



**JAMES ISLAND PLANNING COMMISSION
MEETING AGENDA
1122 Dills Bluff Road, James Island, SC 29412**

April 13, 2023

6:35 PM

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

This meeting will be live streamed on the Town's YouTube channel:

<https://www.youtube.com/channel/UCm9sFR-ivmaAT3wyHdAYZqw/featured>

Public Comments need to be received via email by noon on Thursday 4/13/2023 to
kcrane@jamesislandsc.us

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. APPROVAL OF JANUARY 12, 2023 MINUTES
- V. PUBLIC COMMENTS
- VI. STAFF COMMENTS
- VII. CONCEPTUAL PD (Planned Development) PLAN PRESENTATION WORKSHOP
No votes will be taken
 - a. Dills Bluff PD
Presentation to Planning Commission of conceptual plan of Dills Bluff PD for discussion and feedback purposes only
(TMS #425-12-00-185, -298)
- VIII. PROPOSED AMENDMENTS TO THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) INCLUDING:
 - a. Accessory Uses and Structures Allowed (153.200): Clerical correction, removing inconsistent language
 - b. Measurements, Computations and Exceptions (153.066 C 1 c): Amending to allow driveways in side setbacks
 - c. Accessory Structures in Residential Districts (153.207): Amending corner lot allowances for accessory structures
 - d. Bed and Breakfasts, Definitions, Use Table (153.124, 153.013, Table 153.110): Amending to merge Bed and Breakfasts term with Short-Term Rentals, to further define, and to clarify regulations
Planning Commission will vote on a recommendation to Town Council
- IX. ELECTION OF PLANNING COMMISSION OFFICERS: CHAIR & VICE-CHAIR
- X. CHAIR'S COMMENTS
- XI. COMMISSIONERS COMMENTS
- XII. NEXT SCHEDULED MEETING DATE: MAY 11, 2023
- XIII. ADJOURN

The Planning Commission of the Town of James Island met on Thursday, January 12, 2023 at 6:38 p.m. in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, SC 29412.

Commissioners present: Deborah Bidwell, Zennie Quinn, Ed Steers, and Bill Lyon, Chairman, who presided via Zoom. Absent: Mark Maher. A quorum was present to conduct business. Also present: Kristen Crane, Planning Director, Flannery Wood, Planner II., Niki Grimbail, Town Administrator, Councilwoman Cynthia Mignano, liaison to Planning and Zoning, and Frances Simmons, Town Clerk and Secretary to the Planning and Zoning Commission.

Call to Order: Chairman Lyon called the meeting to order at 6:38 p.m.

Compliance with the Freedom of Information Act: Chairman Lyon announced that the meeting was duly noticed in compliance with the SC Freedom of Information Act. The meeting was also live streamed on the Town's YouTube Channel with information provided to the public.

Introductions: Chairman Lyon introduced the members of the Planning Commissioners, Town staff, and Council.

Approval of August 11, 2022 Meeting Minutes: The minutes of the August 11, 2022 meeting were approved upon a motion by Commissioner Quinn, seconded by Commissioner Steers. Passed unanimously.

Public Comments: Chairman Lyon encouraged anyone who wished to speak during Public Comments to state their name and address for the record and limit comments to two (2) minutes.

Adam Moore, 954 Nabors Drive addressed the Planning Commission to change the Ordinance for Bed and Breakfasts to be stricter. He said the Town's Code Enforcement Officer stated that the Town's Ordinance for Air B&B was challenged and lost in court because the wording is poor. He asked the Planning Commission to update the Ordinance because the judge did not rule in favor of the Town. Mr. Moore asked to have the change made before spring break because this is when B&B's are typically rented. He has a young son and during spring breaks there are parties with loud noises that prevents his son from sleeping. Mr. Moore further stated that there are other B&B's in his neighborhood in the City but they are occupied by the owner. He is not against Air B&Bs but would like the Town's Ordinance to be stronger.

Staff Comments: None.

Zoning Map Amendment:

Chairman Lyon introduced Case: ZOR-10-22-013: Request to rezone property located at 1439 Jeffords Street from the Low-Density Suburban Residential (RSL) Zoning District to the Residential Office (OR) Zoning District for a pervious parking lot and stormwater facilities to support and adjacent lot/use (TMS #427-01-00-062).

