**JAMES ISLAND PLANNING COMMISSION**
**Town Hall**
**1238-B Camp Road, James Island, SC 29412**

**MEETING AGENDA**
**June 9, 2016**
**6:00PM**

**NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT**

I. CALL TO ORDER

II. PRAYER AND PLEDGE

III. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT

IV. INTRODUCTIONS

V. APPROVAL OF MAY 12, 2016 MINUTES

VI. PUBLIC COMMENTS

VII. STAFF COMMENTS

VIII. DISCUSSION OF PROPOSED AMENDMENTS TO THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) INCLUDING:

1. §153.334: Tree Protection and Preservation, Measurements and Definitions, Grand Tree: Adding a 25' grand tree protection zone for 18" trees on single family residential lots. (Resolution 2016-09)

IX. CHAIR'S COMMENTS

X. COMMISSIONERS COMMENTS

XI. NEXT MEETING DATE: JULY 14, 2016

XII. ADJOURN

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, May 12, 2016 at 6:00 p.m. Commissioners present: Bill Lyon, Lyndy Palmer, Warren Sloane, Ed Steers, and Chairman David Bevon, who presided.

Also present: Kristen Crane, Planning Director, Leonard Blank and Garrett Milliken, Town Council, Ashley Kellahan, Town Administrator, and Frances Simmons, Town Clerk and Secretary to the Planning Commission. Media: James Island Messenger.

Call to Order: Chairman Bevon called the meeting to order at 6:00 p.m.

Prayer and Pledge: Chairman Bevon led in prayer and followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chairman Bevon announced that this meeting was noticed in compliance with the South Carolina Freedom of Information Act.

Approval of February 11, 2016 Meeting Minutes: Chairman Bevon moved to approve the February 11, 2016 meeting minutes, Commissioner Palmer seconded and the minutes passed unanimously.

Public Comments:
Mrs. Brook Lyon, 669 Port Circle: referred to Tree Protection and Preservation, Page 1, under Exemptions, #2 is missing. Mrs. Crane cleared it was a typographical error. Mrs. Lyon spoke about the mitigation recommendation(s) transferred from the BZA to the Zoning Administrator. She praised Mrs. Crane for being wonderful and competent; and is unsure how other municipalities handle this. Mrs. Lyon said she is speaking as a citizen, who also serves on the Town's BZA. She noted that sometimes variances are granted based on certain mitigations; and if that is taken away from the BZA, it could affect the outcome of granting a variance. Further, the BZA receives recommendations from the Zoning Administrator, and at every meeting she has attended, the recommendations are taken into consideration and are typically accepted, (other than dealing with loud music and some for alcohol exceptions; not for trees). She asked the Planning Commission to take this into consideration. Her understanding is there is a separate fund for landscaping. She said if we are losing trees, it makes sense to have tree mitigation money go towards trees, and landscape money towards landscaping. We need to replant and use the money to pay someone to water the trees that we have to keep them from dying. Tree mitigation should focus on trees. She thanked the Planning Commission for their service.

Staff Comments: Mrs. Crane provided update:
Bootlegger Lane, Sovereign Still Subdivision, is undergoing the storm water review process. 1546 Highland Avenue is waiting for infrastructure to be installed and then for final plat review. Take 5 Oil Change is going well. A Sermet's Restaurant will be coming to the Town; located at the old Heart's Restaurant; also, we will also be getting a restaurant called the Hen and Goat, located at the Black Bean on Folly Road.

Discussion of Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR): Chairman Bevon announced the staff will present the recommended changes to the Zoning and Land Development Regulations Ordinance. The first three changes listed on the agenda concerning pet stores and grooming services has been to Town Council in April for first reading, and after the Planning Commission's recommendation tonight, it will go to Town Council on June 16 for a Public Hearing and second reading.

Mrs. Crane reviewed the proposed changes:

1. Table 153.110: Add a Special Exception requirement for Pet Stores or Grooming Salons and Small Animal Boarding in the Community Commercial (CC) and for Small Animal Boarding in the Agricultural (AGR) Zoning District. She stated this would require a Special Exception which would go to the BZA for site specific conditions. She said this change is important because there are a number of commercial properties that back to residential and the BZA should review them on a case-by-case basis instead of a blanket allowance overall.

2. Table 153.110: Remove the Conditional Use Requirement for Small Animal Boarding from the Moderate-Density Suburban Residential (RSM) Zoning District.

