

**TOWN OF SULLIVAN’S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, April 9, 2014**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, April 9, 2014 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, Sydney Cook, Carlsen Huey and Manda Poletti. Staff members present: Zoning Administrator Henderson, Asst. to Administrator Darrow; Building Official Robinson.

I. Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and noted all Commission members were present except Carl Hubbard (excused absence). No media; approximately 15 members of the public were present including Council member Jerry Kaynard, present as a member of the general public.

II. Approval of Agenda

Chair Visser noted the agenda would be recommended for amendment to allow public comment after each agenda item in lieu of one public input opportunity at the end of the meeting.

MOTION: Vice-Chair Currey moved to approve the April 9, 2014 agenda, amended to include public comment time after each business item on the agenda. Seconded by Ms. Poletti; MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes

MOTION: Mr. Huey moved to approve the March 12, 2014 minutes as presented; seconded by Mr. Bennett. MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments – None

V. Text Amendments

1. Text Amendment, Zoning Ordinance - Discussion

Café’s and Food Service Establishments: Review of text amendments to allow café uses and define other food service establishments within the Community Commercial Zoning District. Zoning Ordinance text amendments proposed 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.”

Chair Visser noted Mr. Bennett has recused himself from discussion directly related to eating establishments in the Community Commercial District (CCD) due to conflict of interest (co-owner of Poe’s Tavern, restaurant in the CCD), and, pursuant to a determination from the SC Ethics Commission.

Staff Report:

Joe Henderson, Zoning Administrator

- Referenced background of agenda item, initially discussed by the Planning Commission in November 2013 and deferred for the past few months pending decision from the State Ethics Commission on whether Commissioner Bennett must recuse himself from participating in discussion and voting on this café eating establishment topic.
- Reviewed the areas of potential consensus and points for consideration and clarification for the Commission, based upon discussion in previous meetings.

Potential Points of Consensus: (to be left in draft language):

- Cafe hours of operation limited: 6 a.m.-10 p.m.
- Square footage and seating limitations:
 - Maximum patron floor space at 700 sf (language changed)
 - Maximum 30 seats (inside/out changed)
 - Porches/decks/patio dining limited to additional 25% of interior patron floor space (maximum 175 sf exterior dining if 700 sf interior patron space)
- On-site alcohol consumption (75% food 25% alcohol)
- No outdoor amplification or speaker system
- No kitchen exhaust hood system (restricts cafe to light meals, salads and sandwiches).
- 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 for further Consideration & Clarification:

- Location allowed in the CC District - within restricted area only (St 22 - Station 22 only) or allow throughout the CC District
- Distance between cafe establishments in CC District (minimum 150 feet distance, other distances, or no distance of separation)
- Define delivery and hours of delivery – Town Administrator recommends removing language in Zoning Ordinance explicitly stating delivery hours, moving delivery hours to the general code for police enforcement instead of Zoning Administrator enforcement
- Consider allowing table side service or restrict to only over-counter service in cafes
- Feasibility of on-site parking for cafes and creating requirement for same.
- Consider staff information on parking and impact to on-street parking in surrounding neighborhoods.

- Next step: Commission should consider a timeline to move toward a public hearing, when the Commission has draft ordinance language ready for public review and input.

Public Comments/Questions

Karen Coste, 322 Station 18, Sullivan's Island

- Commented later hours for deliveries in the CCD were established to accommodate residents in the area (currently deliveries are no earlier than 8AM)
- Submitted this arrangement needs to be retained in writing within the Town records.

Zoning Administrator Henderson commented that moving reference to delivery hours from the Zoning Ordinance and codifying it in the general Town will provide a better response to residents. This move would allow for a quicker response time through the police department instead of response by the Zoning Administrator for a zoning violation.

Ms. Cook questioned when buffers related to restaurants were incorporated into the Zoning Ordinance.

Zoning Administrator Henderson noted the zoning ordinance was comprehensively reviewed and modified in 2005. This would be the time when buffers would have been outlined in the Zoning Ordinance.

Commission reviewed the “points of consensus” mentioned in Staff’s report with mixed responses to the bullet points and extensive discussion.

Vice-Chair Currey: Noted that the proposed hours of operation, with food and alcohol sales, really appeared to be a small restaurant with a slightly different menu.

