is less than 2 acres.

Henderson gave an overview of the text amendment 21-77 and 21-78. There are permitted uses, conditional uses and existing uses. He referenced the Land Use Table 1.1. Permitted uses include publicly owned and operated facilities, public recreation facilities and facilities owned by the state or federal government. The conditional use allows community or civic events, for fundraising or not-for-profit if the event is approved by Sullivan’s Island Town Council.

There were no other questions from Committee members or the public.

**Motion:** A motion was made by Ms. Smith to carry the Public Facilities Zoning District forward to Town Council March Workshop and to include the Post Office in the District; seconded by Mr. O’Neil. This motion passed unanimously.

**3. West End Beach Renourishment.** Resident Neil Garfinkel has brought the erosion issue in this area to the attention of the Committee. Mr. Clark states the deepening and widening of the harbor and increased boat traffic are having an impact on the west end erosion. To

renourish, the best plan is to apply the sand up current from where you want it, and it applies more solidly. Mr. Clark mentioned that the product of the dredging might be useful to renourish. He felt that this was not a Town responsibility but felt that the Town needed to bring it to the attention of the agencies responsible.

**Discussion:** Ms. Smith said that erosion in this area is an issue, along with wakes from big ships. Mr. O'Neil felt it could be brought up at the Beach Advocates meeting later in the week.

Benke was not sure if the channel could be widened due to a limestone shelf on the Sullivan's Island side. He said, as far as he knew, there were no plans to widen it, they might make it deeper. He felt that it should be brought up to Nicole Elko with the SC Beach Advocates.

Mr. Clark will open a dialog with Ms. Elko, then follow her direction for the next step. Mr. O'Neil wanted to make sure the resident was aware that the Town will not pay for renourishment. Mr. Clark said this might be different as it is a man-made effect. There is no further action that can be taken by Town Council at this point.

**4. Commercial Lots on Middle for Parking.** Henderson brought up a section of the Commercial district ordinance 21-50 C (4) in reference to a short-term parking lot. It has to be short-term, there has to be a written agreement setting out the terms and there has to be adequate spaces with driving aisles.

The Graham lot, at the corner of Station 22 and Middle, was presented to Town staff but not formally to the DRB (Design & Review Board) or BZA (Board of Zoning Appeals). It shows 17 parking spaces with the egress point on Middle Street.

**Discussion:** Mr. Reese said this has been brought up by Rick Graham. Mr. Graham has issues with public parking in Battery Thompson when it is zoned residential. He wants to see this be a staff level decision not BZA. He does not want to lose his special exception, he would rather it as an authorized use.

Henderson said it would be an easy change of the ordinance to make it a staff level decision and he also recommended removing the necessity to bring it to the DRB. If they are not happy with the staff decision, it can be appealed to the DRB.

There were no other questions from the Committee members or the public.

**Motion:** A motion was made by Mr. O'Neil to carry it over to the March Council Workshop to recommend they ask the Planning Commission to consider adopting a change to the ordinance which would permit short-term parking within commercially zoned lots without it being a special exception and without requiring a specific agreement tying the parking to a business and without having the DRB to review the plan; seconded by Ms. Smith. This motion passed unanimously.

**5. Boehm Berm Request.** Mr. Boehm is proposing to be allowed to build a surge protection dune. Under discussion is the fact it would have to cross five Town properties, the fact that the Town ordinance does not allow berms on residentially zoned properties

and the notification and approval of adjacent property holders. There would need to be impact studies for the property and surrounding properties. Typically, staff has allowed an 18-inch wall, landscape feature or raised bed. The ordinance does not allow any topography change to a residential lot. Henderson stated that there may be a need for a variance for each lot the berm covers. Also, a civil engineer would need to devise a stormwater management plan for each lot containing the constructed berm to ensure there is no adverse impact to adjacent or downstream properties in the event of storm surge or heavy rain events.

Mr. O'Neil asked about the ability to use the Town owned lots that the berm crossed. Henderson said developing them should not be a problem as the dune could be removed on that property. Mr. O'Neil asked if the lots were able to be sold and developed as is, with the berm and Henderson stated that a property owner would probably want to remove the berm before they started construction as it would be considered a vacant residential lot.

Ms. Smith expressed that resiliency is the issue and if the Town allowed this, they would have to consider it for others too.

Mr. Clark mentioned that if the Town allowed this, it would be necessary to do a retention study at the Town's expense. Henderson stated that was correct, that there would need to be an engineered stormwater plan for each lot.

Mr. O'Neil asked if the request was for the Town to build the berm or for the Town to permit it to be built. Henderson felt the email communications were unclear on who would be expected to pay for the berm.

### **Public Comments**

**Paul Boehm (3209 Middle Street)** expressed that he would not expect the Town to cover the cost, the property owners would cover it. He also wished to point out that no one should build in front of the 40-year erosion line. He does not see the Town lots as viable lots. He and the other property owners would be responsible for all costs, to protect their own properties, with the understanding that it would be permanent. Mr. Boehm expressed, very forcefully, that he did not want someone to remove the berm in the future and develop on the properties owned by the Town. He did not feel that a future purchaser should build within the previously considered 40-year erosion line. He also suggested that a permanent easement run across the properties as they should not be built on in the first place.

**Discussion:** Mr. Clark stated that the Town is holding the lots for future funding and that they are valuable.

Mr. Boehm insisted that the erosion line runs through the middle of the properties.

Mr. O'Neil stated that the controlling lines are the critical line and the set-back line, for legal buildability. Henderson stated that was correct, you can build beyond the set-back line if it is a residential construction, but you cannot build past the base line. Swimming pools are also prohibited beyond the setback line.

Mr. Clark said that the lots are buildable. The Town needs these lots for the future of the Town, any requirements that could come up. He said it is a big problem for him with this project because it would take away those lots for use by the Town.

Mr. Boehm said that the 40-year erosion line shows four feet of erosion per year and that it runs through the Town lots.

Mr. Clark said that if that will be the erosion will be that bad then it raises a new issue that can't be settled in this venue. There needs to be more review on the impact of erosion to those Town lots. He felt now was not the time to take it to Council until more information was available.

Mr. O'Neil is willing to recommend to Council not to do anything on this that would impact the potential value of the Town lots.

Ms. Smith felt it should be held for further review, maybe discussed with Nicole Elko.

Mr. Clark wanted to know the process for renourishment through the Town.

Benke stated that the Town permitting process follows DHEC approval. DHEC is the first step and the Town permitting follows.

There were no other questions from the Committee or the Public.

**Motion:** A motion was made by Mr. Clark to carry forward to Council the issue of dune impact on the maintenance of the value of Town properties and to have some review of the erosion issue on the east end for future renourishment possibilities; seconded by Mr. O'Neil. This motion passed unanimously.

There being no further business, the meeting was adjourned at approximately 10:19am. Mr. O'Neil motioned and Mr. Clark seconded; unanimously passed.

Respectfully submitted,  
Pamela Otto, Secretary  
Land Use & Natural Resources Committee

To be approved at the March 16, 2021 Council Workshop/Meeting