

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.

Commissioner 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.

Commissioner 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.

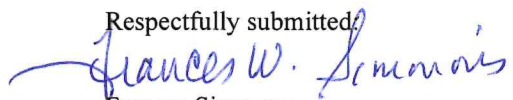
Chair's Comments: None.

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