

The Planning Commission met in Council Chambers of the Town of James Island, 1122 Dills Bluff Road, James Island, SC on Thursday, March 12, 2020 at 6:00 p.m. Commissioners present: Vice Chair Lyndy Palmer, Bill Lyon, Ed Steers, Zennie Quinn and Chairman David Bevon, who presided. Also, Kristen Crane, Planning Director, Cynthia Mignano, Town Councilwoman/Liaison, Garrett Milliken, Town Councilman and Flannery Wood, Planner I, standing in for Frances Simmons, Town Clerk and Secretary to the Planning Commission.

Call to Order: Chairman Bevon called the meeting to order at 6:02 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 June 14, 2018 Minutes: Chairman Bevon moved for approval of the December 12, 2019 meeting minutes, Vice Chair Palmer seconded, and the motion passed unanimously.

Public Comments:

Franny Henty, 615 Flint Street: Mrs. Henty thanked the board for their service. She explained that she was here tonight because of the high bacterial levels in James Island and Ellis Creeks. She stated that there have been public meetings about this including both the City, County and the Town and citizens have met with Joe Cunningham's office to get help with this sewage situation. There are over 800 Septic systems and they have identified some that are leaking. There have been crews from the PSD and County public works who are so convoluted they can't tell where it is coming from and the creek is unsafe to swim and fish. She stated that studies need to be done on the area. It could take up to 5 years to rectify the problem of the infected creek. She stated that it is not the time or place to add a hotel where the Wag Factory was, and the traffic is at critical mass, so we need more walkability. She acknowledged that they are working on Rethink Folly Road and things like that, but walkability needs to be addressed before more stormwater, toilets and cars are allowed in this location. Mrs. Henty also said that she supported the time change request for the Planning Commission.

David Bessinger, 719 Folly Road: Mr. Bessinger stated that he and his dad and Mom have owned their property for 23 years. They were locals here on James Island for 48 years. He stated that his mother is 88 and they feel like it is a good time to sell the property and they would like to develop it as a hotel. He stated that it is a beautiful piece of property where you can see Ellis Creek in both directions. He stated that there are no residential neighbors, with a club meeting on one side of the property he thinks it would be ideal place for a hotel. He stated that tax revenues will increase, and the Town would be able to have increased property taxes and collect accommodations tax. Mr. Bessinger explained that the buyer was a well-known local hotel developer who owned several hotels and restaurants and is a quality developer and operator. He respectively requested that the family be able to develop the property as a hotel.

Brook Lyon, 669 Port Circle: Mrs. Lyon explained that while she does support property rights, she was just sick of development and traffic on the island. She would hope the owners could find an even better buyer and asked the Planning Commission to support no hotels on James Island or Folly Road.

Joe Walters, 792 Folly Road: Mr. Walters explained that he opposed the proposed amendment. He requested the following- grandfathering in current commercial core property owners under existing zoning or grandfathering current commercial core property owners until an acceptable transfer of interest occurs.

Mr. Walters stated that he thought these were reasonable considerations. They consider the concerns about development but also those owners who have owned property for decades. Mr. Walters stated that he spoke for several other property owners in the area including Carol Linville and the Gobel Family and many other property owners who he had spoken to in the last week.

Chairman Bevon made a motion to switch the agenda items, item 8 Comprehensive Plan 5 Year Review Overview and move up and consider item 9 on the agenda first Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance. Vice Chair Palmer seconded, and the motion passed unanimously.

Staff Comments:

Chairman Bevon explained that at the February 2020 Town Council meeting, Council voted in favor of an amendment to section 153.093 Folly Road Corridor Overlay District to add Hotels/Motels as a prohibited use in all areas of the overlay and Planning Commission would be voting on a recommendation of this amendment.

