

TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, July 8, 2015

A regular meeting of the Town of Sullivan’s Island Planning Commission was held at 6:30 p.m., Wednesday, July 8, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Chair Gary Visser, Vice-Chair Hal Currey, Charles Cole, Carlsen Huey, Carl Hubbard and Manda Poletti. 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 all Commissioners present except Sydney Cook (excused absence). Approximately 18 people were present in audience; no media.

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

II. Approval of Minutes

MOTION: Mr. Cole moved to approve the June 10, 2015 minutes; seconded by Ms. Poletti; MOTION UNANIMOUSLY PASSED.

III. Public Hearing

1. **Text Amendments for Conservation Easement Uses and Structures: Zoning Ordinance text amendments to allow stand-alone structures and recreational uses on residentially zoned properties when a conservation easement has been established. [Z.O. § 21-203 (Definitions), § 21-20.c (RS District Special Exception requirements), § 21-137 (Restrictions-Accessory Structures)]**

Staff Comments

Zoning Administrator Henderson provided the Staff report.

Timeline/Background:

June 2014: Citizen approached Town requesting to establish a stand-alone structure on a lot with a conservation easement.

March 17, 2015: Citizen made his presentation and request to Town Council; Council remanded the concept to the Planning Commission to study

April-May, 2015: Commission gathered information and studied concept during April 8th and May 13th meetings. Commission set up an ad-hoc study committee to look at meeting notes and offer recommended language for Commission to consider prior to a public hearing.

May 29, 2015: Planning Commission ad-hoc committee met for a focus-group study of previous Planning Commission discussions and developed recommendations to Planning Commission

June 10, 2015: Planning Commission reviewed ad-hoc study committee’s recommendations. Commission set Public Hearing for July 8, 2015 (tonight’s meeting).

**Zoning Administrator Henderson reviewed proposed amended text language for the Zoning Ordinance.
Potential Actions pending Public Hearing:**

1. Recommend approval of text amendments to Town Council
 - § 21-203 (Definitions)
 - § 21-20.c (RS District Special Exception requirements)
 - § 21-137 (Restrictions-Accessory Structures)
2. Recommend approval of the above text amendments with changes made
3. Recommend that Town Council take no action to amend the Zoning Ordinance

Chair Visser accepted Commissioner and public questions regarding the Staff report.

Staff Report Questions/Answers:

1. Q. Will this be a “use by right” or use by special exception? A. Use by special exception, granted by the Board of Zoning Appeals.
2. Q. What sewer facilities are allowed? A. No sewer facilities will be allowed.
3. Q. A shower is allowed; how will it drain? A. Sheet flow into sand/ground as with an outdoor shower presently on Island and as found on the City of Isle of Palms.
4. Q. What is 3rd right of enforcement mentioned in presentation? A. The Town will retain 3rd-party right of enforcement (scrivener error in text that Staff will correct).
5. Q. Will Isle of Palms standard for shower drainage be the Town’s standard? What about run-off protection? A. Proposal incorporates sheet flow drainage as with other municipalities. Approximately 50% of Sullivan’s Island homes have outdoor showers that drain this way (use an in-ground structure for example). Town does not want to have sewer pipes under base-flood-elevation (BFE).
6. Q. What about other Town areas with conservation easements, like “The Dump” at Station 19 and the Protected Beachfront Land; will this ordinance change allow these changes on those land parcels? A. The proposed amendments would impact residentially zoned lots (RS zoning) only. The land parcels mentioned are Town property, not zoned RS but RC1 or RC2.

Public Hearing opened at approximately 6:50pm and closed it at approximately 7:30pm

Public Comments:

Wayne Stelljes, 3104 I’On Avenue

Spoke in opposition to text changes:

- Precedent setting potentially eroding integrity of RS district single-family community;
- Town ordinances historically exclude this use in RS district intentionally;
- Noted SCANA/Sand Dunes Club gazebo is almost size identical(458sf) to structures text change would allow (too big);
- Can envision structure becoming work-shops for adjacent property owners (running extension cords across lots), club houses for groups (yoga classes, surf, hunting or sailing clubs, etc).
- Concerned with public safety issues (trespassing, group size enforcement, use of police resources, etc).

- Noted he provided citizen feedback as part of the ad-hoc study committee (May 29, 2015) at the request of the Planning Commission.

Chad Waldorf, 3112 Marshall

- Partial owner of 3117 Marshall Boulevard, owned by an LLC.
- Notes he is willing to give a bundle of rights to 3117 Marshall with conservation easement: remove ¾ of existing house; remove sewer, driveway and other improvements; relinquish right to rent, etc.
- Intent is to restore dune and have a 450 sf covered shed for recreational purposes.
- Acknowledged his request is precedent setting for the Island and the State.

