

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, March 8, 2018 at 6:00 p.m. Commissioners present: Vice Chair Lyndy Palmer, Zennie Quinn, Bill Lyon, Ed Steers, and Chairman David Bevon, who presided. Also, Kristen Crane, Planning Director, Leonard Blank, Town Councilman/Liaison, and Frances Simmons, Town Clerk and Secretary to the Planning Commission.

Call to Order: Chairman Bevon called the meeting to order at 6:00 p.m. A quorum was present to conduct business.

Prayer and Pledge: Chairman Bevon led the Planning Commission in prayer and followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chairman Bevon announced that this meeting was noticed in compliance with the South Carolina Freedom of Information Act.

Approval of November 9, 2017 Minutes: Chairman Bevon moved for approval of the November 9, 2017 meeting minutes; Commissioner Palmer seconded and motion passed unanimously.

Public Comments: The following persons addressed the Planning Commission:

Brook Lyon, 669 Port Circle, President, Lighthouse Point Neighborhood Assn., shared concerns about short-term rentals (Air B&B & Home Away). It has been brought to her attention by some residents they came on board in February, a small house and a huge one. A huge house is also in the City. Mrs. Lyon said she is a firm believer in property rights, that people are able to make investments as long as it does not affect the neighborhood in a derogatory manner. However, she would not want to live next door to one; she did not buy her house to live next to a hotel. She commented that many people know that she and her husband has rental properties with annual leases and may consider monthly leases, which is legal. Mrs. Lyon said she received a call from a neighbor about one of the houses filled with people; the street was blocked from Lighthouse Blvd (turning onto Grimsley) so that a firetruck could not turn. The other house is a small three bedroom, two bath and no pictures of the house is on the advertisement. Many cars are there with different license plates. Mrs. Lyon shared a resident's concern about his two-year old coming down their back stairs and three pit bulls in the back yard next door almost charged over a 4ft chain link fence. She also mentioned people in the back yard in bikinis, playing rap music and using profanity. This was a bad experience for the visiting mother in-law as well as the two year old. Mrs. Lyon complimented the Town's Code Enforcement for working on this. She wanted to make the Commission aware, and she appreciates the rules and regulations the Town has in place to protect its residents.

David Giotta, 1218 Peregrine Drive, spoke on agenda item #153.210 that if the request is to change the use, he is opposed. If it allows the treatment of animals with a length of stay, he is opposed to it because it would change the complexity of the neighborhood.

Marie L. Cannon, 762 Fort Johnson Road. Spoke on agenda item #153.210. She highly opposes changing residential to business. From what she read, this is what the Town proposes to do. Stiles Point has covenants that does not allow businesses in residential areas.

Staff Comments: None

Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR):

- a. 153.210: Home Occupations: Adding clause to allow for emergency treatment of animals to be allowed in the home of a veterinarian: Planning Director, Kristen Crane began by providing background for the reason to add this clause. She informed the Commission that an applicant with a mobile veterinary service (which is allowed as a Home Occupation) wanted to expand her business to have a surgical clinic in her home for Veterinary Service. The Town does not allow Veterinary Services as a Home Occupation. She explained that on the Town's Use Table, it showed an "S", which meant Veterinary Services were allowed in RSL zoning as a Special Exception, so staff received the application. Mrs. Crane said there is a clause in the Town's Ordinance that state "anytime there is conflicting provisions, the more restrictive regulation would apply", which meant the use would not be allowed so the applicant withdrew the request. Ms. Crane said in order to make the provision clearer and to prevent this from happening again, the "S" would be removed from the Use Table. By doing this, the service would not be allowed as a Home Occupation, even though it was never allowed. She said under Use Table 153.110, the "S" under RSL is stricken. The box is left blank to signify that service is not allowed.
- b. 153.110 Use Table: Removing the Special Exception requirement from Veterinary Services in the RSL Zoning District: Ms. Crane reviewed Section 153.210 (4) and said the emergency clause is added for consistency with the existing section. It states the prohibition shall not be interpreted as preventing medical practioners from seeing patients in the practioner's home on an emergency basis. She said this would not allow vets to see patients in their homes on a regular basis, but for emergencies.
- c-e 153.041 Comprehensive Plan Amendments: Mrs. Crane recommends striking "vote by the entire membership of the Planning Commission" and changed to a majority of members present and voting, under Sections 153.041 Comprehensive Plan Amendments; 153.042 Zoning and Land Development Regulation Amendments; and 153.043 Zoning Map Amendments.
- f. 153.110 Use Table: Addition of Conditional Requirements to Allow Stables in the RSL Zoning District with a Minimum Lot Size: Ms. Crane said she has received several requests for stables on lands of five or more acres. The change to Section 153.140: would add a Conditional Clause in RSL to allow stables on minimum lot sizes of five acres. The Comprehensive Plan suggests that properties under this status come into conformity and a few fall under that category. Ms. Crane commented that the County allows horses in their Rural Residential District on three or more acres of land, and under Special Exception, R-4, which is similar to the Town's RSL Zoning District.
- g. 153.110 Use Table: Addition of conditional requirement to allow Food Sales in the Office General (OG) Zoning District with a maximum floor area: This change would add a "C" (Condition) for Food Sales in the General Office (OG) District. Ms. Crane said there are approximately seven General Office (OG) parcels in the Town, (Camp, Harbor View and Folly Roads). This request includes candy shops, bakery, and meat markets, as long as there is a maximum floor area of 5,000 square feet or less; otherwise this use shall fall under the Special Exception procedures of this chapter.