Mrs. Crane explained that council amended what Planning Commission voted last on at their last meeting, prohibiting vehicle sales in the overlay to include prohibiting hotels. She stated that the amendment passed 4-1 to prohibit Hotels/motels. The amendment was included in prohibited uses in the Commercial Core, South Village, and Neighborhood Preservation, and Conservation areas. Staff's recommendation would be to accept those amendments, but in the Commercial Core add a special exception use for hotels/motels. She described other special exception requests including consumer vehicle repair, gas stations, fast food and vehicle service. Mrs. Crane explained that the thought behind this would be just like for fast food, gas stations, and everything else that could go there, each specific application would have to go before the Board of Zoning Appeals for the specific site. The Board would have to see if the application meets the specific criteria in place for a Special Exception. Legally the Board can only allow a special exception if it meets all the criteria. Mrs. Crane noted that Staff notifies people within 300' of the property, has a public hearing, posts an advertisement in the newspaper and can put site specific conditions on the property. She expressed concern that prohibition of hotels should be researched further, like what was done with bike parking. Mrs. Crane suggested that the Rethink Folly Road Committee could look at banning hotels and make recommendations. She reminded the Commission that all other jurisdictions had not banned hotels on Folly Road. She asked the Planning Commission to keep in mind that there are other requirements for development in the Commercial Core including requiring a multi-use path, buffering, etc. Right now, in the Commercial Core the Town allows gas stations by special exception, so if it is not a hotel then it could be something else. Mrs. Crane again stated that the Rethink Folly Road Committee would be a good place to bring this for suggestions. She highlighted possible positives of having a hotel with a community space. She reminded those present that the Town doesn't have restaurants with a back room, and our restaurants have a high turnover rate. She addressed concerns about walkability and explained that there will be an 8' sidewalk running from Ellis Creek down to the Walmart. She said this would provide walkability so people can get to local restaurants. Mrs. Crane urged the Planning Commission to have an open mind. She stated that the BZA has criteria in place that would have to be met to approve a hotel/motel and that they were a quasi-judicial body. Anything passed would legally have to meet the required criteria.

Vice Chair Palmer asked if plans had been submitted. Mrs. Crane told her no. Chairman Bevon reminded the commission that a BZA Special Exception or prohibition would be for every parcel. He clarified with Mrs. Crane that the Planning Commission was voting on hotels and motels in the Commercial Core as either a special exception or the prohibition that Town Council voted on. Mrs. Crane responded yes, or the Planning Commission could make their own recommendation entirely. Commissioner Quinn clarified with Mrs. Crane that the bottom line for a special exception was that criteria must be met, and that there would be a public process for any application to go through. Mrs. Crane confirmed this and added that as it stands

now, hotels/motels are allowed in the Commercial Core and there are no special processes to go through. She said a special exception is an extra layer of public involvement. Commissioner Quinn asked if there was a good side or bad side to a special. Mrs. Crane responded that a special exception could put conditions and restrictions on certain sites because there are certain sites that a hotel or motel wouldn't work or be appropriate on.

Chairman Bevon moved for discussion and vote on the proposed amendment to ZLDR section 153.093 regarding hotels and motels.

Chairman Bevon explained that he attended the last Town Council meeting and it was a bit of a backwards process. Normally Planning Commission makes a recommendation about a site like what was done for prohibiting vehicle sales. That recommendation goes to Town Council and they vote on it. There was an amendment during prohibiting auto sales to also prohibit hotels and motels in the Folly Road Corridor Overlay district. Chairman Bevon explained that amendment passed but hadn't been before the Planning Commission yet. When Town Council voted on the amendment, it became part of the Planning Commission agenda. He stated that this is not typically the way it happens, normally when Planning Commission makes a recommendation there hasn't been a Town Council vote. Town Council voted to prohibit hotels and motels in the overlay. Staff recommended that they only be allowed as a Special Exception in the Commercial Core. He stated that an application would have to go before BZA and meet certain criteria. The BZA can reject or accept with conditions. Chairman Bevon then asked if there were any questions.

Commissioner Quinn asked if Town Council has already voted and if they had second thoughts. Chairman Bevon responded that it was part of an amendment and that he didn't think that there was a lot of discussion. Vice Chair Palmer asked if the recommendation would go before Council again. Chairman Bevon explained that the amendment came back to Planning Commission for a recommendation. This recommendation would go back before Council and have a public hearing at the April 16<sup>th</sup> meeting. Commissioner Lyon stated that he saw both sides. People have owned property for extended periods, and it seems unfair to change rules at the last minute. But the other side is like when they tried to put a car wash in down the road. The BZA voted that down and for good reason. There would have a lot more traffic in that area. Commissioner Lyon stated that there is a tremendous amount of traffic already and that he didn't know if it was appropriate to add more. David Bevon reminded the commissioners that this is for the whole corridor. He explained that while the Planning Commission has gotten a lot of feedback for a specific location with proximity to a creek, this would affect the whole corridor.