Rusty Bennett, 3124 Marshall

- Supported Mr. Waldorf's specific request, noting immediate neighbors support the concept;
- Noted Mr. Waldorf's request supports the goals of the SC Beachfront Management Plan (SC adopted in 1988 and Town adopted in 1992). Stated Plan goal: incentivize retreat from the beach. Mr. Waldorf's request is first in state history.
- Supporting amendment would be a win-win for Town.

Catherine Main, East Cooper Land Trust (Mt. Pleasant Resident)

- Expressed support for Mr. Waldorf's request

Karen Coste, 322 Station 19

- Questioned why a shower is needed in the structures, particularly for the owner of 3117 Marshall Boulevard who lives across the street?

Barbara Spell, 1702 Atlantic

- Confused by conflicting messages about conservation spaces: East Cooper Land Trust encourages Town leniency for structures on conservation spaces; however, other comments suggest Mr. Waldorf's request may not be replicated on the Island.
- Understands that SC Beachfront Management legislation and Town long-range plans advocate conservation. Submitted that in the residential community she would rather live next door to a house and some neighbors she will know instead of up to 24 strangers moving on/off the lot perhaps daily.

Tracy Knisely Hahn, 2662 I'On

- Asked if it was Town Council's goal to encourage small private bungalows on the beachfront, creating isolated pockets of private amenity/recreation areas, in front of the public beach, just for those owners alone.
- Concerned with owners not being on the property, storing items on the lot that might be washed away for beachfront lots.

Will Meehan, 411 Station 13th Street

- Asked why the Town would encourage structures on the conservation easement lots.

Commission Discussion:

1. Structure size – is a 450 sf structure appropriate? The concept of a structure-lot size ratio was raised.

2. Number of people on the lot – are 24 people appropriate? The idea was suggested that the Town could have a process whereby a lot owner could apply for Town permission to have an occasional event on the lot with more than the number of people that might be allowed with a potential ordinance change.

3. Commission then discussed the feasibility of additional Island lot owners deeding a conservation space on a lot with a stand-alone recreation use structure on it. Historical significance/preservation and/or natural conservation elements would need to be shown to conservation trusts in order to proceed with a conservation easement.

4. Other discussion points and considerations:

- Lower property tax values and tax revenues for the Town;
- Benefit of the Town having some control over the use (temporary or permanent) for a vacant lot;
- Reiterating that Zoning Ordinance changes affect the whole Island; Commission proceeds with this reality in mind.

After further discussion, the Commissioners identified the need to further study this concept, to include consideration of other ways to handle structure size calculations to allow for different size lots, and found value in having another ad-hoc study group meet before the August meeting.

MOTION: Vice-Chair Currey moved the Commission defer making a recommendation to Council, based upon feedback from the Public Hearing, to allow for further study and discussion at the August 12, 2015 Planning Commission meeting; and, further, that an ad-hoc work group of Commissioners (Vice-Chair Currey, Mr. Hubbard and Ms. Poletti) and two invited residents (Rusty Bennett and Tracy Kniseley Hahn), along with Building Official Robinson, meet prior to the August Planning Commission, in an advertised public meeting at Town Hall, to further study the proposed Zoning Ordinance language to make a report and recommendations at the August Planning Commission meeting; seconded by Mr. Hubbard. MOTION UNANIMOUSLY PASSED.

Chair Visser advised the audience that the Commission would hold another public hearing on this matter once the Commission has studied and refined the proposed ordinance language.

2. Staff Update on Town Projects: Staff provided oral report.

3. Correspondence/Comments – All items relate to agenda item #1 above: Email from residents Laurie Arthur (July 7, 2015), Robert Thompson (July 8, 2015) and non-resident Katie Zimmerman of Coastal Conservation League (July 8, 2015) - (referenced above).

4. Next Meeting – (6:30pm) Wednesday, August 12, 2015 at Town Hall

There being no further business, the meeting adjourned at approximately 8:15 p.m. (Vice-Chair Currey motioned; Mr. Hubbard seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the Wednesday, August 12, 2015 Planning Commission Meeting

Town of Sullivan's Island, South Carolina
Planning Commission
(6:30PM) Wednesday, July 08, 2015

Public Hearing: Zoning Ordinance changes related to recreation
uses within conservation easements on RS-Zoned lots

WRITTEN CORRESPONDENCE RECEIVED FOR COMMISSION

1. LAURIE ARTHUR (Resident): Email July 7, 2015
2. ROBERT THOMPSON (Resident): Email July 8, 2015
3. KATIE ZIMMERMAN (Coastal Conservation League):
Email July 8, 2015

Lisa Darrow

From: Laurie Arthur <arthur.laurie@gmail.com>
Sent: Tuesday, July 07, 2015 1:31 PM
To: ldarrow@sullivansisland-sc.com
Subject: 3117 Marshall "recreational structure"

Dear Lisa,

If you would be so kind to pass on my objections to granting a permit for the proposed structure on 3117 Marshall. The reasons are numerous, but solely its non conformance with the Comprehensive Plan should suffice. Please also pass my email along to the Council members and the Mayor.