3. Section 153.152: Removes the square footage conditions from Pet Stores or Services.

Commissioner Sloane asked if the change will have impact on current businesses; Mrs. Crane answered 'no', only on future businesses. Commissioner Sloane asked if there were examples of this having been a problem. Mrs. Crane answered the Wag Factory on Folly Road.

Chairman Bevon moved to adopt the three (3) changes concerning Pet Stores and Grooming Services, Commissioner Palmer seconded. The motion passed 4-1; Commissioner Sloane voted 'no'.

Chairman Bevon said Town Council will hold a Public Hearing and First Reading regarding the amendment listed as #4 on the agenda to Section 153.334 Tree Protection and Preservation, with the Planning Commission's recommendations at their June 16th meeting. The second reading will be held at Town Council's July 21st meeting.

Mrs. Crane reviewed and explained the proposed changes to Agenda item #4: Section 153.334: Amending Tree Protection and Preservation to change protected tree requirement and add requirements for Major Subdivision. Proposed changes are highlighted, underlined or struck-through and italicized:

(b) Exemptions.

1. Single-family detached residential lots of record shall be exempt from all provisions in this section except for the grand tree documentation, protection, and replacement provisions. This exemption does not include *protected trees in major subdivisions* or applications for major and minor subdivisions for which landscape buffers may be required per §153.335(D).

4. This section shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines and existing easements in accordance with applicable state laws. Siting and construction of future *and existing* gas, telephone, communications, electrical line, or other easements shall not be exempt from ~~the~~ *any* provisions of this section.

(C) Tree plans and surveys.

(3) Commercial, industrial, multi-family *and major subdivisions*. All tree surveys must show the location, number, size, and species of all trees eight inches or greater DBH (diameter breast height), including those scheduled to be removed. When there are no trees eight inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer, or landscape architect.

(5) Quantity and location of trees to be protected.

(a) Before the issuance of a zoning permit for commercial, industrial, multi-family, civic/institutional uses and *major subdivisions,* the following number of trees with a diameter breast height of eight inches or greater shall be preserved and protected in accordance with the provisions of division (D)(2) above. All trees located within required buffers as outlined in § 153.335.

(E) Tree removal.

(1) Generally. Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning Administrator:

(d) Removal of ~~required~~ *grand* trees has been approved by the Board of Zoning Appeals *and/or*

*(e) The location and configuration of protected trees required by this section create an unreasonable burden on the use of the parcel and protected trees removed will be replaced and/or mitigated according to a schedule determined by the Zoning Administrator.*

(2) Variances. Grand trees ~~and protected trees~~ that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals and shall be replaced according to a schedule determined by the ~~Board~~ *Zoning Administrator*. ~~The Zoning Administrator will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.~~

(1) Generally. Tree replacement shall be required accompanying development on all non- exempt properties in the manner described below.

(b) The Zoning Administrator ~~or Board of Zoning Appeals~~ is empowered to require trees of larger caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.

(2) Protected trees removed in violation. When trees of eight inches DBH or greater have been removed in violation of this chapter, ~~replacement trees shall be planted in the same general area according to a replacement schedule approved by the Zoning Administrator~~ *the trees shall be replaced and/or mitigated according to a replacement schedule approved by the Zoning Administrator.*

(5) Tree Fund. The Tree Fund is a fund established to receive monies exacted from tree removal violations fines to include, but not limited to, removal, damage, destruction, or as defined in division (A)(4) above, and as a form of mitigation when planting of the required trees is determined to be detrimental to the overall health of existing trees or impractical for the intended site design. The Zoning Administrator shall impose a tree mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. If the applicant disagrees with the amount of the tree mitigation fee imposed, he or she may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this chapter. All tree mitigation fees collected shall be paid to the town and placed in an account established for public beautification ~~through the planting of trees~~ on James Island.

The Planning Commission briefly discussed how each section should be voted on (all together or individually). Chairman Bevon said for simplicity, changes to Section 153.334 on pages 1, 3 and page 5A, could be grouped as one vote; and the others could be voted on individually. Afterward, questions from the Planning Commission were answered by Mrs. Crane.

Chairman Bevon moved to approve the staff recommendation to Section 153.334 on pages 1, 3, and page 5 A, Commissioner Lyon seconded. No further discussion. Motion passed unanimously.