Coffee shop, café and small restaurant

The Commission discussed the similarities and differences between a restaurant, café eating establishment, a small restaurant and a coffee shop. Commission discussed the following points that impact the type/feel of the different eating establishments:

- Menu and beverage fare offered
- Counter service exclusively vs. table service/dining-in
- Alcohol sales: type, quantity, on-site and off-site consumption
- Hours of operation
- Quantity of seating and whether table service is allowed

Ms. Cook suggested the terminology of café eating establishment should be abandoned in favor of a coffee shop, as a future developer could interpret a café establishment as a small restaurant.

Zoning Administrator Henderson asked for clarification on the process by which a potential business should be reviewed by the Town for a license to conduct a café-coffee shop eating establishment:

- Permitted use (lowest level review to obtain a business license)
- Conditional use (license allowed when certain conditions are met)
- Special exception (highest form of review, requiring BZA approval before licensing).

There was general consensus among Commissioners that a special exception use request should be the standard for review and license approval.

Vice-Chair Currey commented that he liked the coffee shop concept, as discussed, but that the Commission and Town should be careful with this coffee shop/café concept becoming the “thin end of the wedge,” opening up the Town to further restaurants. Noted he does not support a small restaurant.

Commission moved onto other points of consideration:

Location for coffee shops in CC District

Commission discussed whether the use should apply to the whole CC District or a subsection. Commission members discussed fairness in terms of all CCD business owners having access to this use, if they qualified to do so, equitable application of the zoning use across the CCD and avoiding crafting ordinance language that would effectively “spot zone” the use on the Island.

Commission discussed the benefits/drawbacks of setting distance buffers between coffee shops within the CCD, to mitigate the impact of the use on parking, traffic, etc.

Distance between eating establishments within the CCD

Commission discussed a variety of distances that could be set between coffee shops as buffers to mitigate an establishment’s impact on parking, traffic, etc. Commission discussed a variety of radii: 50 ft, 100 ft, 150 ft and 300 ft. Also the Commission considered establishing no distance between coffee shops, letting the market dictate how many coffee shops would sustain the Island.

Zoning Administrator Henderson noted that a 300 ft radius would allow for a maximum of four (4) coffee shops within the CCD, generally one coffee shop per block.

Chair Visser commented that state law does place restrictions on the distance between establishments selling alcohol and certain public sites, such as a park. Submitted this state law could impact establishments with alcohol sales.

No consensus was reached on this topic.

Hours of delivery

Zoning Administrator noted that the issue of delivery hours would not be a zoning matter when this topic gets moved out of the Zoning Ordinance and placed into general code, for police enforcement.

Mr. Bennett (speaking as a citizen, off the dais, on the topic of delivery in the CCD):

- Verified the CCD businesses did agree to deliveries arriving after 8AM, in consideration of residents in the area.
- Submitted that the later delivery time in the morning impacts a greater number of Island residents as the trucks ingress/egress the establishments and/or park on or near Middle Street while many residents are commuting to work.

Type of food delivery

Over the counter vs table service was discussed. Commission leaned toward over the counter sales with patrons eating at tables, and, not allowing a waiter to take orders and deliver food to tables.

Formula businesses

Commission generally agreed that chain coffee shops would not be desirable, but wanted to clarify how an ordinance could be written to clearly explain what would be considered a “chain” establishment.

Commission generally desired to move the new eating establishment concept forward for further study with a focus on reducing the business scope: reduced alcohol sales, hours of operation and seating.

Summary of ideas related to limiting scope of coffee shops:

Considerations for next month:

Alcohol sales: Reduce alcohol sales from 25% (75% food) to 15% (85% food)

Seating: Reduce from 30 to 20 seats

Hours of operation: Reduce from 6am-10pm to 6am-8pm

Buffers between eating establishments: Consider 300’ or 150’ radius, if any buffer

Menu: Review term “light meal/fare” and verbiage that might clearly explain concept

Change café terminology to coffee shop with counter service only

Zoning Administrator Henderson also provided a report on a Staff prepared study of eating establishments in the CCD and their specific impact on parking on the Island. Zoning Administrator Henderson noted the Planning Commission asked three questions of Staff and his report attempts to answer these three questions:

1. What is impact of on-site service of food and drink on parking, based upon seating capacity?
2. How many on-site parking spaces exist for current commercial parcels?
3. How many potential on-site parking spaces exist in the CCD?

