

TOWN OF SEABROOK ISLAND

Planning Commission Special Called Meeting
September 26, 2018 – 1:30 PM



Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

Present: Robert Driscoll (Chair), Lori Leary, Cathy Patterson, Wayne Billian, Ken Otstot, Joe Cronin (Town Administrator)

Absent: None

Guests: Mayor Ron Ciancio, Heather Paton (SIPOA), Stephanie Tillerson (Town of Kiawah Island), John Taylor (Town of Kiawah Island), Don Romano (Seabrook Island Club), Richard Marion (Seabrook Island Club), Six Town Residents

Chairman Driscoll called the meeting to order at 1:30 pm and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **July 18, 2018:** Ms. Leary made a motion to approve the minutes from the July 18, 2018, meeting, as submitted. Mr. Otstot seconded the motion. The motion was approved by a vote of 4-0.

Ms. Patterson arrived at 1:33 pm.

2. **August 15, 2018:** Chairman Driscoll noted that he had spoken with Town Administrator Cronin prior to the meeting about an inconsistency in the August 15, 2018, minutes. Town Administrator Cronin stated that after re-listening to the audio from the meeting, the section of the minutes dealing with the Kiawah senior living project encroachment permit, specifically the discussion regarding the number of access points at Bishop Gadsden, should be amended. He then specified replacement language for this paragraph. Mr. Otstot made a motion to accept the amended language, as stated by Town Administrator Cronin. Ms. Leary seconded the motion. The motion to amend the minutes was approved by a vote of 5-0. Mr. Billian then made a motion to approve the minutes from the August 15, 2018, meeting, as amended. Ms. Leary seconded the motion. The motion to approve the amended minutes was approved by a vote of 5-0.

OLD BUSINESS ITEMS

1. **Architectural Review: Seabrook Island Club Equestrian Center Expansion (Amended)**: Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and approve revised plans for the expansion of the existing barn located at 2313 Seabrook Island Road. Town Administrator Cronin noted that the Planning Commission had previously approved plans for the project back in May 2018; however, the project scope was later changed due to budgetary constraints. Town Administrator Cronin added that the revised plans conform to the requirements of the DSO, and the proposed colors and materials are consistent with the existing building. Therefore, staff recommended in favor of approval.

Mr. Don Romano of the Seabrook Island Club provided additional information in support of the request. Mr. Romano stated that exterior changes, including a reduction in the front addition and elimination of a second story balcony, were removed due to value engineering. He added that there were also some minor changes to the interior of the building, but that these were not within the scope of the Planning Commission's review. He stated that, overall, he believed the changes made the project better.

Mr. Billian asked if the Club was planning any changes to the site lighting. Mr. Romano responded that nothing was planned at this time regarding the lighting.

Mr. Otstot made a motion to approve the revised plans, as submitted. Mr. Billian seconded the motion. The motion was approved by a vote of 5-0.

NEW BUSINESS ITEMS

1. **Architectural Review: SIPOA Storage Building**: Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and approve plans for a proposed 30' x 40' storage building adjacent to the POA's existing maintenance shop at 2832 Seabrook Island Road (TM # 149-06-00-072). He stated that the proposed color (Lightstone) and materials (galvanized metal with silicone polyester coating) were consistent with surrounding commercial and storage buildings. Town Administrator Cronin added that the plans conform to the setback and dimensional requirements of the DSO, and that the building would be heavily screened from neighboring properties and the Seabrook Island Road right-of-way by existing vegetation. Therefore, staff recommended in favor of approval.

Ms. Patterson asked Ms. Heather Paton, Executive Director of SIPOA, if she had anything additional to add. Ms. Paton did not have any additional comments.

Chairman Driscoll asked the purpose of the new building. Ms. Paton responded that it was the SIPOA's intent to store emergency generators and equipment in the new building.

Ms. Leary made a motion to approve the proposed building plans, as submitted. Ms. Patterson seconded the motion. The motion was approved by a vote of 5-0.

2. **Text Amendment: Requirements for Walls and Fences**: Town Administrator Cronin provided an overview of the draft text amendment. He stated that the primary purpose of the ordinance was to remove inconsistencies between the town and SIPOA's requirements. In

addition to amending the permitted materials for walls and fences, the draft ordinance would: define setback requirements for new walls and fences; prohibit walls and fences in required marsh and beachfront setback areas; require walls and fences to be maintained in good repair; limit the maximum height to 6' (except for walls and fences used to screen public buildings, storage yards, utility structures and equipment, and storage areas); limit the maximum height to 3' in clear sight triangles; require any finished side to face outward from the property; and require that walls and fences not negatively impact drainage on the site or on adjacent properties.