Staff Review: Planning Director, Kristen Crane presented the staff's review for the request:

History and Overview:

1439 Jeffords Street (TSM# 427-01-00-062) is located at the southeastern end of Jeffords Street and is adjacent to parcels located on the eastern side of Folly Road. The property currently has no structures on it. The parcel included in the current Zoning Map Amendment Request is 0.3 acres in size and is in the RSL Zoning District. 1439 Jeffords Street is currently considered a legal conforming lot.

The applicant and owner, Mr. David Vernon, (represented by the potential buyer, Ms. Amy Emde) is seeking to rezone the lot from the RSL Zoning District to the OR Zoning District to enable the use of the parcel as a pervious parking lot for a future community recreation use (indoor swimming pool) that will be located on the adjacent lot of 1444 Folly Road. If approved, the applicant intends on abandoning the lot line between the two parcels resulting in one legal conforming OR-zoned lot. The proposed parking lot and stormwater facilities will only be accessed from the existing adjacent parcel of 1444 Folly Road.

Adjacent Zoning:

Surrounding properties to the north and east of the subject property contain parcels in the RSL Zoning District in the Town of James Island, as well as SR-2 zoned parcels in the City of Charleston. To the south is property zoned SR-2 in the City of Charleston and is utilized by Emmanuel Baptist Church. To the west are multiple properties in the OR Zoning District.

Approval Criteria:

According to Section §153.043 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may be approved only if Town Council determines that the following criteria are met:

- 1. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.**
Staff's response: In the Comprehensive Plan, the Land Use Element Goal states, "*The Town of James Island will encourage the orderly and environmentally sound development of the land with special consideration to maintaining the suburban character and natural ecosystems of the area.*" by "*implementing sustainable and flexible development guidelines and integrate development with growth to maintain the suburban character of the Town*". Additionally, The Community Facilities Element states that a Town's strategy should be to "*explore opportunities to create and maintain more active recreational facilities and programs for the residents and youth of James Island*".
- 2. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;**
Staff's response: Nearby properties range from OR zoning and uses to residential, with the immediate adjacent properties being mixed between these two zoning classifications as well. If approved, the subject property will retain its residential use capability and will be combined with the adjacent property that is currently zoned OR. Therefore, the proposed amendment may be compatible with existing uses and zoning of nearby properties.
- 3. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;**
Staff's response: The subject property is vacant, and the applicant is seeking rezoning for pervious parking and stormwater facilities that will combine and support a future community recreation (with existing facilities) and parking area, with no water and sewer supply proposed to the subject property. Additionally, The Town and other service providers will be able to provide facilities and services while maintaining adequate levels of service to existing development.
- 4. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and**
Staff's response: A 6' opaque fence and land use landscape buffering will be required to be installed along the perimeter of the property, and adjacent to any residential use or zoning. In addition, the applicant's letter of intent states, "*It is of utmost importance to us to ensure that the lot will facilitate a place for mature trees, wildlife, and water retention. We plan to create two ponds on the lot and retain over 6 mature trees.*" The property will be accessed from the existing entrance of 1444 Folly Road, and therefore will not have an adverse impact of traffic congestion on Jeffords Street.
- 5. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.**

Staff's response: The subject property is a legal conforming lot in its current zoning designation of RSL. The subject property also meets the minimum standards for the Residential Office zoning designation including parcel size and parcel configuration. The parcel currently has access from Jeffords Road; however, if approved, access will be from Folly Road.

Questions to Staff: Commissioner Quinn asked the timeline for the build out and Ms. Crane deferred this question to the applicant. The applicant, Mr. David Vernon replied that the expected timeframe would be nine (9) months to one (1) year.

Applicant Presentation: None. There was no opposition to this request.

Chairman Lyon called for a motion for discussion. Commissioner Bidwell moved, seconded by Commissioner Steers.

Commission Steers stated that he is a life-long educator of physical fitness. He said swimming is a great sport to offer year round. This would be a plus in the community and swimming is safe. He noted that James Island is a big water community with people having boats in their driveways and teaching children to swim is important.

Commissioner Bidwell agreed and spoke of her children taking swimming lessons when they were young. She is thrilled to have this opportunity here on James Island and is supportive of this request.

Commission Quinn spoke of this need for the community. He remembers going to the Rec. Center and they had to designate time slots for people to swim. He supports this opportunity for all ages.

