



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

Thursday, February 13, 2020

Committee met at 8:30AM, this date, at Town Hall (2056 Middle Street), all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Chauncey Clark (Chair), Mayor Pat O'Neil and Councilmember Kaye Smith; Staff: Administrator Benke; Director of Planning and Zoning Henderson; Secretary Otto; Deputy Administrator Blanton; and Town Clerk Liles.

1. 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 approximately thirteen (13) audience members present (including Council members Reese, Hammond and Commission member Visser).

2. Meeting Agenda – Accepted as published

3. Construction of private docks within the RC-2 Zoning District: Review of Zoning Ordinance Section 21-75, allowing construction of docks under certain conditions.

Chair Clark announced that there was a resident seeking to build a dock in the area where they are restricted by the ordinance. Chair Clark invited Mr. Paul Vanetta to speak.

Public Comments

Paul Vanetta (1802 Back Street) is requesting to build a dock in the restricted area.

- He thinks the Town should be guided by OCRM standards for length (1000 ft). The current ordinance violates his riparian rights to access water. How was 300 ft selected? There are 17 docks longer than 300 ft.
- How were the limiting Stations selected? Seems to be an arbitrary choice to him as people should be allowed the option to build a dock if they wish. There is a Town dock in that zone.

Chair Clark asked about the dock Vanetta wants to build, will he want a building at the end, rails?

Vanetta stated he wanted rails, seating and a roof.

Henderson reviewed the ordinance, in order to allow Mr. Vanetta's dock it would need to change the length limitations and the zone limitations.

Mayor O'Neil asked if Towns can be more restrictive than the state with their ordinances.

Henderson stated that they could according to state legislation. The intent is to preserve certain marsh areas and limit to homes with deep water access. In this area, all docks would need to be about 500 ft in length to reach a creek that is 62 feet wide.

Mayor O'Neil stated the original concern was over the proliferation of docks and the impact of them over open marsh.

Chair Clark then opened the floor for public comments.

Julia Khoury (1728 I'On Avenue) feels the zoning is important in conservation of the marsh.

Paul Vanetta (1802 Back Street) wants a reasonable solution, feels that the Station 18 choice is arbitrary. Can the restricted area not be made a bit smaller and change length to 500 feet?

Susan Middaugh (2420 Raven Drive) points out it was a yearlong process with extensive public input to settle upon the existing ordinance. Station 19 has good access, plus there is the kayak launch at Station 16 so there is plenty of access to the water. Also the dock would need to be lit, with rails and 3 feet above high tide mark.

Karen Coste (322 Station 19) feels that much work was put into restoring the old dump for current use. While casting off from there and going down Miller Creek, which is not that wide, a dock would interfere with kayaks, etc., and hinder enjoyment of the area.

Larry Middaugh (2420 Raven Drive) does not want to docks everywhere to access small creeks. Very opposed to changing the ordinance.

Greg Hammond, Council member (2115 Pettigrew) wants council to consider this carefully. He feels the lines drawn by the ordinance are arbitrary and feels the Town should avoid lawsuits due to questionable zoning.

Paul Vanetta (1512 1802 Back Street) kayak launch not as easy for people with kids to use. Wants to have the option, let the property owner decide.

Chair Clark closes comments for the public

Discussion:

Councilmember Smith felt that it was important to ascertain whether the creek is wide enough for a dock and for kayakers to make use of it.

Mayor O'Neil stated that this has been on the books for 14 years and people buy property knowing the limitations on it. Also, the Town does not typically make zoning decisions based on an individual property. He does not see the need to reopen this.

Chair Clark wants more discussion. He would like to carry it to workshop and open it up to Council. There is not enough information available at this time to kill it now.

Public Facilities and Zoning

Henderson presented draft language that corresponds to the work of the Planning Commission in August 2019 about creating a new zone for properties under use by the municipal government. The Planning Commission produced a conceptual recommendation to Town Council at December 2019 meeting. It is important to keep these districts contiguous. Criteria would be government owned and used as a facility. Using these criteria would avoid spot zoning.

Mayor O'Neil would like it to be more inclusive.

Mr. Visser, Planning Commission Chair, was not comfortable with leaving out certain properties, among those mainly are the Lighthouse, the water tower, the dump, Fish Fry shack and others.

Chair Clark asked what would be the benefit?

Henderson said it would allow people bordering these properties to build a higher fence so they can have a buffer from the added noise. The ordinance is not changing and the properties located in the residential district will still be available for Town use.

Mayor O'Neil wanted Larry Dodds to discuss the rationale behind excluding these properties. Would this be an overlay district? Henderson stated it would be an underlying zoning district but it could be an overlay, that was not discussed.

Chair Clark wants town attorney Larry Dodds present at next council meeting to clarify this.

Henderson stated that there would be two things the Town Council should have before moving forward with this.

- Something in writing from the National Park Service stating that they do not have a problem with the Town rezoning their properties.
- Ask Attorney Dodds for a report on spot zoning.

There being no further business, the meeting was adjourned at approximately 9:40AM (Mayor O'Neil motioned; Councilmember Smith seconded; unanimously passed)

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

To be approved at the August 18, 2020, 2020 Council Workshop/Meeting