Town Administrator Cronin then noted one public comment which was received during the public hearing held at the Town Council meeting the previous day. A resident recommended that the ordinance should contain provisions that would "grandfather" existing fences. If this was desired, Town Administrator Cronin recommended including the following paragraph: "Notwithstanding the requirements of this section, any fence or wall which was legally conforming as of the effective date of this ordinance may be repaired or replaced, provided the extent of any non-conformity may not be increased as a result of the repair or replacement." He also recommended that any fence or wall seeking to be replaced under this exception should be completed within 30-60 days of the non-conforming wall or fence being removed, as well as requiring that any non-conforming element may not be re-established after the non-conforming element has been discontinued.

Ms. Patterson stated that the Village may seek to replace its pool fence in the future and asked how this ordinance would impact the location of a replacement fence if it were located within a setback area. Town Administrator Cronin stated that the Village fence would likely qualify for a "existing non-conforming" exception if it were replaced, meaning it could go back in the same – or a more conforming location – but not in a less conforming location. Town Administrator Cronin asked whether it was a standalone fence, or if it was attached to a deck (in which case it would be classified as a "railing" rather than a "fence").

Mr. Billian asked if electric fences were prohibited. Town Administrator Cronin responded that they were not specifically included but noted that most permitted materials would not be conducive to electrification. He added that the Planning Commission could recommend an amendment to prohibit electric fences.

Mr. Billian made a motion to recommend in favor of approving the text amendment, with the amendment specified by the Town Administrator relating to non-conforming fences. Ms. Leary seconded the motion. The motion was approved by a vote of 4-1, with Ms. Patterson opposed.

ITEMS FOR INFORMATION / DISCUSSION

1. **Discussion of meeting format and voting procedure regarding the pending encroachment application:** Chairman Driscoll provided a brief overview of this item. He stated that the Planning Commission would be going into executive session for the purpose of receiving legal advice relating to the meeting format and voting procedure for the Kiawah senior living

project encroachment permit application. He stated for the record that no vote on the application would be taken during today's meeting.

Chairman Driscoll stated that the format of the meeting on October 3rd would be similar to the previous meetings and would include a presentation from the applicant, presentations from experts and consultants hired by the town, a discussion between members of the Planning Commission and the applicant, the receipt of comments from town residents and property owners, and ultimately, the Planning Commission would make a decision and vote on the applicant's request. He noted that the planning commission can approve the request as submitted, approve with conditions, or deny the request. He then briefly discussed the current plans for the proposed driveway.

Prior to requesting a motion to go into executive session, Chairman Driscoll recognized several residents in the audience. He opened the floor for questions.

A resident asked how much control the town had over the bike path. Chairman Driscoll responded that part of the pathway was located within the town's roadway easement, and part was on private property with a separate easement. The resident asked how strong the easement is on the private property. Chairman Driscoll responded that the easement with Atlantic Partners is strong. On that property, the pathway could be moved, but not eliminated. The easement on for the neighboring Haulover Creek property was significantly weaker, however, and the owner of that property could require the removal of the pathway. The resident stated that the town should strive to maintain a good relationship with the property owners to maintain access to the pathway.

Another resident stated that she didn't care where the bike path was as long as there was access to it.

A resident asked if the town would consider alternate designs, or only what has been presented by the applicant. Chairman Driscoll stated that there have been several alterations up until this point, and provided a summary of some of those changes. He added that the Planning Commission could also attach conditions to an approval, and gave examples of the types of conditions which may be attached, such as tree mitigation.

A resident asked if the encroachment permit would be permanent, and what would happen if there were safety issues or accidents. Chairman Driscoll stated that council may have some limited recourse, including declaring the situation a nuisance.

There being no further questions, Chairman Driscoll asked for a motion to go into executive session for the purpose of receiving legal advice related to the meeting format and voting procedure for the pending encroachment permit application for the Kiawah senior living project.

Ms. Patterson made a motion to enter into executive session for the purpose of receiving legal advice. Mr. Billian seconded the motion. The motion to enter into executive session was approved by a vote of 5-0. The Planning Commission entered executive session at 2:19 pm.

[EXECUTIVE SESSION]

Ms. Leary made a motion to return to open session. Mr. Billian seconded the motion. The motion to return to open session was approved by a vote of 5-0. The Planning Commission returned to open session at 3:42 pm.

- 2. Upcoming Meeting Dates:** Town Administrator Cronin reminded members that a Comprehensive Plan Workshop will be held on October 3rd at 10:00 am, prior to the 1:30 pm Planning Commission meeting.

There being no further business, Ms. Leary made a motion to adjourn the meeting. Mr. Billian seconded the motion. The motion was approved by a vote of 5-0, and the meeting was adjourned at 3:43 pm.

Minutes Approved: October 3, 2018



Joseph M. Cronin
Town Administrator