



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

**August 10, 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 8/10/2023 to
kcrane@jamesislandsc.us

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. APPROVAL OF APRIL 13, 2023 MINUTES
- V. PUBLIC COMMENTS
- VI. STAFF COMMENTS
- VII. PD (Planned Development) ZONING MAP AMENDMENT: CASE #ZPD-7-23-201 (PD-201)
Request to rezone property located on Dills Bluff Road from the Low-Density Suburban Residential (RSL) Zoning District (TMS #425-12-00-185) and the Community Commercial (CC) Zoning District (TMS #425-12-00-298) to the Marsh Walk Village (PD-201) Planned Development District

Submittal can be accessed at the below link, hard copy available at Town hall during working hours.
<https://www.jamesislandsc.us/sites/default/files/uploads/marsh-walk-village-pd-pc-submittal.pdf>
- VIII. CHAIR'S COMMENTS
- IX. COMMISSIONERS COMMENTS
- X. NEXT SCHEDULED MEETING DATE: SEPTEMBER 14, 2023
- XI. ADJOURN

The Planning Commission of the Town of James Island met on Thursday, April 13, 2023 at 6:35 p.m. in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, SC 29412.

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

Call to Order: Chairman Lyon called the meeting to order at 6:35 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 Commission and Town staff.

Approval of January 12, 2023 Meeting Minutes: The Minutes of the January 12, 2023 meeting were approved upon a motion by Commissioner Steers, seconded by Commissioner Maher and passed unanimously.

Public Comments: Chairman Lyon invited anyone who wished to address the Commission to come forward, state their name and address for the record and limit comments to two (2) minutes.

John Peters, 1301 Hampshire Rd., spoke about the proposed planned development on Dills Bluff Road. He said according to the design, more than half of the property flows in the direction of his home from the runoff. His house was built in 1967. The runoff pond below his property never collects water and is filled with tree limbs. The street the pond runs off of, runs directly off his property where the water goes. His concern is if there are no properties there, it would impact his and a neighbor's properties because they are against it more than anyone else. He asked the Commission to keep his concerns in mind. His other concern is a buffer that was left from the development. There is a guarantee that it would be left but an "oops" could occur and eliminate the buffer and there is nothing anyone can do. He doesn't want that to happen

Catherine Moore, 1059 Quail Dr., doesn't understand why the property needs to be developed at all. She asked the Commission to please remember there are only three ways off of James Island during hurricanes and with additional traffic problems it creates a burden during an evacuation. There are multiple empty storefronts on James Island and she doesn't understand why we need more. While the development and planning process is very well thought out and pretty, it is pretty much like everything in Mt. Pleasant and she doesn't want a mini-Mt. Pleasant. She said the only upside would be affordable housing but there is no guarantee that would happen. She stated since this is James Island PSD property why aren't the residents voting as a community on these kinds of things.

She asked the Planning Commission regarding item "d" on the agenda relating to Bed and Breakfasts to be very, very, conservative in their definition of Bed and Breakfast and Air B&B because again we are risking the jewel-like quality of this island that makes it an access point to Folly Beach and we need that.

Daniel Harris, owner and operator of (*inaudible*) understands short term rentals and a lot of the low country takes it to generate passive income. Short-term rentals generates revenues for the state, town and municipality. So in leveraging that ability, why wouldn't we take advantage of that opportunity; though guidelines are important. He spoke of the importance of having a vote on issues like that so residents can continue to maintain them and also to support small businesses. There is no reason why people from

Wisconsin or California can't come here to stay when they can't afford to stay on Folly Beach or downtown; and we can give them an experience here.

Charles McManus, 752 Sprague St., asked the Commission for reassurance regarding the amendments to Bed and Breakfast and Short-term Rentals and how is he protected. In 2020, he went through a process to a great extent with Kristen Crane to have something very nice and low key to fit the neighborhood, which has been an investment. He asked if the Ordinance changes how is he protected? Is he subjected to the new rules or the old? He agrees that Air B&B's has been wonderful for the community. Regarding the use of the Town's Dock Street Park, he asked the Town to provide more lighting and the presence of police.

**One (1) email received in support of the Dills Bluff Planned Development; Two (2) emails received in opposition to the proposed amendments to the Town's ZLDR*

**Some comments not recorded due to inaudible content*

Staff Comments: Planning Director, Kristen Crane, gave an overview of the proposed Conceptual Planned Development for the Dills Bluff PD. She noted that KT Properties conducted two community workshops in March to solicit feedback from the community. Tonight's presentation is informational. No votes will be taken.

Conceptual PD (Planned Development) Presentation Workshop:

a: Dills Bluff PD (TMS# 425-12-00-185,-298): Mr. Kyle Taylor, developer and purchaser of the Dills Bluff property gave a presentation to the Planning Commission. He is a James Island resident, engineer and President of KT Properties. Mr. Taylor showed renderings of a mixed-use Planned Development proposed in the Town of James Island to comprise approximately 21 single-family residential units and approximately 20,000 to 25,000 square feet of village commercial space. The intended commercial uses may include retail, office, medical office, coffee and restaurant of small to medium scale. The property is comprised of 6.52 acres and is owned by the James Island Public Service District, located behind the Dollar General Store. Mr. Taylor reviewed several options depicting the location of housing and commercial space. The plan will undergo the Town's stormwater process. He said there are 40 grand trees which they tried to frame around the commercial area. The purpose of the presentation is to receive feedback from the Planning Commission and answer questions.

