

**TOWN OF EDISTO BEACH
PLANNING COMMISSION**

Tuesday, April 28, 2015
5:00 P.M.
Regularly Scheduled Meeting

THESE MINUTES ARE NOT VERBATIM, BUT DO ACCURATELY REFLECT THE PROCEEDINGS.

Members attending: Chairman Bill Andrews, Vice Chair Wanda McCarley, Members David Blauch, David Cannon, William Hackett, and Barbara Habegger

Members absent: Tom Edens, with prior notice given for absence

Staff attending: Building Code Administrator Patrick Brown and Code Enforcement Officer Nancy Fitzgerald

Chairman Bill Andrews called the meeting to order at 5:00pm.

Review of Minutes:

Minutes from 3-24-15

Chairman Andrews asked if there were any additions, corrections, with regards to the minutes. Member Habegger noticed a typo on page 4 (than should be that), as well as Chairman Andrews noting an additional typo on page 5 (will should be with). Code Enforcement Officer Fitzgerald advised those corrections would be made. No other members had any other changes or corrections to the minutes, so Chairman Andrews asked for a motion to approve. Vice Chair McCarley moved to approve the minutes as submitted with the agreed upon changes, followed by a second from Member Hackett. No further discussion was held regarding the minutes; a vote was taken and it was **unanimous to approve.**

Old Business

1. Zoning Ordinance Re-Write

Chairman Andrews advised the first item up for discussion is the Zoning Ordinance Re-Write. At the March Planning Commission meeting, the Commission unanimously agreed to recommend to Town Council the March 24, 2015 versions of Chapters 62, 71 and 86. In the April Town Council meeting, Council with a 3-1 vote accepted all Chapters of the recommended version, with the exception of Section 86-144 in Chapter 86, which was rejected in its entirety. Chairman Andrews advised the only specific criticism of that section from Council pertained to the references to Chapter 71. Chairman Andrews stated in the work session, the items which pertained to Chapter 71 within 86-144, were identified and updated to reflect a more specific section, which has been updated by Code Enforcement Officer Fitzgerald in the 86-144 document hand out. Chairman

Andrews also mentioned an additional change, a clarification of the flow chart. Discussion within the work session regarding what exactly “schedule” referred to in the flow chart, under staff review. Chairman Andrews advised “schedule hearing” referred to assigning the item to the Planning Commission agenda for their meeting. Member Cannon asked what the specific change would be from “schedule hearing”; Chairman Andrews stated it would be “assign to agenda”, then more specifically, “assign to PC agenda”. Chairman Andrews then asked the Commission if they had any other items to consider within Section 86-144. Member Cannon brought up the possibility of a hearing, referring to the flow chart. Chairman Andrews advised the hearing would be scheduled by Town Council. Member Cannon referred to the flow chart, and the dashed line box “appeal to court” which is the last item shown. The dashed line indicates the action could or could not happen. Building Code Administrator Brown advised after reviewing state law, the Town’s Ordinance is structured for Town Council to hold a Public Hearing. Chairman Andrews inquired if the final action by Town Council could include a hearing, and asked Building Code Administrator Brown for confirmation of his interpretation; Building Code Administrator Brown indicated that was the correct interpretation and added, a dashed line box could be included at the end of the flow chart, to indicate the possibility of a hearing; Public Hearings are not always required. Code Enforcement Officer Fitzgerald stated she would add the dashed box, and clarified “public hearing” would be within the dashed line box. Member Hackett mentioned to add “if necessary” in parentheses, to which Chairman Andrews agreed would be a good idea. Chairman Andrews then asked for a motion to recommend the revisions to Town Council including: the change to the flow chart item “schedule hearing” to “assign to PC agenda”; adding the dashed line box “public hearing (if necessary)” to the flow chart between Town Council and “final action”; and the specific references to Chapter 71 within 86-144. Member Habegger made a motion to recommend to Town Council, with a second from Vice Chair McCarley. Chairman Andrews then asked for any discussion with regard to the motion. Member Blauch wanted to clarify that the decision has already been made by Town Council to approve the rest of the ordinances previously submitted by Planning Commission to Town Council, and that any action regarding 86-144 would not have any impact on ordinances and the prior action or approval of Town Council. Chairman Andrews advised that is a correct statement, that Town Council could not reconsider 86-144 unless Planning Commission made a change. Member Blauch then asked for clarification that Planning Commission making a change to 86-144 will not allow Council to go back and redirect anything regarding ordinances already approved. Building Code Administrator advised Town Council can, before second reading, make any change that they would like. However, if Town Council did make any changes, it would then have to go back to Planning Commission. Building Code Administrator Brown also added Town Council could reject it on second reading as well. Member Cannon wanted to add his comments, and stated his intention to vote nay on the motion, for the following reasons: 86-144 (f)(3)a, references back to Chapter 71-44 Preliminary Plat Review. Member Cannon further stated the two lists do not match, it is not a one to one correspondence, perhaps due to one refers to subdivisions and the other refers to the PUD. Member Cannon then commented another section, 86-144 (f)(8) which references back to Chapter 71-45 Final Plat, those two lists do not match either, they are significantly different. Member Cannon stated he does not feel the shortcut can be taken to equate the two lists in making the reference. Vice Chair McCarley asked Member Cannon for further clarification, is Member Cannon stating that the references to 71-44 applies to subdivisions but not to the PUD? Member Cannon replied the two have similarities but a lot of differences. Vice Chair McCarley