Commissioner Sloane questioned under Section 2, (removing the BZA), and the schedule if someone does "A"; then "B" would be the mitigation they pay. He asked by changing this, would the Zoning Administrator have consistency with mitigating; rather than the BZA, having a totally different mitigation for each individual person. Mrs. Crane answered 'yes'. She said 8 inch trees could be cumbersome and expensive if all are heard by the BZA. -- the BZA will hear variances for Grand Trees. She further noted since working at the Town, she has not had a protected tree to go before the BZA. Commissioner Sloane asked who creates the schedule; Mrs. Crane answered she does. If someone is in violation, the mitigation is three (3) times the diameter breast height of the tree. If the tree is properly removed, the mitigation is inch-per-inch. Commissioner Sloane asked if the scheduled is seen by Town Council; to which Mrs. Crane answered no, the schedule is basically a mitigation plan.

Chairman Bevon asked for clarification on page 5, (d) what is being changed. Mrs. Crane answered that it is adding protected trees 8 inch and greater to major subdivisions. The way it is currently written, even if it was not added to major subdivisions, 8 inch and greater trees are still protected on commercial sites, civic institutional, and multi-family. If someone needs to remove an 8 inch or greater tree they would go to the BZA. She said the change takes away that requirement from the BZA and gives it to the Zoning Administrator. She used the Highland property as example. Mrs. Crane answered Commissioner Lyon's question about trees less than 24 inches heard by the BZA that are on a commercial site, civic institution, or multi-family.

Commissioner Sloane moved to approve (E) Tree Removal, Sections (d), (e), and #2 as recommended by staff; Chairman Bevon seconded. Commissioner Palmer asked what happens if someone takes down a tree(s) on a weekend and how it is handled. Mrs. Crane answered through contacting the Code Enforcement Officer, or Town Administrator and offered contact numbers for them. Motion passed unanimously.

Chairman Bevon moved to approve (F) Tree Replacement, Section (b); Commissioner Palmer seconded. No discussion. Motion passed unanimously.

Chairman Bevon moved to approve (F) Tree Replacement, Section, (2); Commissioner Sloane seconded. No discussion. Motion passed unanimously.

Commissioner Sloane moved to approve (F) Tree Replacement # (5) Tree Fund; Commissioner Steers seconded. Chairman Bevon said the language to this is on page 7. Commissioner Sloane said it is great to be able to use monies to maintain some of the trees we have vs. only planting new ones. Commissioner Lyon said for beautification purposes also. Chairman Bevon said he would like to see this tightened up to where it could be used for maintenance and improvement of trees or replacement of trees. Discussion followed based upon Chairman Bevon's comments, whether the motion on the floor should be withdrawn or amended. The Commission voted on Commissioner Sloan's original motion:

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|---|---|
| Commissioner Palmer | aye |
| Commissioner Sloane | aye |
| Commissioner Lyon | nay |
| Commissioner Steers | nay |
| Chairman Bevon | nay |

Motion failed.

Commissioner Lyon moved to modify the staff's recommendation to include through the planting *and maintenance* of trees (rather than deleting through the planting of trees); Commissioner Steers seconded.

Commissioner Palmer stated that maintenance is an important part of the change; if the trees are not maintained, they will die. Motion passed unanimously.

Chair's Comments: None

Commissioners' Comments: Commissioner Steers asked and was given information regarding trees taken down on a weekend. He asked about postings so that people know the tree has been approved to be taken down. Mrs. Crane discussed the permitting process which allows this to be done.

Next Meeting Date: The next meeting of the Planning Commission will be held on Thursday, June 9, 2016 at 6:00 p.m.

Adjourn: There being no further business to come before the body, the meeting adjourned at 6:50 p.m.

Respectfully, submitted:

Frances Simmons
Town Clerk and Secretary to the Planning Commission

DRAFT

RESOLUTION 2016-09

A RESOLUTION AMENDING THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, SECTION 153.334 TREE PROTECTION AND PRESERVATION

WHEREAS, Town Council proposes the following underlined changes to the Grand Tree definition for review and recommendation by the Planning Commission;

**§153.334 TREE PROTECTION AND PRESERVATION**

*(A) General*

(4) *Measurements and definitions*.

GRAND TREE. Any species of tree measuring 24 inches or greater diameter breast height (DBH) except pine and sweet gum. *However, within 25 ft of any public right-of-way of an existing single family residential lot, a grand tree is 18" or greater.* GRAND TREES are prohibited from removal unless a grand tree removal permit is issued.

NOW, THEREFORE, BE IT RESOLVED that the Town of James Island forwards the proposed text amendments to the Zoning and Land Development Regulations, Section 153.334, for review and recommendation by the Planning Commission.

Remanded to Planning Commission at May 19, 2016
Town Council Meeting

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk