

**TOWN OF SULLIVAN'S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, July 13, 2011**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30 p.m., Wednesday, July 13, 2011 in Town Council Chambers, 2050-B Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Vice-Chairman John Winchester, Aussie Geer, Nicky Bluestein, Anne Osborne Kilpatrick, Chauncey Clark and Elaine Fowler; 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 Commission members were present. Chairman Currey welcomed members of the public, to include Council members Pat O'Neil (Real Estate Committee Chair) and Jerry Kaynard (in attendance as a resident).

II. Approval of Agenda

MOTION: Mr. Winchester made a motion to approve tonight's meeting agenda with the following change: place review of ordinance language for CCD Overlay District as item following approval of minutes; seconded by Ms. Kilpatrick. MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes

MOTION: Mr. Winchester made a motion to approve the June 8, 2011 Planning Commission minutes; seconded by Ms. Geer. MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comment - None

V. New Business - None

VI. Unfinished Business

A. Community Commercial Overlay District (#1 & #2)-Status

Chairman Currey welcomed Derk VanRaalte, Esq of Brady Law firm, whom the Town has retained to draft ordinance language regarding the Community Commercial Overlay District. Thereafter, Mr. VanRaalte and Commission members reviewed the draft ordinance language, recommending revisions (**Exhibit A**). Mr. VanRaalte indicated he would take the Commission's recommendation and revise the draft ordinance accordingly. The Commission will review the draft ordinance document again at the August 2011 Planning Commission meeting and, if acceptable, move to a Public Hearing on this matter. Chairman Currey clarified that the Commission will hold public hearings in the future and the public will have many opportunities to comment on this Overlay District.

VII. New Business

A. Plat Approval: 951 & 957 Middle Street, Lot line Adjustment

Staff reported that these properties are TMS# 523-06-00-061 and 523-09-00-062, 951 and 957 Middle Street, respectively. Staff comments are attached as **Exhibit B**.

Mr. Keith Campbell, Southeast Surveying of Charleston, was present to represent Mr. & Mrs. Long, the property owners.

Ms. Fowler questioned the setbacks, noting the lot change would not meet the side setbacks, particularly in relation to the existing garage on 951 Middle Street. Building Official Robinson noted the side setback for a garage is ten (10) feet but the Design Review Board could grant as little as six (6) feet. The proposed line adjustment would mean that the garage would encroach into the side setback. Additionally the HVAC should be ten (10) feet from the property line

Ms. Fowler questioned whether it would be appropriate and feasible for the Planning Commission to approve a lot line adjustment that did not correct setback errors. She submitted that the applicant should instead go before the Board of Zoning Appeals for a setback variance. Other Commission members agreed with Ms. Fowler's comments. Mr. Winchester commented that the current ordinance did not provide the Planning Commission the flexibility to approve the lot line adjustment, as requested on the plat provided.

Mr. Currey clarified that a subdivision request that violated the ordinances could not be approved by this Commission. Deficiencies with this plat request include the location of HVAC and setbacks insufficient for existing structures.

MOTION: Ms. Fowler made a motion that the Planning Commission deny approval of the subdivision request for 951 and 957 Middle Street; seconded by Ms. Geer.

Discussion: Ms. Fowler noted that the Planning Commission does not have the authority to approve this plat subdivision/lot line adjustment as it would create setback issues. Ms. Geer submitted that, by approving this, it could be viewed that the Planning Commission was essentially granting a variance for the insufficient side setback for the existing garage.

CALL FOR THE QUESTION: Motion unanimously passed.

B. Plat Approval:

- a. Vacant lot (0.48 acres) formerly Old Cove Street Right-of-Way;**
- b. Vacant lot (3.09 acres) Station 19 Street, Back Street & Station 20**

Building Official Robinson noted that the two properties have never had a plat to identify the boundaries and what was present on the lots. He clarified that these plats are before the Planning Commission for approval in furtherance to Council's efforts to preserve these areas as open space/waterway vistas for the public. The Town will put a deed restriction on these properties with the Mt. Pleasant Conservancy to allow, in perpetuity, for public access and vistas to the Intracoastal Waterway.

Ms. Fowler noted that the Town will want to ensure the Town continues to allow for public easements (water and sewer lines, etc) into the future. Chairman Currey asked if the plats needed

to be changed to show the easement access. Building Official Robinson indicated that the plats are correct. Councilman O'Neil submitted that the Town can retain the right to have sewer, water and other easements on the two lots through documentation with the Mt. Pleasant Conservancy, whether the Town has identified where the easements would be at this time.

Ms. Fowler also noted that a fence is shown on the plat and might need to be identified as an encroachment, for future clarification.

Councilman Kaynard noted that the plats, if approved by the Planning Commission, should be done so contingent upon the water/sewer and other existing easements are identified on the plat. He noted these plats will be recorded and will be the only recorded documents on these properties. There was further discussion regarding the need to identify easements (existing or potential) on the plat.

MOTION: Mr. Winchester made a motion to approve the plats for the vacant lot (0.48) acres commonly known as Old Cove Street Right-of-Way and vacant lot (3.09 acres) commonly known as Station 19 Street, Back Street and Station 20; seconded by Mr. Clark.

MOTION TO AMEND: Ms. Fowler made a motion to amend the main motion to approve the plats contingent upon the Town Attorney's review of said and, if appropriate, to add any easement references to same; seconded by Mr. Bluestein.

CALL FOR QUESTION TO AMEND: MOTION UNANIMOUSLY PASSED.

CALL FOR MAIN QUESTION AS AMENDED: MOTION UNANIMOUSLY PASSED.

C. Ongoing Town Projects – Status & Staff Report

A. Accreted Land Management Plan: Nothing new to report

B. Town Hall/Police Department

Asst to Administrator Darrow reported that the Town had a bid opening today for the Architectural Analysis/Needs Assessment. Nine (9) candidates tendered bids (all local Charleston area firms but one). The applications will be reviewed and the Real Estate Committee of Council will meet on July 21, 2011 to consider the candidate selection.

VII. Next Meeting – 6:30PM, Wednesday, August 10, 2011

There being no further business, the meeting was adjourned at approximately 9:15 pm (Mr. Clark motioned; Mr. Winchester seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow, Asst. to Administrator

Approved at the Wednesday, August 10, 2011 Planning Commission Meeting