TOWN OF SEABROOK ISLAND
Planning Commission Regular Meeting
August 11, 2021 – 1:30 PM

Virtual Meeting (Zoom)
Watch Live Stream (YouTube)

Participate in the Virtual Meeting: Individuals who wish to participate in the virtual meeting via Zoom may access the meeting as follows:

- Instructions for Joining & Participating in the Virtual Meeting
- To join by computer, tablet or mobile device: Access Zoom Meeting
- To join by phone: Call (646) 558-8656  *Please note that long distance rates may apply*
- Meeting ID: 841 7848 0771  Passcode: 008197

Submit a Written Comment: Individuals who wish to submit a comment in advance of the meeting may do so in writing by 12:00 pm on the day of the meeting sing one of the following options:

- Email: jcronin@townofseabrookisland.org
- Mail or Hand Deliver: 2001 Seabrook Island Road, Seabrook Island, SC 29455

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: June 9, 2021  [Pages 2–3]

OLD BUSINESS ITEMS

There are no Old Business Items

NEW BUSINESS ITEMS

1. Rezoning Request: 2517 Pelican Perch  [Pages 4–16]

An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

ITEMS FOR INFORMATION / DISCUSSION

1. DSO “Open House” Meeting – August 23, 2021, 2:00 PM to 4:00 PM

ADJOURN
TOWN OF SEABROOK ISLAND
Planning Commission Regular Meeting
June 9, 2021 – 1:30 PM

Virtual Meeting Hosted via Zoom
Live Streamed on YouTube

MINUTES

Present: Stan Ullner, Wayne Billian, Jim Newton, Joe Cronin (Town Administrator)
Absent: Ken Otstot (Chair), Sharon Welch
Guests: Katrina Burrell (SIPOA)

Vice Chairman Ullner called the meeting to order at 1:33 PM. Due to the absence of the Chair, Dr. Ullner served as Acting Chair. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Regular Meeting: May 12, 2021**: Mr. Newton made a motion to approve the minutes from the May 12, 2021, meeting as submitted. Mr. Billian seconded the motion. The motion was **APPROVED** by a vote of 3-0.

OLD BUSINESS ITEMS

*There were no Old Business Items.*

NEW BUSINESS ITEMS

1. **Rezoning Request: 1817 Landfall Way**: Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on the request to rezone Charleston County Tax Map Number 149-01-00-261, containing approximately 0.16 +/- acres located at 1817 Landfall Way, from MF Multi-Family Residential to AGC Agricultural-Conservation. He stated that the property has been acquired by the Seabrook Island Greenspace Conservancy for conservation purposes and transferred to SIPOA for ownership and maintenance. Staff recommended in favor of approving the rezoning request. Mr. Billian made a motion to recommend in favor of approving the rezoning request. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 3-0.

2. **Text Amendment: Permit Time Limits**: Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on a proposed amendment to the town’s Development Standards Ordinance relating
to permit time limits. Town Administrator Cronin stated that the primary purpose of this request is to make the town's ordinance consistent with adopted building codes, as well as the policies and procedures of the Charleston County Building Inspection Services Department, which administers and enforces permitting and inspection services within the town limits on behalf of the town. The statewide code states:

"Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated."

Town Administrator Cronin stated that if the text amendment is adopted, a permit would become invalid if work is not commenced within 180 days of issuance. Once work has commenced, the permit would become invalid if more than 180 days pass between inspections. The current policy that allows only one year in which to complete construction would also be repealed.

Mr. Billian made a motion to recommend in favor of approving the text amendment. Mr. Newton seconded the motion. The motion was APPROVED by a vote of 3-0.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information.

There being no further business, Vice Chairman Ullner asked for a motion to adjourn. Mr. Billian made a motion to adjourn the meeting. Mr. Newton seconded the motion. The motion was APPROVED by a vote of 3-0, and the meeting was adjourned at 1:56 PM.