Chairman Lyon agreed and noted that the Planning Commission received a number of responses in favor of this request.

After discussion, Chairman Lyon called for the vote and the motion passed unanimously.

Chairman Lyon announced that Town Council will hold a Public Hearing and First Reading on this request at its January 19 meeting. The second/final reading will be held on February 16.

Chair's Comments: None.

Commissioners' Comments: None.

Next Scheduled Meeting Date: February 9, 2023.

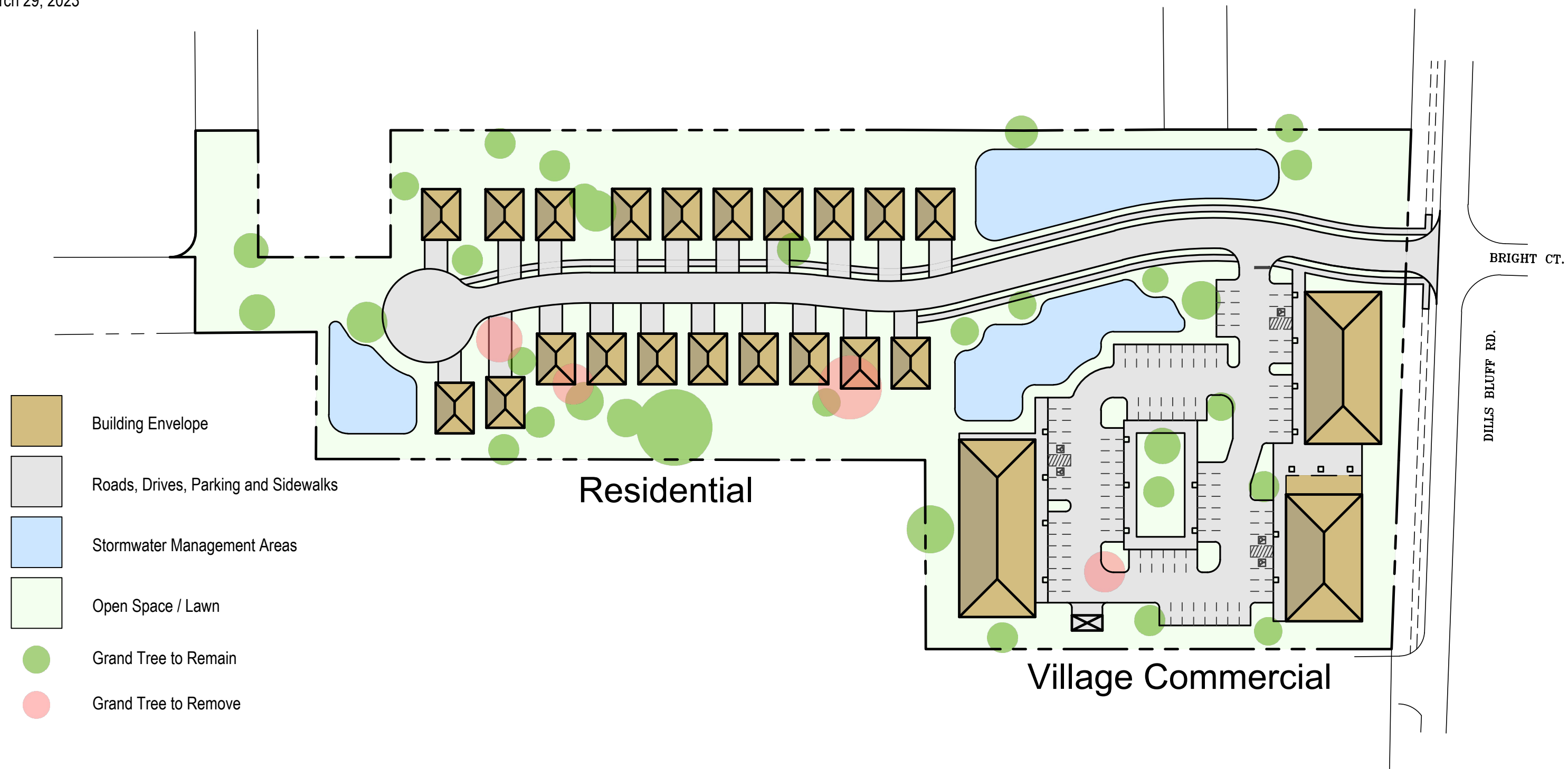
Adjourn: There being no further business to come before the Planning Commission, the meeting adjourned at 6:58 p.m.