then asked Member Cannon if he meant when you put the two lists from 86-144(f)(3)a and 71-44 side by side, you see differences between the two. What difference is Member Cannon referring to, in how it's handled, or what is required? Member Cannon replied the difference is in what is required. Vice Chair McCarley then asked the general question regarding subdivisions, whenever you subdivide, is that different outside of the PUD than within the PUD? Building Code Administrator Brown stated the answer to Vice Chair McCarley's question would be yes and no; he further stated there may be items which will come before Planning Commission involving the PUD which may not need the subdivision requirements as stated in Chapter 71. Vice Chair McCarley then asked, with reference to the PUD, is referring back to Chapter 71, sections 71-44 or 71-45 more restrictive than the plan referred to for the PUD in 86-144? Building Code Administrator Brown advised neither is more or less restrictive, the same thing would apply for development within the PUD which planned to subdivide, the subdivision regulations would still need to be complied with. Chairman Andrews stated the purpose of the changes was not to change the concept plan procedure requirements; he further stated his interpretation was previously the concept plan required would go straight to the Planning Commission, the change would allow the Building Department to see any documents before they're submitted to Planning Commission, to allow for review. Chairman Andrews stated the benefit to that change is the Building Department has studied the plan before Planning Commission considers what is before them. Building Code Administrator Brown advised staff review of items for Planning Commission consideration currently do undergo staff review, but for instance, if lines were to be changed, the review would include referencing subdivision regulations. Vice Chair McCarley then asked Member Cannon if the discussion regarding his items has clarified it at all; Member Cannon advised from his observation, the two lists are significantly different; they don't say the same thing. Building Code Administrator Brown agreed, the two lists are different, but they still do go together. Chairman Andrews also stated the two lists are complimentary. Building Code Administrator Brown further clarified if you subdivide within the PUD, 71-44 would apply as well, regarding the concept plan. Chairman Andrews then inquired whether to include the reference to 71-44 within 86-144 makes 86-144 more restrictive. Building Code Administrator Brown advised he does not feel including the reference to 71-44 makes 86-144 more or less restrictive, as we refer to Chapter 71 now anyway to ensure compliance. Chairman Andrews then asked for any other comments or questions regarding the motion. Member Cannon had another item to mention regarding some items or phrases which were changes to the existing ordinance and had been noted in red in revised versions, to indicate a change from the existing ordinance. Member Cannon noted several items which are changes and had been in red are no longer shown in red. Code Enforcement Officer Fitzgerald asked Member Cannon which items he is referring to; Member Cannon replied the first instance is in 86-144(f)(3), the sentence beginning with "A significant change...". Building Code Administrator Brown advised that particular section has been discussed in length by Planning Commission to be included; the most likely explanation is the extensive formatting throughout the revision process which may have left out the change to red lettering, which was by no means an intentional act. Code Enforcement Officer Fitzgerald advised the lettering can be changed back to the red, to which Chairman Andrews agreed that would be the best course of action for clarity. Member Cannon added the other instance appears in 86-144(7), the sentence beginning "No development permit shall thereafter be issued..." which does not appear in the existing, but was added to the revised version. Vice Chair McCarley inquired if the revision (red lettering) refers to the rest of the sentence; Member Cannon replied