Minutes Approved:

[Signature]
Joseph M. Cronin
Town Administrator
TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 2517 Pelican Perch
MEETING DATE: August 11, 2021

The Planning Commission is asked to review and provide a recommendation on a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch. The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property, which is currently vacant, is surrounded on three sides by parcels zoned SR Single-Family Residential. A portion of the property backs up to a marsh critical area, which contributes to its value as a conservation lot.

Subject to rezoning approval, this property is intended to remain as an undeveloped “open space” lot. Uses permitted within the AGC district are limited to the following:

(a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.

(b) Bulkhead and erosion control devices.

A copy of the draft rezoning ordinance is attached for review.

Staff Recommendation

Staff recommends in favor of APPROVAL of the rezoning request.

Respectfully submitted,

Joseph M. Cronin
Town Administrator
TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-07

ADOPTED _________

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 147-01-00-062, CONTAINING APPROXIMATELY 0.37 +/- ACRES LOCATED AT 2517 PELICAN PERCH, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about July 26, 2021, the Seabrook Island Property Owners Association filed Rezoning Application #87 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

WHEREAS, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on August 11, 2021, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town’s Comprehensive Plan; and

WHEREAS, a public hearing was held on the above referenced rezoning application on September 24, 2021, as required by law;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:

SECTION 1. Zoning Map Amendment. The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

SECTION 2. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.
SECTION 3. **Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. **Effective Date.** This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this ____ day of ________________, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of ________________, 2021.

First Reading: August 24, 2021
Public Hearing: September 28, 2021
Second Reading: September 28, 2021

TOWN OF SEABROOK ISLAND

______________________________
John Gregg, Mayor

ATTEST

______________________________
Katharine E. Watkins, Town Clerk
EXHIBIT A

Property Map
Charleston County Tax Map Number 147-01-00-062
Town of Seabrook Island
Zoning Change Application

Application #: 87
Date: 7/26/2021

Property Information

Present Zoning: Single Family Residential
Proposed Zoning: Conservation Agricultural
Tax Map No's: 147-01-00-062
Prop Address: 2517 Pelican Perch
City/St/Zip: Seabrook Island SC 29455

Deed Rec Book/Pg/Date: 0979 219 4/7/2021
Plat Rec Book/Pg/Date: AJ 144 10/20/1977

Applicant: Seabrook Island POA

HPhone/BPhone:
Address: 1202 Landfall Way
City/St/Zip: Seabrook Island SC 29455
Owner: Seabrook Island POA

HPhone/BPhone:
Address: 1202 Landfall Way
City/St/Zip: Seabrook Island SC 29455
Representative: Heather Paton

HPhone/BPhone:
Address: 1202 Landfall Way
City/St/Zip: Seabrook Island SC 29455
Fee: $0.00 Paid:

Check #/Cash: NC

Copy of Approved Recorded Plat showing present boundaries of property to be rezoned and a fee of $150.00 plus $10.00 per acre.

Fees for Planned Unit Development Vary.

Signature of Owner(s)/Date

Signature of Applicant/Date and or Rep if different from the owner.
TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND ROAD
SEABROOK ISLAND, SC 29455
Phone (843) 768-9121  Fax (843) 768-9830

REZONING APPLICATION NO. 87
DATE 7/21/21

PROPERTY INFORMATION:
1. Present Zoning SFR
2. Proposed Zoning Cnc/Gry
3. Tax Map Number(s) 747-01-06-062
4. Address 2617 Pelican Perch
5. Lot Dimensions
6. Deed Recorded: Book Page Date
7. Plat Recorded: Book Page Date

APPLICANT/OWNER/REPRESENTATIVE:
8. Applicant SIPA
   Address 1202 Landfall Way
   Phone No. (Home) 843-768-0161 (Business)
9. Owner(s) (if different from applicant)
   Address
   Phone No. (Home) (Business)
10. Representative (if different from applicant) Heather Paton
11. I (We) certify that ___________________________________________ is my (our)
    authorized representative for this zoning change.