Respectfully submitted:

Frances Simmons,
Secretary to the Planning Commission and Town Clerk

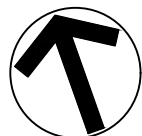
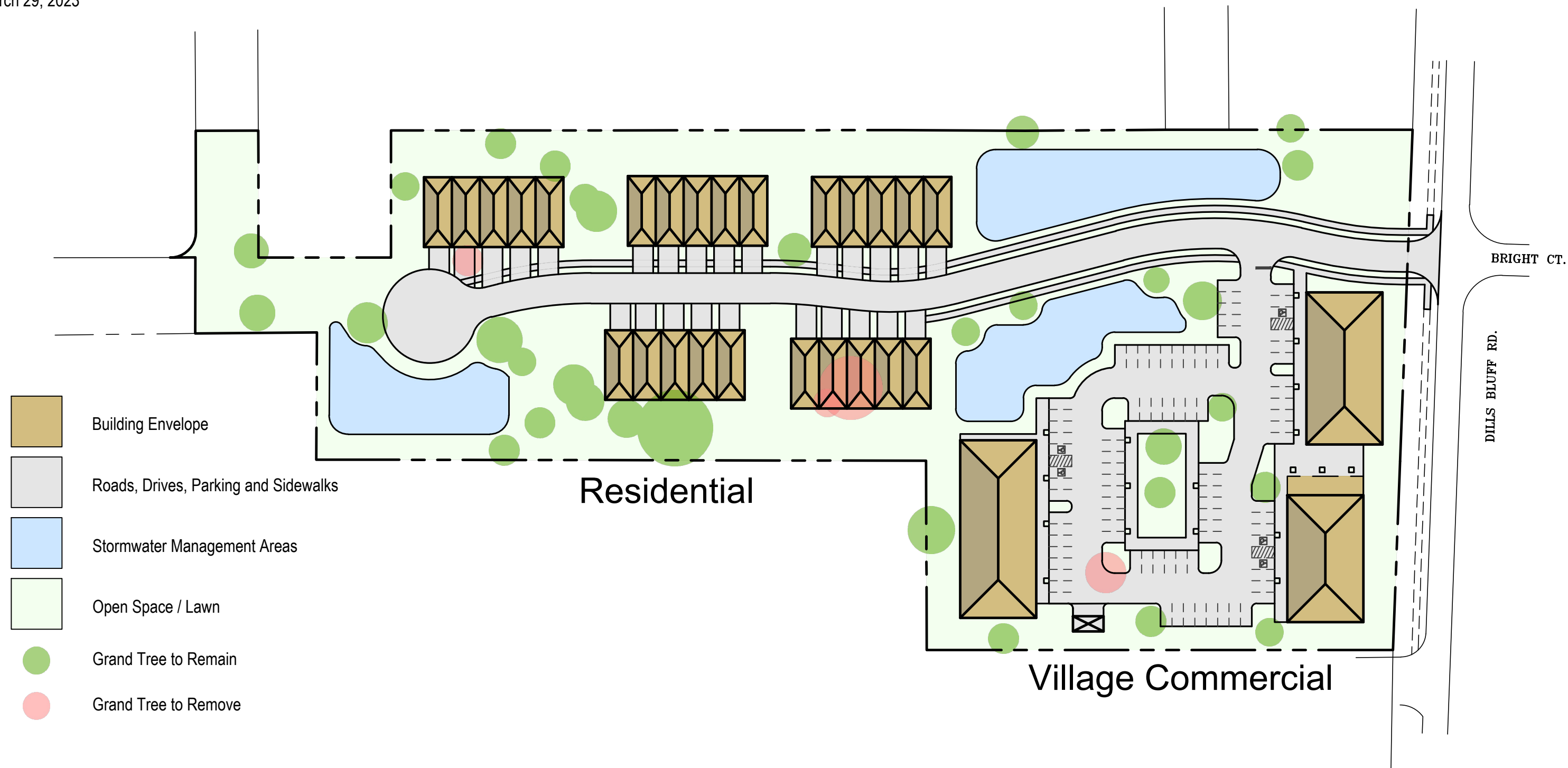
Dills Bluff PD Site Plan - Opt. "A" v.2