Disclaimer: Staff study only examined impact of eating establishments on parking in the CCD, and, current shared parking arrangements between businesses were not factored into the analysis.

Public Comments

Karen Coste, 322 Station 18, Sullivan's Island

Regarding parking analysis

- Suggested incorporating in the parking analysis the impact of summer tourism.
- Asked about the Durst and Marsh Winds offices and how this shared parking would impact the analysis.

Zoning Administrator Henderson reiterated this parking analysis is Staff prepared to provide general estimates. It is not a scientific study and did not include engineer analysis.

Gary Lovell, 2424 Middle Street, Sullivan's Island

- Suggested incorporating in a traffic/parking study the impact of golf carts and bicycles in the CCD area.

Kevin Mixon, 2212 I'On Avenue, Sullivan's Island

- Questioned if employee parking for businesses in the CCD had been factored into the study.

Zoning Administrator Henderson clarified that employee parking was not included nor was the impact of parking by retail and other businesses in the CCD.

Chair Visser closed public comment and questions regarding parking analysis

Ms. Poletti commented that Sullivan's Island Elementary School, when opened, will open up 100+ parking spaces for CCD patrons and tourist parking for the summer and evenings near the Station 20/I'On Avenue area, plus additional parking will be created with the Town Hall construction adjacent to the Fire Station and Stith Park (2050 Middle Street).

Vice-Chair Currey suggested that a working group of the Planning Commission gather to craft draft ordinance language.

MOTION: Mr. Huey made a motion to direct Staff to develop language to incorporate areas of general consensus in a potential ordinance; seconded by Ms. Cook. MOTION UNANIMOUSLY PASSED (Mr. Bennett recused himself).

Commission solicited a working group to meet with Staff before the May meeting to assist with crafting revised ordinance language. Interested members of the public were invited to attend and observe the working group process. Date and time of work group session, to be announced.

Public Comments

Rusty Bennett, 3124 Marshall

- Addressed parking, in general. Noted the Town has paid a number of consultants to study the parking situation in the CCD and Island, in general, and offer recommendations.
- Submitted employee parking needs are significant in the CCD. Submitted the unintended consequence of restricting food and beverage to one block is a significant concentration of demand for parking in this one block area, and, the enhanced impact the restaurants have on the immediate residents around that one block.
- Submitted the Town and local businesses have a good arrangement, but there is room for improvement. One suggestion is to require all businesses to require employees to park away from the local restaurants, and strictly enforce that requirement, as Poe's Tavern had done with its employees.

Chuck Gallis, 1817 Back Street, Sullivan's Island

- Observed there is a wealth of information that the community could provide on this topic and suggested this process of crafting an ordinance is not the most fluid way to get public ideas before an official public hearing.
- Noted he would like to participate in the work group

Carol Killough, 1813 Back Street, Sullivan's Island

- Asked about the ability for the Town to grandfather non-compliant businesses into the coffee shop/café use.

Zoning Administrator Henderson noted that current Town ordinances do not allow for a café eating establishment or any table-service eating establishment that is not a restaurant currently in the one block area of Station 22 ½ - Station 22. A business operating outside zoning requirements, after a zoning restriction has been codified, cannot be “grandfathered” into compliance. The business remains in violation of the Zoning Code, unless the Code is amended such that the business meets the new zoning language. A business operation would have to pre-date the zoning regulation in order to qualify for “grandfather” status as a non-conforming use.

Jerry Kaynard, 2501 Atlantic Avenue, Sullivan's Island

- Regarding parking – since 2006 two consultant plans have addressed parking, particularly in the CCD.
- One study suggested diagonal parking along the CCD area pursuant to a community charette. This parking option was not allowed by SCDOT.
- Noted that the Town does provide for, and encourages, employee parking behind the Fire Station at 2050 Middle Street.
- Acknowledged congestion along the CCD does exist. Some of the attractions within the CCD add to the congestion, but noted congestion is also part of the nature of a CCD.

- Noted the Town strives to find equilibrium with parking: additional parking spaces help to alleviate parking pressures, but then, increased parking also attracts more people to this beach community.

Rita Langley, 1618 Middle Street, Sullivan's Island

- Does not support introducing more café establishments to the area to invite more parking problems.