Questions from the Planning Commission:

Chairman Lyon: Asked if three (3) grand trees were to be taken out. Mr. Taylor replied yes, that some were not considered healthy. He has gotten an arborist to look at them and there are many having a "D" rating. He said the buildings will be situated to preserve as many healthy trees as possible.

When asked about the water issues and will it be addressed in the plan, Mr. Taylor answered yes, they will utilize an aggressive stormwater plan. Chairman Lyon also asked if "fill" would be brought in and Mr. Taylor commented that the site had pretty good topo, so a lot of fill would not be necessary.

Chairman Lyon mentioned a project that the BZA approved on Folly Road but that plan changed later. He asked if there are plans to change this planned development and Mr. Taylor said no and explained the "village concept" He said it is zoned commercial and residential in the rear of the property.

Commissioner Maher: Asked about the build out process to which Mr. Taylor responded the road would be built first, then the stormwater. Most likely the residential portion would be next after the infrastructure, then the commercial buildings, depending on the market.

Commissioner Steers said he visited the property three times and asked to see where on the drawing is Mr. Peters' property and Mr. Taylor pointed to where it is.

Chairman Lyon asked about the setback from Dills Bluff and Mr. Taylor responded that the commercial buildings would situate closer to the road. However, there is a utility easement at the front of the property they'd need to stay out of.

Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR): Ms. Crane presented the following amendments and explained the reasons for the proposed changes.

- a. Accessory Uses and Structures Allowed (153.200): the proposed amendment corrects a clerical error and removes inconsistent language.
- b. Measurements, Computations and Exceptions (153.066 C 1 c): the proposed amendment allows driveways in the side setbacks.
- c. Accessory Structures in Residential Districts (153.207): the proposed amendment amends corner lot allowances for accessory structures.
- d. Bed and Breakfasts, Definitions, Uses Table (153.124, 153.013, Table 153.110): the proposed amendment merges Bed and Breakfasts terms with Short-Term Rentals, further defines and clarifies regulations

There was discussion on the proposed amendments to the Bed and Breakfasts/Short-Term Rentals. Commissioner Maher asked for clarification regarding "no kitchen" in a bed and breakfast; is it just a bed without breakfast? Ms. Crane answered "yes" and that is why we are adding Short-term Rental because the Bed and Breakfast term is outdated. Commissioner Maher asked why having two kitchens is not allowed and Ms. Crane replied if you have it already, it would remain legal non-conforming. Commissioner Maher said he understood but he is trying to understand the reason why it isn't allowed. Ms. Crane said adding a kitchen would make it a duplex and Commissioner Maher said, but it is a short-term rental, so it doesn't matter. He asked Ms. Crane if she didn't see a problem with the paradox between the two. He said we are assuming it is one thing and calling it something else; and getting revenue from it, so switch it over and call it a duplex because that is a conflict. In his view a duplex is different from a short term rental. Chairman Lyon clarified that the situation is having two kitchens in the same residence. Commissioner Maher asked what is wrong with that and Ms. Crane explained it is a single family residence and not allowed under the Town's Ordinance. He added there are a lot of homes with two kitchens in them and now homes are constructed with two kitchens. Chairman Lyon added that our codes do not allow for that. Commissioner Maher commented that we are over-regulating what people can have in their homes.

Ms. Crane explained there are 38 Bed and Breakfasts in the Town rented as Bed and Breakfasts and the owners do not live there and we receive a lot of complaints about them. She said the purpose of the existing Ordinance is to focus on people who do not live in the homes. By amending the Ordinance we are just clarifying that already existing language. Commissioner Steers spoke of concerns about parking and that it infringes upon other residents. Also partying, the use of alcohol and some people carrying guns. He said parking may be seen as restrictive but safety is important and the owner should live in the home or control is lost.

After additional discussion, Chairman Lyon called for the vote to approve the proposed amendments; Commissioner Steers seconded. Clarification was given to Commissioner Maher regarding the vote on the floor. Chairman Lyon further explained the reason behind the proposed changes is to gain control. Commissioner Maher said we are over-regulating and that we only hear from the people that don't have them. Chairman Lyon called for the vote and it passed unanimously. The Town Council will hold a Public Hearing and First Reading on these amendments at its May 18 meeting and the Second Reading at the June 15 meeting.

Election of Planning Commission Officers: Chair and Vice Chair: Chairman Lyon announce that local Planning Commissions must elect one of its members as Chairperson and one as Vice Chairperson for a one year term. These appointments will begin immediately and run through the end of 2023.

