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CHARLESTON COUNTY PLANNING COMMISSION MEETING MINUTES March 13, 2017

Chair Eric Meyer called the Charleston County Planning Commission meeting to order at 2:01 p.m. in Room B-225 at the Lonnie Hamilton, III, Public Services Building, 4045 Bridge View Drive, North Charleston, SC, 29405.

Planning Commission members in attendance included: Chair Eric Meyer; Vice Chair Cindy Floyd; Kip Bowman; David Kent; Pete Paulatos; Patrick Bell; Warwick Jones; and Sussan Chavis.

Planning Commission members not in attendance included: Amy Fabri.

County staff in attendance included: Joel Evans, Director of Zoning/Planning; Austin Bruner, Assistant County Attorney; Andrea Pietras, Deputy Director of Zoning/Planning; John Carullo, Planner III; Andrea Harris-Long, Planner II; Techina Jacques, Administrative Support Coordinator I; Dan Frazier, Planner II; Sally Brooks, Planner III; Robin Lewis, Administrative Assistant II; Jenny Werking, Planner II; Janine Saab, Planner I; John Taylor, Planner II; and Matt Fountain, Engineering Manager.

Public in attendance included: Eldrina Jones, Melinda Kelley, Bobby Lutes, Jamie Hairfield, Bryan Kizer, Eleanor Berka, Paul Berka, Joyce McNewman, Mary Ann Marwick, Billy Walpole, Joe Boykin, Louise Maybank, Kevin Richbourg, and Lisa Minshew.

Chair Meyer briefly explained the function of the Planning Commission and introduced the Commissioners. He then asked Mr. Evans to introduce the County staff. After reviewing the meeting's compliance with the Freedom of Information Act, Chair Meyer requested a motion to approve the February 13, 2017 meeting and workshop minutes. Commissioner Jones moved to approve the minutes; Commissioner Floyd seconded the motion resulting in a vote of 6 to 0, with 1 abstention by Commissioner Bowman. Sussan Chavis arrived after the vote.

Chair Meyer announced that the next agenda item includes a *Comprehensive Plan* Amendment request and Zoning Map Amendment request that would be considered together.

COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT REQUESTS: *Comprehensive Plan* Amendment request to change the Future Land Use designation from Rural Industrial to Rural Residential and a Zoning Map Amendment request to change the zoning district from Industrial (I) and/or Rural Residential/Industrial (RR-3/I) to Rural Residential (RR-3) for the following properties:

- a. TMS 283-00-00-111, 763 Main Road, 1.0 acre (Future Land Use Designation: Rural Industrial; Zoning District: Industrial);
- b. TMS 283-00-00-114, 3519 Kitford Road, 0.7 acres (Future Land Use Designation: Rural Industrial; Zoning District: Industrial);
- c. TMS 283-00-00-115, 3507 Kitford Road, 1.1 acres (Future Land Use Designation: Rural Industrial; Zoning District: Industrial);
- d. TMS 283-00-00-118, 3510 Kitford Road, 1.0 acres (Future Land Use Designation: Rural Industrial; Zoning District: Rural Residential/Industrial);
- e. TMS 283-00-00-121, 3522 Kitford Road, 1.0 acre (Future Land Use Designation: Rural Industrial; Zoning District: Rural Residential/Industrial);
- f. TMS 283-00-00-122, 3524 Kitford Road, 1.0 acre (Future Land Use Designation: Rural Industrial; Zoning District: Industrial);
- g. TMS 283-00-00-131, 3564 Kitford Road, 2.3 acres (Future Land Use Designation: Rural Industrial; Zoning District: Rural Residential/Industrial); and
- h. TMS 283-00-00-147, 3459 Doctor Whaley Road, 3.6 acres (Future Land Use Designation: Rural Residential; Zoning District: Rural Residential/Industrial).

Dan Frazier began the presentation by informing the Commission that staff submitted the advertisement to the *Post and Courier* for the proposed *Comprehensive Plan* Amendments intended to be discussed at the

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the both requests until the April 10th meeting. Ms. Harris-Long presented the Zoning Map Amendment requests and concluded with a staff recommendation that the requests would be consistent with the *Comprehensive Plan* if the *Comprehensive Plan* Amendment requests are recommended for approval by Planning Commission. Chair Meyer asked if there were any questions for staff. Ms. Chavis inquired about the driveways and entrances to the property. She stated that she noticed a lot of short driveways when she rode through the area. Ms. Harris-Long explained that curb cuts are approved through the Site Plan Review process in coordination with SCDOT and their curb cut separation requirements. Mr. Jones stated that he opposed the application at the last meeting because of its abutment to the residential area. He inquired about the one parcel from whom the applicant did not receive for a letter of support. Mr. Lutes, the applicant, stated that he did not make it to the owner's house in time to speak to him about the request. Mr. Jones stated that the applicant has almost all of the surrounding neighbors in agreement with the request. There being no further questions of staff, Chair Meyer asked if there was anyone who wanted to speak in favor of the request.

1. Bobby Lutes, 1843 Royle Road, applicant, spoke in favor of the request. He stated that he went out to the surrounding neighbors and tried to get them to sign off on the requests. He noted that in the letters he sent out, he stated that his intent was to have self-storage. He pointed out the curb cuts on his property to the Commission.

Chair Meyer stated that the requested Community Commercial zoning allows a broad range of uses, although Mr. Lutes said in his letters that his intent was to do self-storage. Mr. Jones expressed concern that if the zoning is changed and the property gets sold, the new owner could put anything on the property that is in conformance with the zoning. Mr. Lutes restated his intent and said that he has no intention of putting anything there other than self-storage. Mr. Paulatos expressed concern about the future residents of properties located in the adjacent PD-156, Dunmeyer Hill Estates, having the Commercial zoning next to them. Mr. Lutes stated that there is a 0.26-acre greenway that Earthsource Engineering has designed that will serve as a buffer. Ms. Pietras noted that it is a PD and they have a conceptual plan, but they do not have an approved plat yet.

2. Jamie Hairfield, applicant's representative, 4969 Centre Pointe Drive, spoke in favor of the request. She stated that several of the properties along Highway 78 are zoned Community Commercial. She pointed out the buffer between the subject properties and the residential use. She added that there will be a 25-foot type C land use buffer on their commercial property.

Mr. Paulatos asked if the 25-foot buffer was enforceable. Ms. Pietras stated that the 25-foot buffer would not be on the adjacent residential properties; the land use buffer would only apply to the commercial development and would be determined at the time of site plan review submittal based on the proposed land use.

3. Bryan Kizer, 4969 Centre Pointe Drive, applicant's representative, spoke in favor of the request. He stated that he understands the concerns and they have tried to address those by noting the buffer. He added that their request is no different from what other property owners in the area already have.

No one else present wanted to speak in favor of the application. There was no opposition to the request; therefore, Chair Meyer asked if there was any further discussion. Mr. Kent moved to approve the zoning map amendment request. Mr. Bell seconded the motion, which resulted in a vote of 7-1. Ms. Floyd dissented.

DISCUSSION OF PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR):

Ms. Pietras began the presentation by stating that these amendments came before the Commission and were voted on last year. She said that the County's attorney had additional suggestions after the votes took place. Those changes have been incorporated and are before the Commission today for consideration. She noted that there were no additional changes to the amendments pertaining to Communications Towers and Preliminary and Final Plat Requirements to require flood zone information.

a. Sections 3.1.12.E and 3.1.12.F, Requests for Postponements

Ms. Pietras briefly reviewed the proposed amendments and changes based on the County Attorney's review.

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spoke in support or opposition of the amendments. Mr. Kent moved to approve the amendment. Ms. Chavis seconded the motion, which resulted in a unanimous vote of 8-0.

g. Table 6.1-1 and Article 6.7, Special Events

Ms. Pietras briefly reviewed the proposed amendments and the revisions suggested by the County Attorney. She also mentioned that a number of special event requests for properties on Johns Island have gone before the Board of Zoning Appeals recently or will be going before the Board, and there has been a lot of public opposition to those requests due to noise and traffic concerns. She noted that there has been an increase in the number of special events applications that involve properties in the rural and agricultural areas that were specifically purchased for special events uses, where no one lives and there are no agricultural activities occurring, which was not the original intent of the ZLDR provisions.

Chair Meyer asked if there were any questions for staff. Mr. Bowman and Ms. Chavis had questions about the 10-acre requirement. Ms. Pietras stated that requiring 10 acres provides more space for buffering and parking and allows the special event to remain on property, rather than spanning multiple properties. Ms. Chavis expressed concern about the parking requirement. She stated that the applicant may not own an adjoining lot, but they may have the permission to use someone's lot. Ms. Pietras stated that if Planning Commission wanted to allow off-site parking regardless of who owns it, that change could be made and brought back before the Commission. Mr. Bowman asked would it be permissible if two people wanted to do a special event together and their properties met the 10-acre requirement. Ms. Pietras replied that was possible if the properties were contiguous. Ms. Floyd said that she understood the requirement about having the properties be contiguous for parking, but requiring it be under the same ownership could present some difficulty. Mr. Evans stated that this amendment is complicated. He welcomed the Commission's input and stated that this amendment could be brought back before the Commission. Ms. Floyd suggested the requirement that the properties be under the same ownership be removed. Mr. Paulatos asked if there needed to be a reference indicating whether the 10 acres would be under one ownership or if it could be two owners. Ms. Pietras stated that such a reference could be included, but it is common practice to allow properties owned by different individuals to be included in the same application as long as all of the owners signed the applications. Ms. Chavis inquired about whether the parking requirement could be amended to allow parking to be off-site on noncontiguous properties. Mr. Bell stated that having it be noncontiguous could create safety issues. Ms. Chavis expressed concern about increasing the minimum lot size to 10 acres because not all applicants may have 10 acres so they wouldn't be allowed to have special events. Ms. Pietras noted that the 10-acre requirement only applies to certain zoning districts. Mr. Evans added that the size limitation is just for principal uses and does not impact temporary special events permits.

