

# TOWN OF SEABROOK ISLAND

## Planning Commission Regular Meeting

November 7, 2018 – 1:30 PM

Town Hall, Council Chambers  
2001 Seabrook Island Road



## MINUTES

Present: Robert Driscoll (Chair), Lori Leary, Ken Otstot, Cathy Patterson, Joe Cronin (Town Administrator)

Absent: Wayne Billian

Guests: Ron Ciancio (Mayor), Keane McLaughlin (ESP Associates), Mark Stafford (Stafford Construction), Don Romano (Seabrook Island Club), Michael Karamus (Architect), Dan Frazier (Charleston County), Robin Lewis (Charleston County), Oliver Matthews, Janet Pasquale

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.

### APPROVAL OF MINUTES

1. **Comprehensive Plan Work Session: October 3, 2018:** Ms. Leary made a motion to approve the minutes from the October 3, 2018, work session, as submitted. Mr. Otstot seconded the motion. The motion was approved by a vote of 4-0.
2. **Regular Meeting: October 3, 2018:** Mr. Otstot made a motion to approve the minutes from the October 3, 2018, meeting as submitted. Ms. Patterson seconded the motion. The motion was approved by a vote of 4-0.

### OLD BUSINESS ITEMS

*There were no Old Business Items.*

### NEW BUSINESS ITEMS

1. **Architectural Review: Bohicket Marina Village:** Mr. Oliver Matthews and Mr. Mark Stafford (contractor) provided a brief overview of the request on behalf of the applicants. Mr. Matthews noted that several buildings at Bohicket Marina Village have had issues with the plexiglass coverings in the roofs, particularly during high winds. These issues have resulted in water leaks as well as safety concerns for residents in the Marina Village. The applicants

proposed removing the plexiglass sections in the roof and patching those sections with plywood. The plywood would then be covered with shingles in the same type and color as the existing roof. Town Administrator Cronin noted that this request was applicable to Buildings 2, 3, 5 and 7, which are the only buildings with plexiglass sections in the roof. Staff noted that this was a minor architectural change and recommended in favor of approval. Ms. Leary made a motion to approve the request. Mr. Otstot seconded the motion. The motion was approved by a vote of 4-0.

2. **Commercial Site Plan Review: Seabrook Island Club Comfort Station:** Mr. Don Romano of the Seabrook Island Club provided a brief overview of the request on behalf of the applicants. Mr. Romano stated that the club was seeking to construct a third comfort station on the Ocean Winds course, near the existing practice green. The timing of this request was intended to coincide with the planned expansion of the adjacent parking lot.

Michael Karamus, the architect for the project, distributed colored renderings to members of the Planning Commission. Ms. Patterson asked why the applicants chose not to match the new building to the color of the existing clubhouse. Mr. Otstot echoed this comment by noting the comfort station's proximity to the clubhouse. Mr. Romano responded that the intent was to match the colors of the other comfort stations. He added that the new building would be surrounded by a berm, as the applicants were intending to cut the building into an existing slope next to the putting green, which would minimize its visibility.

Chairman Driscoll stated that he had a concern with the aesthetics and questioned whether the building fit in with surrounding structures. He added that it was decidedly different from the clubhouse and other golf facilities. Mr. Romano responded that the building would be surrounded by landscaping. Chairman Driscoll remarked that this would help and asked if the vegetation would be included on all three sides. Mr. Karamus responded in the affirmative.

Mr. Otstot asked whether the comfort station would be unisex or have a separate restroom for men and women. Mr. Karamus responded that there would be separate restrooms for men and women.

Chairman Driscoll asked the applicant to confirm whether there would be an overhang on the front side of the building. Mr. Karamus responded in the affirmative.

Town Administrator Cronin stated that Article 14 of the DSO requires Planning Commission review and approval for both a preliminary and final site plan. He noted the small scale of this project and recommended that the Planning Commission waive the requirement for two separate approvals.

Ms. Patterson made a motion to approve the commercial site plan for the proposed comfort station, as submitted. Ms. Leary seconded the motion. Town Administrator Cronin asked for clarification as to whether the intent of the motion was also to also waive the requirement for a second approval. Ms. Patterson responded that this was her intent. Chairman Driscoll called for a vote, and the vote in favor of the motion was approved by a vote of 4-0.

