

TOWN OF SEABROOK ISLAND

Planning Commission Special Called Meeting

April 12, 2019 – 1:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Robert Driscoll (Chair), Ken Otstot, Wayne Billian, Cathy Patterson, Stan Ullner, Joe Cronin (Town Administrator)

Absent: None

Guests: Steve Hirsch (SIPOA), Heather Paton (SIPOA)

Chairman Driscoll called the meeting to order at 1:30 PM and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

NEW BUSINESS ITEMS

1. **Commercial Review: SIPOA Kayak/Canoe Launch:** Chairman Driscoll stated that the purpose of this special called meeting was to review a request from the Seabrook Island Property Owners Association (SIPOA) to construct a new dock and kayak/canoe launch on Captain Sams Creek, near the terminus of Captain Sams Road. He stated that SIPOA did not have a valid town or OCRM permit prior to commencing work on the project. He added that this was at least the second time that SIPOA began work on a construction project without approval from the town.

Chairman Driscoll asked Mr. Steve Hirsch, Engineering Director with SIPOA, if he was in charge of SIPOA's construction projects. Mr. Hirsch responded in the affirmative. Chairman Driscoll stated that it would be helpful for SIPOA to sit down with the town to verify permitting requirements prior to initiating construction projects, adding that this would save wasted time and eliminate the need for special called meeting. Mr. Hirsch stated that, moving forward, he would err on the side of caution.

Chairman Driscoll then called on Town Administrator Cronin to provide a brief overview of the request. Town Administrator Cronin stated that the proposed improvements would include:

- Installation of a 10' x 6' pontoon grounding dock;
- Construction of a 14' x 6' concrete platform adjacent to the existing boat ramp;
- Installation of riprap below the new grounding dock;

- Construction of a new 10' x 6' pontoon grounding dock;
- Installation of timber pilings; and
- Construction of a 20' x 7' pontoon floating dock with kayak/canoe launch from gator dock.

Town Administrator Cronin stated that he had completed a preliminary review of the proposed improvements and found no zoning deficiencies. He added that he had reached out to OCRM prior to the meeting to determine whether the proposed work was covered by SIPOA's existing permit. Following a phone conversation with Josh Hoke at OCRM, it was determined that:

- While the existing OCRM permit from 2007 remains valid until October 19, 2021, the permit was amended on July 26, 2010 to delete the originally permitted grounding dock. Therefore, the proposed dock for the kayak/canoe launch is **NOT** covered by the existing OCRM permit;
- The proposed site plan for the dock and kayak/canoe launch is different from that which was originally approved in the 2007 permit (before that permit was amended in 2010 to delete these items entirely). The original plan called for the dock and kayak/canoe launch to be constructed over a portion of the existing boat ramp. The plan has since been modified to construct the dock and kayak/canoe launch adjacent to the boat ramp; and
- SIPOA will need to apply to OCRM to either amend the existing permit or, alternatively, issue a new permit. This application may trigger a 15-day public comment period and an additional review period of up to 30 days.

Town Administrator Cronin stated that staff recommended in favor of **APPROVAL**, subject to the following conditions:

1. A town zoning permit shall not be issued until all proposed improvements have been properly permitted by OCRM. Pursuant to the state's Vested Rights Act, this plan review approval shall be deemed null and void if an OCRM permit is not issued on or before April 12, 2021, unless the applicant applies for and receives a one-year extension from the Planning Commission prior to expiration.
2. Modifications to the proposed site plan, if any, shall require subsequent review and approval by the Planning Commission prior to the issuance of a zoning permit.

Chairman Driscoll stated that he had asked prior to the meeting why a special called meeting was necessary if an OCRM permit still needed to be obtained. Mr. Hirsch responded that OCRM was looking into whether the existing permit could be amended administratively, or if a full permit would be required. If the request could be approved administratively, it was possible to have a quick turnaround and SIPOA wanted to be prepared in the event that the contractor could begin work right away.