Best regards,
Laurie Arthur

Lisa Darrow

From: Robert Thompson <thompsrp@comcast.net>
Sent: Wednesday, July 08, 2015 1:14 PM
To: garyvisser Visser; Hal Currey; Sydney Cook; Patrick O'Neil
Cc: Gary Visser; Lisa Darrow
Subject: let us carefully do nothing

Dear Gary Visser, Hal Curry, Sydney Cook and Pat O
Lisa please forward to Carl Hubbard, Carlson Huey, Charlie Cole and Manda Poletti -

Please heed my serious reservations concerning
a RECREATIONAL WILD-WING HOTSPOT
at 3117 Marshall -

I wish I could be there this evening -
but did talk at some length with Gary,
with Lisa, the Middaughs and Joe Henderson -
who has put considerable diligence into present wording

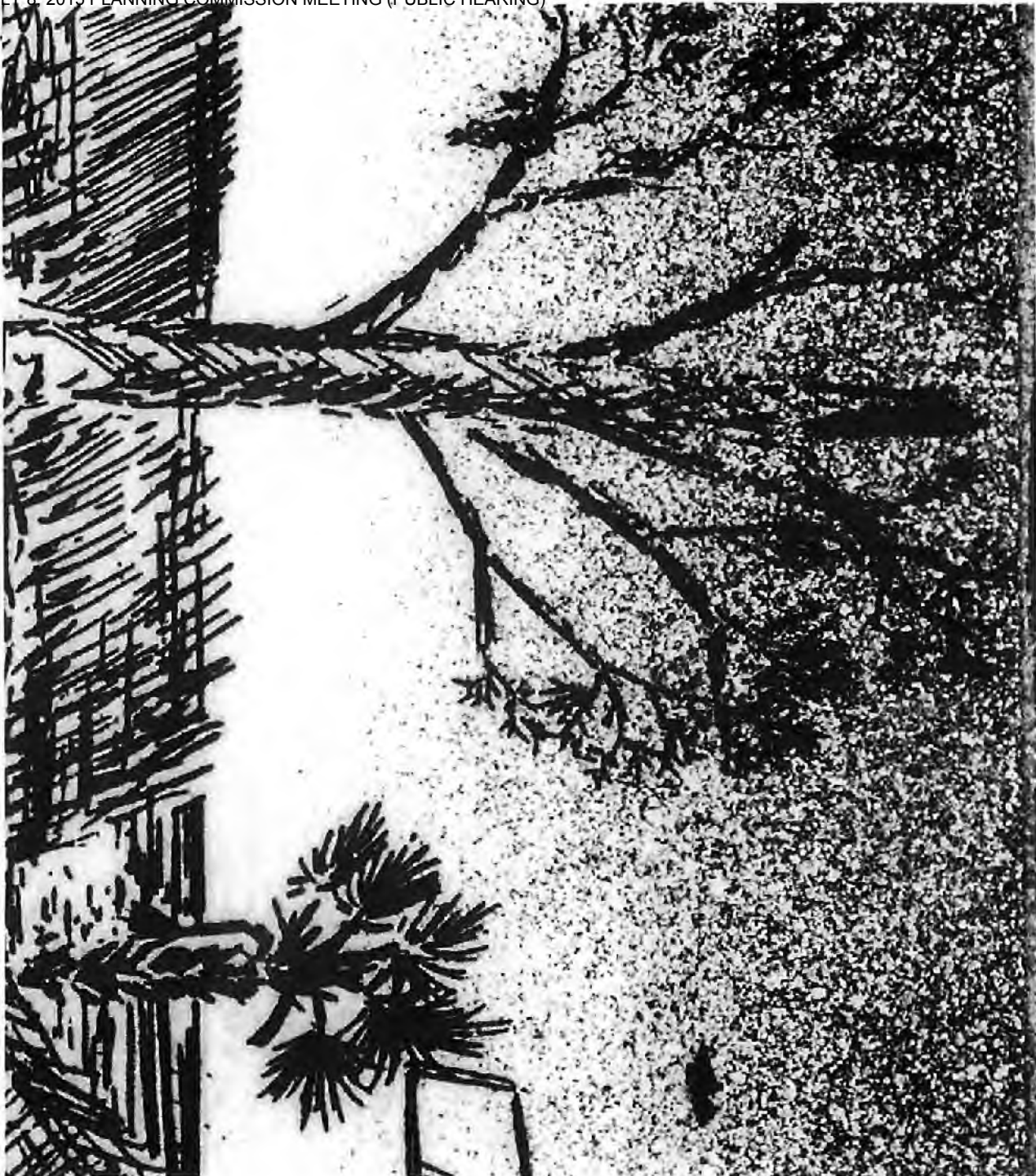
I worry most about frequent, boisterous use
of a SEMI-private beach club pavilion -
contrary to our residential core nature and law
(LLC?? WHO and how many owners)
under the canard of "retreating"
from building too close to the ocean

