

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Monday, November 9, 2015**

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Monday, November 9, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Chair Gary Visser, Sydney Cook, Carlsen Huey and Carl Hubbard. Staff members present: Zoning Administrator Henderson, Asst. to Administrator Darrow and Building Official Robinson.

Call to Order. Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and Commission had a quorum (Commissioners Cole, Currey and Poletti had excused absences). One person was present in audience; no media.

I. Approval of Agenda – Commission approved agenda with no changes

II. Approval of Minutes

MOTION: Mr. Hubbard moved to approve the September 9, 2015 minutes; seconded by Mr. Huey; MOTION UNANIMOUSLY PASSED.

III. Items for Information

1. Conservation Easement Uses and Structures: Update on proposed text amendments

Staff Update (Zoning Administrator Henderson)

- Updated Commissioners on the status of the proposed Zoning Ordinance text amendments related to conservation easement uses and structures. The text amendments, recommended by Planning Commission to Council at its September 9, 2015 meeting, are currently under Council consideration. Council approved First Reading, by Title Only, and Second Reading consideration is scheduled for the November 17, 2015 Council meeting (Ord 2015-8).
- Reviewed proposed changes Council is currently considering to the Planning Commission’s recommended text amendments. Council does not request the Commission offer additional recommendations on this ordinance language; however, Mayor O’Neil asked Staff to advise the Commission of the ordinance progress and potential changes, as a courtesy.
- Potential amendments relating to the applicability clause of language in Ordinance 2015-8 are being considered by Council, specifically related to the scope and authority Board of Zoning Appeals (BZA) has to approve and/or deny proposed stand-alone structures on a residential lot with a conservation easement on it. Language in **Exhibit A (attached)**

identifies three possible scenarios to provide the BZA guidelines in exercising its authority to grant or deny a request for a stand-alone structure.

- Applicability Suggestion 1: language forwarded to Council by the Planning Commission
- Applicability Suggestion 2: incorporates requirements for an applicant to provide unusual physical circumstances or topographical hardships in order to obtain a special exception for stand-alone structure. BZA retains ability to deny a request if their findings determined the request to “be of a substantial detriment to adjacent property or to the public good, and the granting of the use will harm the character of the district.”
- Applicability Suggestion 3: builds upon the logic in Suggestion 2 and requires the applicant to link his request for a conservation easement and/or stand-alone structure to guidelines and findings in specific Internal Revenue Code statutes.

Commissioners reviewed the three suggestions and discussed the scope and authority already afforded to the BZA by local and state statutes. It was noted that the BZA already has the stated authority, in its By-Laws, to deny an applicant based upon the language stated in Suggestion 2 above (reiterated below for reference):

BZA retains ability to deny a request if their findings determined the request to “be of a substantial detriment to adjacent property or to the public good, and the granting of the use will harm the character of the district.”

ACTION: Commissioners did not make a formal recommendation to Council on the aforementioned changes under Council consideration. Commissioner consensus was to offer the following feedback to Council on this item:

The Planning Commission appreciates Town Council’s concerns for specific language for review by the Board of Zoning Appeals. We feel these changes (as noted and described in the attached document – Exhibit A), will insure additional review by the Board of Zoning Appeals of any conservation easement structure that may be presented under these proposed specific exceptions.

2. 2016 Meeting Calendar

MOTION: Mr. Hubbard moved to approve the 2016 Meeting Calendar presented by Staff; seconded by Ms. Cook. MOTION UNANIMOUSLY PASSED.

3. Sullivan’s Island Program for Public Information (National Flood Insurance Program CRS Program): Consideration of procedure for establishment of a *Program for Public Information (PPI)*

Zoning Administrator Henderson reviewed the status of the Town’s fledgling Program for Public Information (PPI), last discussed by the Commission in March 2015.

PPI Development Update (7 steps to development of this program)

- Step 1: Establish PPI Committee (seeking resident financial expert to serve on Committee)
- Step 2: Assess community's public information needs
- Step 3: Formulate messages
- Step 4: Identify outreach projects
- Step 5: Examine other initiatives
- Step 6: Prepare PPI document
- Step 7: Implement, monitor and evaluate

Staff is currently working through steps 2-5 above, using GIS mapping tools and the Town's website, in addition to other media outlets, to accomplish these steps. Next step- #6: develop a draft PPI for consideration by the PPI Committee. Goal is to present a draft PPI document to the Planning Commission by its February 2016 meeting.