Vice Chair Palmer explained that she was against hotels and motel. She said that her reasoning was not only because of traffic, because that is a tremendously important issue. She expressed concern that if we add hotels and motels, we would be adding pollution to the creek. Environmentally we have enough problems with drainage now when it rains and with hotels and motels the space that that takes up and the land that it takes would possibly even make it worse when it rains, with nowhere for the overflow to go. Vice Chair Palmer said that while she understands landowner's decision, she felt bad that the island had gotten so overcrowded. Commissioner Steers explained that he researched the topic and talked to a knowledgeable commercial realtor who builds hotels all over the city and the world. His immediate response was the "t" word, or traffic as a concern with hotels. Commissioner Steers said that he also asked citizens and the "t" word came up again. He stated that if you live on James Island you are going to have traffic and you should have started earlier. The same thing with speedbumps, if you don't want to slow down for a speed bump then you need to start earlier. Mr. Steers reminded the Planning Commission that the traffic issue is not going to be fixed, but he doesn't know if adding to it is a good idea. He stated that he would like to research it more, but it seems like the landowners have a buyer and looking at it more would inconvenience them. He expressed concern about making a hard and fast decision before knowing more about it.

Commissioner Lyon suggested tabling the topic. Chairman Bevon stated that he thought Town Council was looking for the Planning Commission recommendation so they could have their public hearing. Vice Chair Palmer said that she was concerned that the Town has lost all its activities for the younger generation. She stated that the roller rink, the movies, have all closed and there is nothing that kids or adults can do anymore. She thought it was a very sad thing that all the entertainment is closed. Vice Chair Palmer expressed that she would recommend something like that for the property owners as opposed to a hotel or motel where the traffic wouldn't be so bad, and the building wouldn't be 6 or 5 stories high.

Commissioner Steers said that traffic was on everyone's mind at a planning event earlier in the week. People were upset about possibly having to press a button and stop traffic so a pedestrian could cross Folly Road and it would slow them down. Traffic is a problem and he wasn't sure if we needed to exacerbate it. Vice Chair Palmer stated that it is hard to judge how early to leave. Commissioner Lyon asked if Planning Commission was either approving or disapproving hotel or motels as the special exception or prohibiting it outright. Chairman Bevon said yes, that Planning Commission was could approve or recommend what Town Council has voted it to be a prohibited use in the overlay or vote to allow hotels and motels a special exception in the Commercial Core of the overlay.

Commissioner Quinn stated that he thought that a special exception was an opportunity to let the Planning Department look at an application and see if it was going to fit. He reminded the Planning Commission that even with recreation there, there would be traffic and just about anything you put there would cause traffic. He stated that he thought a hotel would be lower traffic than some other things because there were only so many rooms and therefore only so much traffic.

Chairman Bevon stated that Planning Commission could vote on how to recommend on what Town Council Voted on. If Planning Commission voted against that then they could vote to allow the use with a special exception. Commissioner Quinn asked if they had to do that or could they just make their own recommendation?

Chairman Bevon moved to vote on staff's recommendation to allow hotels and motels in Folly Road Overlay only as a special exception. Seconded by Commissioner Quinn.

Chairman Bevon clarified that his motion was to vote on staff's recommendation to allow hotels/ motels in the Commercial Corridor. Seconded by Commissioner Steers. Commissioners Steers, Lyon, Quinn and Bevon voted yay. Vice Chair Palmer voted nay. The motion passed.

#### Comprehensive Plan 5-year Review Overview

Chairman Bevon announced that the Planning Commission will review the comprehensive plan, go over the contents of the plan, suggest any content to add and see a potential timeline for approval and adoption.