Chairman Driscoll asked if SIPOA had concerns with either of the conditions recommended by the Town Administrator. Mr. Hirsch and Ms. Heather Paton, Executive Director of SIPOA, both responded that they had no concerns with the conditions.

Chairman Driscoll asked if the applicants had reached out to neighboring property owners. Mr. Hirsch responded that SIPOA and Creek Watch Villas entered into an agreement in 2018 that allowed construction of the dock and launch to move forward.

Mr. Otstot asked if the kayak/canoe launch would be the same as the crab dock. Mr. Hirsch responded that it would be a floating dock but would be different than the crab dock. Mr. Otstot asked how high off the water the dock would be. Mr. Hirsch responded that the “containment area” where kayakers would enter the water would be about 18” off the water. He added that hand rails and bars would be installed to provide users with additional support.

Chairman Driscoll reminded members that the town’s Development Standards Ordinance requires a two-part review process for commercial site plans consisting of preliminary and final approval. He asked if anyone saw a need to have a second meeting to consider the request. No members expressed a desire to hold a second meeting.

Mr. Billian stated that he assumed that the dock would be natural and that no paint colors would be involved. Mr. Hirsch responded that the dock would be constructed using Brazilian ipe wood, which is a natural material. Mr. Billian also asked if the design had been reviewed by the SIPOA’s Architectural Review Committee. Ms. Paton responded that the dock did not require ARC review and approval as it falls outside the ARC’s jurisdiction. She added that Brazilian ipe is a standard product on the island.

Mr. Otstot asked if the dock would be installed parallel to the existing boat ramp. Mr. Hirsch responded that it would be parallel to the ramp heading out toward Captain Sams Creek, but that the launch itself would be perpendicular to the boat ramp.

Dr. Ullner asked if a delay in town approval would affect the contractor. Mr. Hirsch responded that this would depend on how quickly OCRM would be able to issue or amend the permit.

Mr. Otstot noted that a mound of stone was already on the site. He asked what would happen to the stone if the OCRM permit was delayed. Mr. Hirsch responded that the stone would likely need to be moved in order to keep the boat ramp open.

There being no further discussion, Mr. Otstot made a motion that the Planning Commission take a final vote on the request, thereby waiving the requirement for preliminary and final approval. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 5-0.

Chairman Driscoll then made a motion to approve the request, subject to the conditions

recommended by the Town Administrator. Mr. Otstot seconded the motion. The motion was **APPROVED** by a vote of 5-0.

Prior to adjourning the meeting, Town Administrator Cronin reminded members of the Planning Commission that the comprehensive plan drop-in meeting would take place on Monday, April 15th, from 2:00 PM to 4:00 PM at Town Hall.

Chairman Driscoll again expressed his concern with SIPOA for failing to obtain zoning approval prior to starting a construction project. He stated that this has happened multiple times in the past, referencing when the gatehouse was constructed several years ago, as well as recent modifications to the boardwalks. He recommended that the town and the SIPOA better coordinate to ensure that proper procedures are being followed.

Dr. Ullner asked about the status of Boardwalk #8. He asked if construction on that boardwalk was approved by the town. Town Administrator Cronin responded that he did not remember seeing a permit application for Boardwalk #8. He added that if the boardwalk was going to be replaced in the same footprint and without a change in materials, it could be approved administratively and would not require Planning Commission approval. Dr. Ullner recommended that someone go out and check on the status.

A discussion then took place about the town's permitting requirements, and specifically, the Planning Commission's role in reviewing and approving plans for commercial and multi-family properties.

There being no further business, Dr. Ullner made a motion to adjourn the meeting. Mr. Otstot seconded the motion. The vote in favor was unanimous and the meeting was adjourned at approximately 2:03 PM.

Minutes Approved: May 1, 2019



Joseph M. Cronin
Town Administrator