Chair Visser sought clarification from Staff that development of this PPI program comports with the strategies and goals of the Town's Comprehensive Plan, and, that it is appropriate for the Planning Commission to offer provide feedback on this.

Zoning Administrator Henderson clarified that the Town's Comprehensive Plan does identify this type of outreach as strategies to assist with its Land Use and Natural Resources goals.

Chair Visser recommended that Staff identify and link Town Comprehensive Plan goals and implementation strategies to the PPI document. He felt this would be important for the public to know.

4. Staff Update on Town Projects – oral report

Commissioners made the following inquiries/comments:

Chair Visser noted temporary Town Hall handicapped parking lot needs to have drainage addressed/repaired. The record-breaking rains have made the lot inaccessible tonight. He noted Commissioner Cole was prepared to be a tonight's meeting, but the handicap parking lot was flooded for the bulk of the day and inaccessible for his use.

5. Correspondence/Comments – None received

6. Next Meeting – (6:30pm) Wednesday, December 9, 2015 at Town Hall

There being no further business, the meeting adjourned at approximately 7:45 p.m. (Mr. Huey motioned; Mr. Hubbard seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, January 13, 2016 Planning Commission Meeting

EXHIBIT A – November 9, 2015 Planning Commission
TOPIC: Conservation Easement Structures

Council is currently reviewing proposed text amendments on this topic (Ord. 2015-08) Ord 2015-08 has received First Reading, Title Only. Mayor O’Neil asked that Staff advise Planning Commission of text amendment status and Council’s potential text changes (no recommendation requested by Council)

Current Planning Commission endorsed language:

Applicability. As an incentive to preserving environmentally sensitive properties zoned for residential purposes (RS District), property owners (grantor) may establish certain recreational uses and structures as part of a permanent conservation easement. These non-residential uses must include retaining or protecting natural or open-space values of real property, assuring its availability for noncommercial agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.

Suggestion #1: Increased regulation requiring finding of hardship:

(a) **Applicability.** As an incentive to preserving environmentally sensitive properties zoned for residential purposes (RS Zoning District), property owners (grantor) may establish certain recreational uses and structures as part of a the Board of Zoning Appeals may authorize a conservation easement structure or use by identifying one or more findings of an unusual physical circumstance or topographical hardship along with the establishment of a permanent conservation easement: 1) finding of physical and topographical hardship due to erosion 2) increased risk of erosion 3) existence of heritage trees or other unusual natural feature 4) an extraordinary or exceptional condition pertaining to the small size or unique shape of a parcel. Establishment of a *Conservation Easement Use or Structure* may not be of a substantial detriment to adjacent property or to the public good, and the granting of the use will not harm the character of the district. Additionally, such uses shall include retaining or protecting natural or open-space values of real property, assuring its availability for noncommercial agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.

Suggestion #2: Requiring BZA findings consistent with IRS:

(a) **Applicability.** As an incentive to preserving environmentally sensitive properties zoned for residential purposes (RS Zoning District), the Board of Zoning Appeals may authorize a conservation easement structure or use by identifying one or more findings of a conservation purpose as defined by the IRC (Internal Revenue Code) § 170(h)(4)(A) and 26 CFR 1.170A-14(d)(2)-(5): (1) preservation of land for outdoor recreation by, or the education of, the general public; (2) protection of relatively natural habitat or ecosystem; (3) preservation of open space, where there is significant public benefit, and (a) the preservation is for the scenic enjoyment of the general public, or (b) pursuant to a

clearly delineated Federal, State or local governmental conservation policy; or
(4) Preservation of historically important land area or a certified historical structure. Establishment of a Conservation Easement Use or Structure may not be of a substantial detriment to adjacent property or to the public good, and the granting of the use will not harm the character of the district.

Suggestion #3: Language Planning Commission discussed

Applicability. As an incentive to preserving environmentally sensitive properties zoned for residential purposes (RS District), property owners (grantor) may establish certain recreational uses and structures as part of a permanent conservation easement. These non-residential uses must include retaining or protecting natural or open-space values of real property, assuring its availability for noncommercial agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property. Establishment of a Conservation Easement Use or Structure may not be of a substantial detriment to adjacent property or to the public good, and the granting of the use will not harm the character of the district.