- 3. Commercial Site Plan Review: Seabrook Island Club Parking Expansion:** Mr. Romano provided a brief overview of the request on behalf of the applicants. Mr. Romano stated that it was becoming more and more difficult to find a parking spot at the clubhouse during the peak season between Easter and Labor Day. Therefore, the club hired Forsberg Engineering to design a plan for additional parking. The proposed plan includes construction of 53 new parking spaces adjacent to the existing parking lot on the right side of the clubhouse. Mr. Romano noted that this location has been used in previous years for temporary overflow parking. He added that this project will help solve the club's parking problem.

Chairman Driscoll noted that the Town Administrator had outlined several comments and concerns in his staff write up and asked for a further explanation of those items.

Town Administrator Cronin stated that the proposed parking lot complied with the front yard setback requirement. Because the clubhouse property was under common ownership with the neighboring golf course property, he recommended that the rear yard setback not apply along that shared property line. He then discussed whether a 50' side yard setback and/or 50' buffer requirement would apply along the shared property line with Atrium Villas. He stated that he had asked for a legal opinion as to whether a parking lot would be classified as a "structure" under the town's DSO, in which case the setback requirement would apply. Following a lengthy review, it was determined that a parking lot would not be classified as a "structure" and, therefore, the 50' setback would not apply. He added, however, that light poles would be considered a structure and, therefore, would be subject to the setback requirement. He noted that there were several light poles proposed to be located within 50' of the shared property line with Atrium Villas. While the DSO gives the Planning Commission the ability to modify setback requirements, any such change would require public notice to neighboring property owners at least 30 days prior to consideration. He also stated that a 50' buffer requirement would not apply, as Sec. 10.30 of the DSO explicitly exempts golf courses from the buffer requirement. While the parking lot will be located on the clubhouse property, it was his opinion that the parking lot was accessory to, and part of, the golf course.

Ms. Patterson asked how tall the new light poles would be. Mr. Romano responded that they would be the same fixtures as are used in the existing parking lot, which are 19' in height.

In addition to his comments about the light poles, Town Administrator Cronin offered the following comments:

- The shrubs along the landscaped perimeter adjacent to Atrium Villas should be evergreen and of sufficient height to block the view of parked cars, as required by Sec. 11.70.20.20;
- An additional 1-2 shade trees should be added to meet the 50' spacing requirement of Sec. 10.90.10.22;
- Curbing of wheel stops should be provided along the parking lot perimeter adjacent to Atrium Villas, as required by Sec. 10.90.10.30;
- Staff believes that the use of pervious parking materials was appropriate in this location, as allowed by Sec. 11.70.40; and

- The parking spaces, which are shown on the plans with a standard dimension of 9' x 19', should be revised to 9' x 20', as required by Sec. 11.60.10.

Chairman Driscoll recommended that the applicants revise their plans to address these concerns and come back before the Planning Commission at a later date. Mr. Romano stated that he would ask the engineer to reconfigure the drawings but added that timing was a concern.

Mr. Otstot asked what the club's timeframe was for constructing the parking lot expansion. Mr. Romano responded that the club has signed a construction contract and in order to be completed by Easter, the project will need to be approved and underway by December.

Mayor Ron Ciancio, who was in the audience, asked if the plans had been sent to the residents of Atrium Villas. Mr. Romano responded that the club had sent a copy of the plans to the Atrium Villas Regime.

Chairman Driscoll noted the applicants' timeframe and offered to hold a special called meeting later in November, if needed.

Ms. Leary made a motion to defer consideration of the request until an updated plan is received from the applicants. Mr. Otstot seconded the motion. The motion to defer was approved by a vote of 4-0.

- 4. Text Amendment: Administration & Appeals (Variances):** Town Administrator Cronin provided a brief overview of the proposed text amendment, the purpose of which was to amend the public notice requirements for pending variance applications. Town Administrator Cronin stated that the primary purpose of this amendment was to change who was responsible for providing the required notices to neighboring property owners. Currently, the DSO places this responsibility with the applicant. Town Administrator Cronin recommended that since the town was already identifying the names and mailing addresses of neighboring property owners, it would be more efficient for the town to send the notifications directly. He stated that the draft ordinance also incorporated other changes intended to bring the town's ordinance into conformity with state law, including advertising the public hearing in a newspaper of general circulation, posting the property, and providing notice to other interested residents, regimes and property owners associations.

Ms. Patterson asked if the town gets very many variance applications. Town Administrator Cronin responded that, on average, the town receives approximately 2-4 variance requests per year.

Mr. Karamus, who was in the audience, spoke in favor of the amendment. He noted that as an applicant, it was often difficult to obtain current property owner information, and he felt that this change would be helpful to applicants.