Thank you all for your hard work and wisdom.
From decades on Planning Commission,
I know how hard it is to "do nothing"
once a committee starts rolling and
the camel's nose is in the tent -

Bobby Thompson
883-3130

attached "Pelicans' Pause" 1980

Pelicans pause



Lisa Darrow

From: Katie Zimmerman <katiez@ccccl.org>
Sent: Wednesday, July 08, 2015 3:47 PM
To: jhenderson@sullivansisland-sc.com; ldarrow@sullivansisland-sc.com
Subject: Planning Commission: public hearing comments
Attachments: letter in support of conservation easement zoning changes_8Jul2015.docx

Dear Lisa and Joe,

I hope you are both well! I am unable to attend tonight's Planning Commission meeting, but wanted to submit a letter of support for the proposed ordinance language amendments to allow for standalone structures and recreational uses on residentially zoned properties when a conservation easement has been established.

Please do not hesitate to contact me with any questions, and thank you,
Katie

Katie Zimmerman

Program Director

Coastal Conservation League

328 East Bay St., Charleston, SC 29402

Direct: 843.725.1292 | Fax: 843.723.8308

CCL's Conference video footage is now online!

View footage online from our 25th anniversary conference

Prosperous Lowcountry, Flourishing Planet, at ccfuture.org/presentations.



**COASTAL
CONSERVATION
LEAGUE**

July 8, 2015

Planning Commission
Town of Sullivan's Island
2050-B Middle Street
Sullivan's Island, SC 29482

Re: Item C.1. Text Amendments for Conservation Easement Uses and Structures: Zoning Ordinance text amendments to allow standalone structures and recreational uses on residentially zoned properties when a conservation easement has been established. [Z.O. § 21-203 (Definitions), § 21-20.C (RS District Special Exception requirements), § 21-137 (Restrictions-Accessory Structures)]

Dear Chairman Visser and Town of Sullivan's Island Planning Commissioners:

Thank you for the opportunity for the Coastal Conservation League (League) to comment on the proposed text amendments for Conservation Easement Uses and Structures.

Specific issues for the beach of Sullivan's Island continue to occur, particularly at the northern end of the island where erosion is nearly constant at Breach Inlet. I have received calls over the years from concerned residents who have watched their neighbors place illegal rock walls in order to protect their properties.


The League continues to support policies in our state that help establish mechanisms of retreat from the shoreline. Retreat must be considered and continue to be a policy for our state to pursue, especially in light of sea level rise, increased storm events, and the continuing development of the shoreline. The policy of preservation (i.e., beach renourishment, no retreat, and regular reestablishment of the baseline) is a short-term solution that does not acknowledge sea level rise, climate change, and the damages that will be done to properties directly in the line of fire. Retreat is a viable policy, and should be utilized in order to remove South Carolina's coastal communities from expensive and dangerous situations in the future.

The proposed changes to Sullivan's Zoning Ordinance are an innovative way to incorporate a policy of retreat. The diligence of Planning Commission and the Town's Zoning Administrator in studying the proposed zoning ordinance changes are to be commended. In previous discussions, they have scrutinized every possible scenario that

could result from the suggested text amendments. The key to the success of the proposed ordinance changes is “when a conservation easement has been established.” Concerned residents have mentioned in previous discussions that the zoning changes could be a “slippery slope,” with a focus on what is interpreted as a change from single-family homes to a proliferation of accessory structures. Rather, these amendments should be viewed from the perspective of the conservation easement requirement—in order to obtain the interest of a registered land trust and therefore an easement, the property must have conservation value. And in a community like Sullivan’s Island, a property with conservation value will most likely be one that is located in high-risk areas such as beachfront. An easement would be incorporated based on preservation interests; therefore, restricting inordinate amounts of parking and people on site, forbidding inappropriate land uses, and monitoring maintenance of the property are all dictated within a conservation easement.

Incorporating these types of zoning changes in order to ultimately protect the island from the ever-increasing frequency and intensity of storm events is supported by the League.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Zimmerman", with a long horizontal flourish extending to the right.

Katie Zimmerman
Program Director
Air, Water & Public Health

“Nature and Community in Balance”

P.O. Box 1765 • Charleston, S.C. 29402-1765 • Telephone (843) 723-8035 • Fax (843) 723-8308

www.CoastalConservationLeague.org

Received by renter

Chad Waldorf (3117 Marshall) during meeting