Mrs. Crane explained the timeline to review the Comprehensive Plan to the Planning Commission. She stated that this month they would just look at the overview and see if commission members had any suggestions of what they would like staff to work on. Mrs. Crane explained that the current comprehensive plan was adopted in 2015 so by state law the Town is required to do their 5 year review this year. She reminded Planning Commission that this would not be a complete re-write like we will be required to do in 2025. There are nine elements required by state law required. She told the Planning Commission that they could add elements if wanted. For example, Charleston County added a sustainability element that the Town could adopt if they wanted. Staff has been working to update outdated information including sidewalks, parks, maps, bus stops and shelters, the new library, etc. Staff would also work to update any goals that have been met like building a new Town Hall. Mrs. Crane presented a proposed timeline to commission

members. She said that information pertaining to census data would be updated in 2025, as the last census was in 2010.

Commissioner Quinn said that it was a very good plan but expressed concern with some population elements and outdated census data. Mrs. Crane reassured him that this data was indeed outdated but would be corrected when we have new census data. He also said that he thought the traffic counts had changed, and the busiest intersection may have changed. Commissioner Steers expressed appreciation for the individuals who has put so much work into the plan in 2015 and stated that it had been very well done. He also asked if the workshop would be a closed meeting. Mrs. Crane responded that unless there were things on the agenda the workshop would probably be a closed meeting. Commissioner Lyon asked if traffic counts had been updated at all. Mrs. Crane said they most likely had and that that information could be requested from the SCDOT and the Town of James Island Public Works who has a traffic counter. Vice-Chair Palmer asked if we would be reviewing the whole thing or smaller sections. Mrs. Crane responded that we would review the whole thing, but that the re-write in 2025 would take place in smaller sections.

Proposed Planning Commission Time Change:

Chairman Bevon announced a request by Councilwoman Mignano to move the recurring Planning Commission meeting time from 6:00 to 6:35 and invited the Councilwoman to speak on the matter.

Councilwoman Mignano explained that she sees patients until 6:30 on Tuesdays and Thursdays and can see 8 to 10 patients that cannot get there any earlier. She stated that 6:30 or 6:35 would work and that she wants to be involved but she is not able to get to the Planning Commission meetings at 6:00.

Mrs. Crane explained to the Planning Commission that Monday nights were available if they wanted to switch days of the week for meetings and keep the same start time. Councilwoman Mignano said that she was able to get there Mondays at 6 pm and would be happy to do whatever works. She said that she would like to be there and be present and the meetings tend to go fast. She would be here for 4 years and would like to attend the meetings. Chairman Bevon moved for discussion and a vote on the proposed time change. Vice Chair Palmer seconded.

Chairman Bevon stated that he could do either. He stated that it would be difficult to change the day of the week since the meetings had been held on Thursday for so long. Commissioner Steers said that he could do either the time change, or day change as well. Commissioners Lyon and Palmer stated that either change would work for them. Commissioner Quinn stated that he would prefer to keep the time the same, but also agreed with Chairman Bevon that changing the day of the week would be difficult.

Chairman Bevon moved to vote to move the meeting time to 6:35 pm on Thursdays. Vice Chair Palmer seconded. Commissioners Lyon, Palmer, Bevon and Steers voted yes. Commissioner Quinn voted no. The motion passed.

Next Meeting Date: The next meeting of the Planning Commission will be held on Thursday, April 9, 2020 at 6:35 PM.

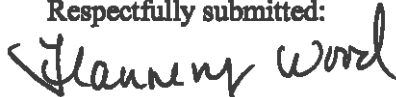
Adjourn: There being no further business to come before the body, the meeting adjourned at 6:56 p.m.

Chairman Bevon re-started the meeting at 6:55 to elect a chair and vice chair. Commissioner Steers nominated David Bevon as Chair. He then made a motion to elect David Bevon as chair. Commissioner Lyon seconded. The motion passed unanimously.

Chairman Bevon nominated Lyndy Palmer as Vice-Chair. He then made a motion to elect Lyndy Palmer Vice-Chair. Commissioner Steers seconded. The motion passed unanimously.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:00 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Flannery Wood". The signature is written in black ink and is positioned to the right of the typed name.

Flannery Wood  
Planner I