yes it did; Vice Chair McCarley then asked Code Enforcement Officer Fitzgerald to confirm. Chairman Andrews also mentioned the reference within 86-144(7) to Chapter 71 would need to be more specific. Code Enforcement Officer Fitzgerald advised she would make the changes to the revised items which should be shown in red, as well as reference the specific section within Chapter 71 86-144(7) is referring to. Chairman Andrews stated a motion with a second has been given for the proposed corrections to the revision, with much discussion and some changes made, so the motion will need to be amended. Chairman Andrews then asked for a motion to amend, with the items added to be either clarified or corrected: 86-144(f)(3) and 86-144(7) should have the revisions to the existing ordinance shown in red, as well as including the specific section in the reference to Chapter 71 within 86-144(7). Member Blauch made a motion to amend as Chairman Andrews stated, with Member Hackett seconding. Having no discussion regarding the amendment, a vote was taken, which was unanimous. Chairman Andrews then advised the original motion is now ready for a vote, stating the motion was to clarify the flow chart, as well as adding the specific sections within Chapter 71 referenced within 86-144, along with the amendments accepted to that motion. Hearing no further discussion, a vote was taken, which was **approved 5 – 1, with Member Cannon dissenting.**

Chairman Andrews advised the other item for Planning Commission consideration regarding the Zoning Re-Write is the “whereas” statement created by Chairman Andrews and discussed within the Work Session. Chairman Andrews stated the general point of the document was to express frustration with Town Council’s delay in getting input to Planning Commission and the input then being incomplete with regard to several sections of the Ordinances; several sections of the Ordinance being rejected, and in the case of one Councilperson, all three Chapters were rejected. Chairman Andrews advised if the Commission chooses to send the document to Town Council, it would make it clear that the Commission does not feel the changes made weaken the Ordinances, and the Planning Commission is presenting a solid document to Town Council that much work and thought has gone into. Member Blauch made a motion to accept the document; Chairman Andrews stated the “whereas” document will need to be updated to reflect the recommendation was not unanimous, but was approved with a 5 -1 vote, so unanimously would be left out of the verbiage. Chairman Andrews then asked for a second to Member Blauch’s motion which was given by Vice Chair McCarley. Hearing no discussion, a vote was taken which was **approved 5 – 1, with Member Cannon dissenting.**

New Business

Chairman Andrews stated the only item of New Business is the lot line abandonment for lots 102 & 106 Palmetto Boulevard. Chairman Andrews mentioned this item has had much discussion and research, and comes to the Planning Commission for consideration from an application by Bubba Unger’s office, on behalf of the owners of 102 & 106 Palmetto Boulevard, formerly known as the Pavilion, to abandon lot lines to combine quit claim areas. Chairman Andrews stated the application has been reviewed by the Building Department, but moreover, it has been reviewed by Mr. Unger’s office as well as the Town Attorney, with the consensus being everything is in order; there is no public easement which pertains to this particular quit claim area; the property line for the State Park is as planned as their council has agreed. Chairman Andrews stated he believes all due diligence has been performed with regard to this application, and inquired of the

Commission if any other discussion was needed before moving to a motion. Hearing none, Chairman Andrews asked for a motion; Member Hackett made a motion to approve the application of the lot line abandonment and combining of the quit claim deeds, with a second by Vice Chair McCarley. Hearing no discussion on the motion, a vote was taken **which was unanimous to approve.**

Public Comment

No one was signed in to comment.

There being no further business to discuss, Chairman Andrews asked for a motion to adjourn. Vice Chair McCarley so moved, with Member Habhegger seconding. The vote was **unanimous to adjourn** at 5:26 pm.

The Freedom of Information Act, § 30-4-80(3) was complied with.

APPROVED BY THE PLANNING COMMISSION

Submitted by Nancy Fitzgerald, Code Enforcement Officer

A digital recording of this meeting is on file at Town Hall.
A quorum of Council may be present.
No discussion or action on the part of Council will be taken.