Questions from the Commission:

Commissioner Lyon asked the reason for changing "g". Ms. Crane said she had received a request for a bakery (the former catering company on Camp Rd); and under the Use Table it would not be allowed because it is zoned General Office, even though a catering business had been there for years. Pak and Mail now occupies that space. She said the retail sales is already there so instead of someone applying for a rezoning to a Commercial Neighborhood zoning, candy shops, bakeries, and meat markets could be allowed in an Office General zoning as a Conditional Use as long as there is a maximum floor space of 5,000 square feet.

Vice-Chair Palmer asked if there is an ordinance for food sales in General Office for hours of operation. Ms. Crane said 'no'; however, this is something the Commission could add as a condition.

Commissioner Quinn asked if this would apply to food trucks and Ms. Crane said 'no', mobile food trucks have home occupation permits and they are typically in a permanent location.

Commissioner Steers commented on clause Section 153.110 that gives a medical professional the ability to provide treatment in an emergency. He said this is a common courtesy in a neighborhood.

After questions were addressed, Chairman Bevon asked for a motion to discuss Section 153.210: Home Occupations. Commissioner Lyon moved to accept the staff's recommendation; Chairman Bevon seconded. Chairman Bevon said he agree that whether language is included or not, someone would use a vet next door in an emergency and see no harm in having it included. Commissioner Lyon commented that including it would not give someone the ability to treat an animal on a regular basis only in an emergency. Chairman Bevon stated for clarity that Vets are not allowed as Home Occupations. He said the "S" in the Use Table was an error and that service is not allowed. Motion passed unanimously.

153.110 Use Table: Removing the Special Exception requirement from Veterinary Services in the RSL Zoning District: Chairman Bevon moved to remove the "S" under RSL in the Use Table, seconded by Commissioner Quinn. Motion passed unanimously.

153.041 Comprehensive Plan Amendments

153.042 Zoning and Land Development Regulation Amendments

153.043 Zoning Map Amendments: Chairman Bevon moved to accept the staff's changes under those sections, Commissioner Lyon seconded. Motion passed unanimously.

153.110 Use Table: Addition of conditional requirements to allow Stables in the RSL Zoning District with minimum lot size: Chairman Bevon moved to add "C" as a Conditional Use for Stables in RSL Zoning District based on the language in Section 153.140, seconded by Commissioner Steers. Commissioners Lyon and Steers commented the change will allow more green space and protected areas. Motion passed unanimously.

153.110 Use Table: Addition of conditional requirements to allow Food Sales in the OG Zoning District with a maximum floor area: Chairman Bevon moved to add "C" to the Use Table in General Office (OG) for a Conditional Use for Section 153.163 Food Sales, seconded by Vice-Chair Palmer. Commissioner Quinn said this is appropriate and simpler. Motion passed unanimously.

Election of Planning Commission Officers: Chair and Vice-Chair: Local Planning Commissions must elect one of its members as Chairperson and one as Vice-Chairperson for one-year terms. These appointments begins immediately and lasts through 2018. Chairman Bevon opened the floor for nominations for Chair. Commissioner Lyon moved to elect David Bevon, Commissioner Steers seconded. There were no other nominations. David Bevon was elected unanimously to serve as Chairman.

Chairman Bevon opened the floor for nominations for Vice-Chair. Chairman Bevon moved to elect Lyndy Palmer to serve as Vice-Chair, seconded by Commissioner Steers. There were no other nominations. Lyndy Palmer was elected unanimously to serve as Vice-Chair.

Chair's Comments: None

Commissioners' Comments: None

Next Meeting Date: Thursday, April 12, 2018

Adjourn: There being no further business to come before the body, the meeting adjourned at 6:29 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Frances Simmons".

Frances Simmons

Town Clerk and Secretary to the Planning Commission

***Deletions are struck-through and additions have been underlined and highlighted**

§ 153.213 STORAGE AND REPAIR OF INOPERABLE MOTOR VEHICLES.

(A) In all zoning districts, the open storage and or repair of inoperable motor vehicles is not permitted within the required front setback.

(B) In all ~~agricultural and rural residential~~ zoning districts, the open storage or repair of inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view ~~off-site~~ from the public right of way and adjacent properties.

(C) The open storage and repair of more than two inoperable motor vehicles is prohibited on all lots in residential, office, commercial or industrial zoning districts unless specifically authorized for a use such as a salvage yard or motor vehicle repair shop. ~~Open storage and/or repair of more than two inoperable motor vehicles is prohibited on all lots in suburban residential zoning districts, as well as in all office, commercial, and industrial zoning districts unless specifically authorized for use as a salvage yard. Inoperable motor vehicles must be screened by a fence, wall, building, or vegetative buffer that completely shields the vehicles from view off-site.~~

(D) In all suburban residential zoning districts, storage of motor vehicle parts is permitted only within a completely enclosed accessory structure located on the same lot as the principal dwelling unit.

(E) Storage of commercial vehicles in residential zoning districts, unless otherwise expressly authorized by this chapter, is limited to one vehicle used as personal transportation.

(Ord. 2012-06, § 6.5.14, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

§ 153.231 TEMPORARY SALES.

(A) Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted only twice in a calendar year from the same zoning lot, and no more than two consecutive days each during daytime hours.

(B) The sale of Christmas trees, fireworks, and turkey shoots are authorized where permitted as an accessory use and shall not exceed a total time period of 60 days during a one-year period. This time period shall commence from the first date that such uses, individually or collectively, are approved or established, whichever is first.

(C) Other temporary sales of merchandise shall be permitted as a temporary, accessory use to an approved principal use (such as in an off-street parking lot), provided that the maximum term for such permit shall not exceed ten consecutive days, and no more than four such permits may be issued per lot, per calendar year.

(Ord. 2012-06, § 6.6.2, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013; Ord. 2016-01, passed 4-21-2016)