There being no further discussion, Chair Meyer asked if anyone would like to speak in favor. No one expressed a desire to be heard. Chair Meyer asked if anyone would like to speak in opposition.

1. Melinda Kelley, 4000 Faber Place Drive, spoke in opposition to the proposed amendments. She submitted a letter from the Wadmalaw Island Land Planning Committee. She noted that Wadmalaw Island historically has had a separate set of laws. She stated that they would like to have special events as principal uses prohibited on properties zoned AGR on Wadmalaw Island because Wadmalaw Island has a lot of AGR-zoned properties, and allowing special events as principal uses on these properties could change the character of the island.

Mr. Jones inquired about the legality of singling out Wadmalaw Island in the regulations. Mr. Evans summarized the County Attorney's concerns and stated that an overlay zoning district may be a possible option to restrict uses on Wadmalaw Island. Mr. Bowman stated that Wadmalaw Island seems very organized and asked Ms. Kelley if they ever thought about incorporating. Ms. Kelley replied no. She stated that she believes that there is a legal precedent set already for Wadmalaw Island to be treated differently because it was originally approved as a Planned Development. Mr. Jones asked what the ramifications would be Countywide if special events as a principal use were removed entirely from the AGR zoning district. Mr. Evans stated that Planning Commission could recommend this; however, the change may be difficult to adopt countywide.

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new recommendation.

k. Sections 8.4.2.A.4.j and 8.5.2.B.9, Preliminary and Final Plat Application Requirements

Ms. Pietras briefly reviewed the proposed amendments and the revisions suggested by the County Attorney.

There were no questions of staff. Being no further discussion from the Commission, Chair Meyer opened the floor for public comment. No one spoke in support or opposition. Ms. Floyd moved to approve the amendment. Mr. Kent seconded the motion, which resulted in a unanimous vote of 8-0.

l. Section 9.6.3, Architectural Design Guidelines for Fencing

Ms. Pietras briefly reviewed the proposed amendments and the revisions suggested by the County Attorney.

There were no questions of staff. Being no further discussion from the Commission, Chair Meyer opened the floor for public comment. No one spoke in support or opposition. Ms. Chavis moved to approve the amendment. Mr. Kent seconded the motion, which resulted in a unanimous vote of 8-0.

m. Section A.1.12.B, Applying Road Classifications: Public Road

Ms. Pietras briefly reviewed the proposed amendments and revisions suggested by the County Attorney. She also noted that staff was directed by Council to amend the County ordinances to allow up to 15 lots on County Non-Standard Roads.

There were no additional questions of staff. Being no further discussion from the Commission, Chair Meyer opened the floor for public comment. No one spoke in support or opposition. Mr. Bell moved to disapprove the amendment. Ms. Floyd seconded the motion, which resulted in a vote of 7-1. Ms. Chavis dissented.

Mr. Bowman stated that he understands that Council is trying to help citizens, but he does not believe this is the right way to do it. Chair Meyer stated that this process is a lot of burden on the staff. Mr. Fountain, Charleston County Public Works Department, explained how the process would work, should the amendment be approved, and noted that funding for these types of improvements has been an issue in the past.

Chair Meyer announced that up next was a discussion of the proposed schedule for the *Comprehensive Plan* Ten-Year Update.

PROPOSED SCHEDULE FOR THE *COMPREHENSIVE PLAN* TEN-YEAR UPDATE

Ms. Harris-Long presented the objectives and proposed schedule for the Ten-Year Update of the *Comprehensive Plan*. She asked if the Planning Commission would like to have presentations from other County Departments or outside agencies when different elements of the *Comprehensive Plan* will be discussed. Chair Meyer stated that would be a good idea. She stated that the schedule was flexible and could be adjusted if more time was needed on a certain element. Mr. Bowman noted that he would like to hear from BCDCOG and SCDOT.

Chair Meyer asked for an update on the Director's Report.

DIRECTOR'S REPORT

Mr. Evans briefly reviewed the report, stating that the Wiltown community meeting is May 17th and the Sol Legare community meeting is June 12th. He also updated the Commission on the ZLDR Update project, and stated that the consultants will be in Charleston on April 24 and 25. He noted that on April 24th, staff would like to hold meetings for the Historic Preservation and Short-Term Rental Committees, and on April 25th, there will be a Planning Commission workshop at 2:00 pm. The Commission discussed the times of the Committee meetings.