James Island, South Carolina
March 29, 2023



Dills Bluff PD Site Plan - Opt. "B" v.2

James Island, South Carolina
March 29, 2023



0 80 160 Feet

§ 153.200 ACCESSORY USES AND STRUCTURES ALLOWED

(C) *Accessory structures and buildings.* An **ACCESSORY STRUCTURE** is a structure that is detached from a principal structure and customarily incidental and subordinate to the principal structure. Accessory structures include, but are not limited to, swimming pools, fences, and detached accessory buildings (barns, garages, sheds, gazebos). If any accessory building is attached to a principal building with a roof supported by columns or walls, it shall be deemed part of the principal building provided the attachment is a minimum of four feet in width with a minimum length to width ratio of 4:1. In such cases, the structure shall comply with the setback requirements of the applicable zoning district. ~~This does not include accessory dwelling units to be considered part of the principal dwelling unit.~~

(Ord. 2012-06, § 6.5.1, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

§ 153.066 MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS; DIMENSIONAL STANDARDS DEFINED

(C) *Setbacks.* **SETBACKS** refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

(1) *Exceptions to setbacks.* Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this division.

(c) Driveways may be located in front and **street** side setbacks.

§ 153.207 ACCESSORY STRUCTURES IN RESIDENTIAL/OR DISTRICTS

(B) A detached accessory structure shall be located:

(1) On the rear of the lot, behind the principal structure. This limitation shall not apply to carports or garages;

(2) At least six feet from any existing dwelling or dwelling under construction;

(3) At least three feet (if size of structure is 120 square feet or under) or at least five feet (if size of structure is over 120 square feet) from any interior lot line in a residential district; if in an OR District that abuts a residential district, the accessory structure in the OR District shall be located at least ten feet from the abutting interior lot line; when an OR District abuts another O, C, or I district, setbacks for accessory structures are not required; and

(4) If on a corner lot, the accessory structure shall not project in front of the front building line required or existing on the adjacent lot **unless approved by zoning administrator. Vision clearance triangle must be maintained.**

153.124 BED AND BREAKFASTS./SHORT-TERM RENTALS

Bed and breakfasts/short-term rentals shall be subject to the following standards.

(A) ~~The bed and breakfast must be residential in nature and comply with the home occupation regulations of § 153.210 of this code.~~

(B) ~~No exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a bed and breakfast.~~ **In residential zoning districts there shall be no visible evidence of the conduct of a bed and breakfast/short-term rental when viewed from the street right-of-way or from an adjacent lot and signs are expressly prohibited.**

(C) Bed and breakfasts/short-term rentals shall contain no more than three guest rooms.

(D) ~~There shall be an owner or innkeeper/manager residing on the premises.~~

(E) ~~Meals may be served by the resident owner to paying guests staying at the bed and breakfast.~~ **There shall be no cooking or kitchen uses in the bed and breakfast/short-term rental space, distinct from the principal dwelling, in residential zoning districts.**

(F) Parking areas for bed and breakfast/short-term rental uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and public rights-of-way by evergreen plant material that will provide opaque screening at the time of plant maturity. In addition to all vehicles. **In addition to vehicles registered at the dwelling address**, only one car per guest room is allowed **and must be capable of being completely parked within and upon the premises.**

(G) **Owner of bed and breakfast/short-term rental shall be a full-time resident of the dwelling and shall reside in the dwelling in residential zoning districts. Proof of full-time residency must be provided at the time of application with owner-occupied legal residence tax bill, driver's license, voter registration, vehicle registration, and any other documentation requested by the Zoning Administrator and listed on the application. There shall be an owner or innkeeper/manager residing on the premises in non-residential zoning districts.**

(H) **Advertisements and listings for bed and breakfast/short-term rentals must include an approved permit number. Advertisements that do not list a permit number are considered a violation of this ordinance.**

(Ord. 2012-06, § 6.4.4, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013; Ord. 2019-01, passed 5-16-2019)

153.013 DEFINITIONS

BED AND BREAKFAST/SHORT-TERM RENTAL. A portion of an owner-occupied dwelling unit (in residential zoning districts) ~~or detached accessory structure~~ or owner/innkeeper/manager-occupied dwelling unit (in non-residential zoning districts) offering transient lodging, ~~with or without breakfast,~~ to paying guests on an overnight basis **for an amount of time that is less than 30 days.**

USE TABLE 153.110[illegible]