Mr. Otstot made a motion to recommend in favor of approving the text amendment. Ms. Leary seconded the motion. The motion was approved by a vote of 4-0.

**Text Amendment: Amendments to DSO & Zoning Map (Public Notice)**: Town Administrator Cronin provided a brief overview of the proposed text amendment, the purpose of which was to amend the public notice requirements for pending rezoning applications. Town Administrator Cronin stated that, similar to the last item, the primary purpose of this amendment was to change who was responsible for providing the required notices to neighboring property owners. Currently, the DSO places this responsibility with the applicant. Town Administrator Cronin recommended that since the town was already obtaining the names and mailing addresses of neighboring property owners, it would be more efficient for the town to send the notifications directly. He stated that the draft ordinance also incorporated other changes intended to bring the town's ordinance into conformity with state law, as well as the new language which was proposed for variance notifications. Mr. Otstot made a motion to recommend in favor of approving the text amendment. Ms. Leary seconded the motion. The motion was approved by a vote of 4-0.

5. **Text Amendment: OCRM Critical Line Surveys**: Town Administrator Cronin provided a brief overview of the proposed text amendment, the purpose of which was to revise the town's DSO to conform with SCDHEC-OCRM's policy regarding critical line certifications. Town Administrator Cronin explained that once a critical line has been surveyed and certified by SCDHEC-OCRM, the state considers that to be a valid delineation for a five-year period; however, the town will only recognize a certification that has been done within the last three years. Town Administrator Cronin recommended that the town's DSO be amended to conform to the state's five-year policy. Mr. Otstot made a motion to recommend in favor of approving the text amendment. Ms. Leary seconded the motion. The motion was approved by a vote of 4-0.

## **ITEMS FOR INFORMATION / DISCUSSION**

1. **Status of Kiawah Senior Living Project Encroachment Permit**: Chairman Driscoll notified members of the Planning Commission that Atlantic Partners II, LLC, has filed a notice of appeal with the circuit court in response to the Planning Commission's decision to grant conditional approval to the applicant's encroachment permit request on Seabrook Island Road. He added that Atlantic Partners II, LLC, has also filed a request for pre-trial mediation. He explained that when one party asks for mediation, then the request must be granted. In this case, representatives from the town, Planning Commission and Atlantic Partners II, LLC, will sit down with a neutral third party who will attempt to mediate an agreement in lieu of litigation. He stated that sometimes mediation is successful and sometimes it is not, but that the goal is to avoid the time and expense of a lengthy court case. Chairman Driscoll then stated that nothing has happened so far, other than the filing.

Ms. Patterson asked who from the town would participate in the mediation. Chairman Driscoll responded that the mediation would include representatives from Atlantic Partners II, LLC, Town Council and the Planning Commission, as well as their respective legal counsel. Chairman Driscoll noted that the mediation would be a private, rather than public, proceeding. He added that if there is a tentative agreement among the parties, he believed that the agreement would first go to the Planning Commission for review and

recommendation prior to Town Council approval. Ms. Patterson stated that it was important for the Planning Commission's concerns to be brought up and discussed during the mediation proceedings.

#### **COMPREHENSIVE PLAN WORK SESSION**

- 1. Review of Changes from October 3, 2018 meeting:** Mr. Dan Frazier from Charleston County reviewed the recommended changes to the Population and Housing elements, which were previously discussed during the October 3<sup>rd</sup> work session. There were no additional comments or recommendations provided. Mr. Frazier stated that members may continue to submit comments on these elements, as well as any other element, until the draft document is finalized in early 2019.
- 2. Review and Discussion of Comprehensive Plan Elements:** Members of the Planning Commission, town staff and county staff reviewed and provided comments on draft sections for the Community Facilities and Natural Resources elements. County staff will incorporate all comments and suggestions into an updated version of these elements. The updated versions of these elements will be reviewed and discussed at the beginning of the December work session. Two additional elements – Cultural Resources and Economic Development – will also be reviewed and discussed during the December meeting.

Ms. Leary left the meeting at 4:35 PM.

There being no further business, Chairman Driscoll asked for a motion to adjourn. Ms. Patterson made a motion to adjourn the meeting. Mr. Otstot seconded the motion. The motion was approved by a vote of 3-0, and the meeting was adjourned at 4:45 pm.

Minutes Approved: December 5, 2018



Joseph M. Cronin  
Town Administrator