Commissioner Steers moved for the reappointment of Bill Lyon as Chairperson and Deb Bidwell as Vice Chairperson. Commissioner Maher seconded. There were no other nominations. Motion passed unanimously.

Chair's Comments: Chairman Lyon recapped the Commission's discussions tonight and the proposed amendments it voted on. He encouraged Commissioners to contact the Town Council if they have disagreements with the proposed changes.

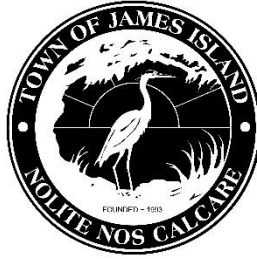
Commissioners Comments: None.

Next Scheduled Meeting Date: May 11, 2023.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:27 p.m.

Respectfully Submitted:

Frances Simmons
Town Clerk and Secretary to the Planning Commission



**ZONING/PLANNING
DEPARTMENT**

**TOWN OF JAMES ISLAND PLANNING COMMISSION
August 10, 2023**

Case Summary: ZPD-7-23-201 (PD-201)

**Request to rezone from the Low-Density Suburban Residential (RSL)
Zoning District and the Community Commercial (CC) Zoning District to the
PD-201, Marsh Walk Village Planned Development Zoning District**

History and Overview:

The proposed PD-201, Marsh Walk Village, is located near the corner of Dills Bluff Road and Camp Road. The properties are currently wooded with no structures located on them and are adjacent to an existing shopping center and two established neighborhoods (Whitehouse Plantation and Camp Center Villas). The parcels included in the current Zoning Map Amendment Request are a combined 6.52 acres in size and are in the RSL Zoning District and the Community Commercial Zoning District. The property owner for both parcels is the James Island Public Service District. There is no critical area designated by DHEC-OCRM on the subject parcels. TMS #s in the proposed PD are 425-12-00-185 and -298.

The applicant is seeking to rezone from the RSL and CC Zoning Districts to the Planned Development Zoning District (PD-201) to “create flexibility in design to create a mixed-use community that maintains the natural aesthetic and character of James Island”. Specifically, PD-201 requests the following:

- A maximum of 20 single-family attached traditional units (density of 3.07 units per acre), or 25 single-family attached workforce units (density of 3.83 units per acre);
- Residential Area: Uses as allowed in the RSL Zoning District, with additional uses allowed by right such as single-family attached units, Parks and Recreation, Special Events, Sewage Collector or Trunk Lines, Water Mains, and Model Home to be used as a sales office for homes in the PD;
- Village Commercial Area: Uses as allowed by right in the CC Zoning District, with additional allowances for the sale of beer, wine, and liquor without Special Exception requirements, as well as pet services including pet stores and grooming saloons without Special Exception requirements. Uses that shall be prohibited include pet and animal kennels, daycare and/or boarding, automotive sales and repairs, and gun/firearm sales;
- Community open space areas that will comprise at least 20% of the parcel and will be conveyed, owned and maintained by the Marsh Walk Village HOA in the Residential Area, and owned and maintained by the commercial

- property owner in the Village Commercial Area;
- Smaller lot size requirements;
 - Smaller front/street side, rear, and interior side setbacks; and
 - Increased maximum building cover in the Residential Area (increase from 30% to 80%).

Adjacent Zoning:

Surrounding properties on the west side of Dills Bluff Road are in the Low-Density Suburban Residential (RSL) Zoning District and the Community Commercial (CC) Zoning District in the Town of James Island, as well as Diverse Residential (DR-1F) in the City of Charleston. On the east side of Dills Bluff Road, properties are in the Preserve at Dills Bluff Planned Development (PD-101) Zoning District in the Town.

Staff Recommendation:

According to Section §153.075 (F) (5) (i) of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for PD Development Plan approval may be approved only if Town Council determines that the following criteria are met:

a. The PD Development Plan complies with the standards contained in this Article;

Staff's response: The proposed Planned Development Zoning District complies with the requirements of the ZLDR. Additionally, the proposed density is equal to the the density allowed by the current zoning districts and the flexible lot standards proposed will allow for greater flexibility in site design.

b. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents;

Staff's response: The proposed Planned Development Zoning District is consistent with the intent of the *Comprehensive Plan, Future land Use Categories* which state, "*Incentives to retain the suburban character of the area such as site planning guidelines and conservation design should be provided in the zoning ordinance to preserve open space and protect natural and historic features*" in the Residential Category and "*to allow diverse retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community*" in the Commercial Category.

c. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

Staff's response: The applicant has included in the proposed PD document letters from service providers stating they will be able to adequately serve the proposed development.

Staff recommends approval of this request with the following conditions:

1. The applicant must provide an updated Letter of Coordination from DHEC-OCRM as part of land disturbance permitting before any zoning permits can be issued.
2. The applicant must provide a Letter of Coordination from the South Carolina Department of Transportation.
3. Remove allowance for beer, wine, and alcohol sales without the need for a Special Exception from the BZA.
4. Remove sentence that allows slab on grade construction. Prohibit slab on grade construction in the Residential Area.