Drew Harris, Café Medley Owner, Sullivan's Island

- Provided general comments about the nature of traffic patronizing his store.
- Indicated he would like to attend the Planning Commission work group meeting.

Chuck Gallis, 1817 Back Street, Sullivan's Island

- Submitted that adding more tables for food service in the CCD is not a path to a parking solution.
- Commented that the more “magnets” you have, the more people the community will attract.

Carol Killough, 1815 Back Street, Sullivan's Island

- Asked if ordinance language could be written regarding issues of space and buffer distance such that current businesses (Café Medley and Co-Op) only could qualify for operation.

Zoning Administrator Henderson noted that the Town cannot legislate by design such that the ordinance would accommodate only one or two owners. The Town must legislate zoning uses and restrictions to allow a fair and equitable opportunity for all businesses to participate.

Drew Harris, Café Medley Owner, Sullivan's Island

- He noted that, should an ordinance for coffee shop use be passed by the Town, there is no guarantee that his business would be an applicant to get a business license.

Commission then discussed the one-block area for restaurant businesses, established by zoning ordinance a decade or two ago.

Jerry Kaynard, 2501 Atlantic Avenue, Sullivan's Island

- Stated, in his legal opinion, that it might be hard to enforce a zoning restriction that would establish distances between coffee shops that essentially prohibits other owners of commercial businesses within the same overlay district from participating in the coffee shop use.
- Commented that the one-block restriction and buffers for the restaurant area might not work again legally.

Ms. Cook summarized the three options she sees available for the Town:

1. Maintain status quo – no café or coffee shops
2. Add unlimited café establishments (small restaurants in her opinion)
3. Establish middle ground options – coffee shop that would be an amenity for locals

Next steps: Work group will meet to review concept and work with Staff to craft revised draft ordinance language (date/time TBA). Item will remain on May agenda.

VI. Items for Consideration

1. Bike Path and Marsh Walk at Patriot Street (November-present)

Planning Commission requests to hold a discussion regarding the feasibility of constructing a bike path or marsh walk to provide pedestrian access from Ben Sawyer Boulevard to Patriot Street or Station 22 termination.

Chair Visser noted the Commission has received feedback from general public and a few elected officials, and, currently there is a lack of support for the bicycle and marsh walk concept.

MOTION: Mr. Huey made a motion to remove the Bike Path and Marsh Walk concept at Patriot Street from the Commission's agenda; seconded by Mr. Bennett. MOTION UNANIMOUSLY PASSED.

Chair Visser noted that, on a related matter, he would like to consider establishing a bicycle/pedestrian connection to Stith Park through the Town easement that currently exists to the rear of Stith Park.

MOTION: Mr. Huey made a motion for the Planning Commission to consider and study the concept of opening up the Town easement to property in rear of Stith Park for the purpose of establishing a path/trail through Stith Park for pedestrian and bicycle use; seconded by Mr. Bennett.

Discussion & Public Comment: None

Call for question: MOTION UNANIMOUSLY PASSED.

VII. Staff Update on Town Projects

a. Comprehensive Plan (2013 Draft)

Mayor has asked each Committee of Council to review portions of the Comprehensive Plan relevant to that committee. Land Use & Natural Resources Committee and Water & Sewer Committee have reviewed the Draft Plan and will offer their reports to Council by its May 12, 2014 Workshop.

b. B2B Bicycle Path

Town Council endorsed the B2B bicycle path submitted by Staff. Other municipalities participating in the B2B program endorsed the Town's B2B route. Encroachment permits with SCDOT (signage) is underway.

Mr. Bennett requested the Commission separate the concept of parking in the CCD, generally, from the discussion of café/coffee eating establishments so that he might participate in future discussions. He noted this was a very important topic for the Town.

Zoning Administrator Henderson noted there has been staffing change at SCDOT recently and, in talking with agency members, he believes the new members might be more receptive to progressive and innovative parking ideas. He indicated his intent to reach out to SCDOT representatives to continue dialogue on Island parking and traffic in the future. He suggested the Commission might wish to consider Island parking issues after the café-coffee shop concept has been resolved.

Next Meeting – (6:30pm) Wednesday, May 14, 2014 at Town Hall

There being no further business, the meeting adjourned at approximately 8:45p.m. (Mr. Currey motioned; Mr. Bennett seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, May 14, 2014 Planning Commission Meeting