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Planning Commission
October 9, 2005

Minutes

Present: Scott Parker, Hal Currey, Alice O'Dell, Aussie Geer, Bobby Thompson and Billy Craver

Also Present: Kent Prause, Zoning Administrator

Chairman Scott Parker made a motion, seconded by Alice O'Dell, to rearrange the agenda to have the Public Hearing before the discussion of the Commercial District – Split Zoned Lots.

Hearing no objections to the minutes they were approved.

Aussie Geer was introduced to the Commission as the newest appointed member. All other members of the Commission introduced themselves to Mrs. Geer.

A motion was made by Billy Craver, seconded by Bobby Thompson, that both sections 21-108 D and 21-173 A. of the Sullivan's Island Zoning Code be amended as set forth in the agenda and notice for public hearing.

The public hearing was then closed and Chairman Scott Parker then asked for Kent Prause to offer any comments he had regarding the agenda item on Section 21-49. Kent Prause stated that this has come before the Planning Commission for discussion by way of council for two reasons: 1) Consider those commercial/residential lots be subdivided into two quarter acre lots. This would be another way to avoid doing a horizontal property regime. 2) Under paragraph B, new wording had been added by recommendation of the Town Attorney where every member, partner or shareholder of a unit must have the same amount of control of the use of the structure where any commercial use is located or residential use is located. This means that each owner must own the same percentage of the commercial and the residential portion of the property and have the same amount of control of both sides of the lot.

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Bobby Thompson stated that the most important part of the section of the ordinance is where it states the rationale; in an effort to have the property owners' self police the extent and intensity of the commercial use where it is located on the same lot as the structure used for residential purposes the following conditions shall apply..... The original intent was trying to create a giving of opportunity not a taking. To allow people to use the back half of their lots for family business.

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Billy Craver stated that he is very much in favor of the existing commercial district. He also feels there is tension between the residents and the businesses, especially in the restaurant and bar block. He is concerned that if the Town allows split ownership,

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then more residents will be physically closer to the commercial uses and the potential for clashes will be increased. If the owner of the commercial portion of the lot also owns the residential portion, then the owner has a greater chance of controlling the tenant and reducing the tension.

Chairman Scott Parker then called for comments from the public.

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Rick Graham, 2102 I'on Avenue. Does not agree that this was a giving. Feels that there would be no friction because we would be protecting the people coming in after the rules were made. They would be aware of what they were buying.

Rusty Bennett, 3124 Marshall Boulevard. There is tension now, but you have that everywhere. The people buying now would know what they were getting into. They would be buying in a transition zone.

Lauren Ziff, 1412 Thompson Avenue, also owns 2114 I'on Avenue. Agrees with previous comments. Owns real estate all over and if someone knows what they are getting into there will be no surprises. Mr. Ziff currently has a permit to build a 6,600 square foot office building on his commercial side of his lot. Has offered to downsize his office if he is allowed to subdivide his lot.

Jerry Kaynard, 2501 Atlantic Avenue, also owns several properties in the commercial district. The Planning Commission has a lot of responsibility for what happens with the Island. They can not reach back in time and change something that happened 30 years ago. These lots are split in every sense of the word except for ownership. Some are already owned by multiple owners. This first sentence regarding having the owners self police their property probably does not appear any where else in the ordinance.

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Pat Votava, 2214 Jasper Boulevard. She likes the convenience aspect of the commercial district, but over the last 8 years things have changed drastically. Jasper Boulevard has become a thru way for traffic and a parking lot due to the expansion of the commercial district and there has been an increase in noise.

Scott Parker, stated that Town Council and Planning have spent the past two years revising the zoning ordinance and a lot of time was spent on the commercial district and residential district. In his mind he feels very good about the zoning that is in place and the design review process for both commercial and residential properties. He says, that with the zoning that is in place, he is very comfortable with allowing the subdivision of these lots. Allow the zoning rules and design review rules to govern what happens on these lots.

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Tim Holbrook, 1902 I'on Avenue. Has heard of some recent complaints regarding noise. There was a noise complaint from a resident who lives behind Off The Hook. The resident and restaurant were able to try to fix the issue amongst themselves.

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Lorcan Lucy, 2201 Myrtle Avenue, is not pro or against this issue. Would like to tie this all together at one time with a comprehensive plan including the parking issue.

Alice O'Dell stated that as we dealt with the commercial district there was a general consensus on the Island that we needed less density in that area. This would only add to the traffic in the district. ~~She also has the point of view that these ordinances were approved and we should give them a while. She is not in favor of allowing the subdivision of these lots.~~

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Rusty Bennett, 3124 Marshall Boulevard, ~~said that~~ in his 20 years of practicing law, he has never seen where you have single owner and split uses of a lot. If you take Pat Votava's comments and Jerry Scheer's comments, he would like to be able to add a house on the residential side to help buffer the noise to the neighbors. If people know what they are buying there won't be a problem. Not financially feasible to build a house on the residential portion of the lot and rent it.

More discussion was held among ~~the~~ Planning Commission and the public.

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Aussie Geer stated that just because people will know what they are buying does not necessarily make any guarantees, businesses change.

~~Hal Currey likes the idea of trying to fix all of these issues together. He is neither for nor against splitting the lots. You need to look at the whole problem; parking and such must be addressed also.~~

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A motion was made by Hal Currey, seconded by Billy Craver to ask Town Council that we look at all of the issues in the commercial district not just the one issue regarding subdividing lots. Motion carried unanimously.

Sara Lybrand is to get together with the County regarding what else should be done with the Comprehensive Plan. Changes were made to the plan before the revisions to the zoning code.

Kent Prause addressed the Commission regarding training that all members must have by January 2007. The training consists of 6 hours of training. Lawyers are exempt. Kent Prause is submitting for certification to facilitate the training sessions.

Meeting was adjourned.

Respectfully submitted,

Sara Lybrand

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