Signature of Owner(s)/Date

Heather Paton
Signature of Applicant/Date
and/or representative if different from owner

**A copy of an approved recorded plat showing present boundaries of the property to be
rezoned and the appropriate fee is required upon application.

Parcel was accepted by SIPA on 7/19/21
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

KNOW ALL MEN BY THESE PRESENTS, that Christopher O. Johnson, Margaret Jane Johnson, and Richard Voight Nuttall, III (collectively “Grantors”), in the State aforesaid, for and in consideration of the sum of ONE DOLLAR ($1.00), to us in hand paid at and before the sealing of these Presents by Seabrook Island Green Space Conservancy, Inc., in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Seabrook Island Green Space Conservancy, Inc., a South Carolina Corporation, the following described property, to wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 147-01-00-062

Address of Grantee(s): 130 Gardner Circle, PMB 521

Johns Island, SC 29455

This is the same property conveyed to Grantor by deed from Jeffrey M. Leikin and Sherry C. Leikin dated February 3, 2021 and recorded April 7, 2021 in Book 0979, page 219, Charleston County Recording Office.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Seabrook Island Green Space Conservancy, Inc., a South Carolina Corporation, its successors and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said Seabrook Island Green Space Conservancy, Inc., its successors and assigns, against us and our heirs, lawfully claiming, or to claim the same or any part thereof but no others.

{01711169.DOCX}
WITNESS our hand and seal this 24th day of May, 2021.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Christopher O. Johnson
Margaret Jane Johnson

Witness #1
Witness #2

STATE OF Ohio )
COUNTY OF Cuyahoga )

The foregoing instrument was acknowledged before me by Christopher O. Johnson and Margaret Jane Johnson and Richard Voight Nuttall, III, this 24th day of May, 2021.

(SEAL)

Notary Public for Ohio
My commission expires: 12/31/2022

NORA E. LOFTUS
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.
WITNESS our hand and seal this 28th day of May, 2021.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signatures]

Witness #1

Witness #2

[Signatures]

Richard Voight Nuttall, III

STATE OF South Carolina
COUNTY OF Charleston

The foregoing instrument was acknowledged before me by Christopher O. Johnson and Margaret Jane Johnson and Richard Voight Nuttall, III, this 28th day of May, 2021.

[Seal]

Notary Public for

My commission expires:

{Limited Warranty Deed.@wd.doc}
EXHIBIT A

ALL that certain lot, piece or parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as LOT 71, BLOCK 5, on a plat by E.M. Seabrook, Jr., CE & LS, dated October 20, 1977, and recorded in the Charleston County RMC Office in Plat Book AJ, at Page 144.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record.
STATE OF SOUTH CAROLINA       
COUNTY OF CHARLESTON       

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:
1. I have read the information on this Affidavit and I understand such information.

2. The property located at 2517 Pelican Perch, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 147-01-00-062, was transferred by Christopher O. Johnson, Margaret Jane Johnson, and Richard Voight Nuttall, III to Seabrook Island Green Space Conservancy, Inc. on June 2, 2021.

3. Check one of the following: The deed is

   (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money’s worth.
   (b)____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a
      stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
   (c)____ exempt from the deed recording fee because (See Information section of affidavit): ____________ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):

   (a) X The fee is computed on the consideration paid or to be paid in money or money’s worth in the amount of $0.00
   (b)____ The fee is computed on the fair market value of the realty which is $____________.
   (c)____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $____________.

5. Check YES or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If “Yes,” the amount of the outstanding balance of this lien or encumbrance is: ____________________.

6. The deed recording fee is computed as follows:
   (a) Place the amount listed in item 4 above here: ___________
   (b) Place the amount listed in item 5 above here: ___________
   (If no amount is listed, place zero here.)
   (c) Subtract line 6(b) from Line 6(a) and place result here: ___________

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative

8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

   Legal Representative
   [Signature]
   Print Name

Sworn to before me this _______ day of June ________, 2021.

Notary Public for
My Commission Expires: ____________________

[Notary Seal]

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