

The Planning Commission met in the Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, December 10, 2015 at 6:00 p.m. Commissioners present: Bill Lyon, Warren Sloane, Ed Steers, and Chairman David Bevon, who presided. Absent: Lyndy Palmer, Vice Chair.

Also present: Kristen Crane, Planning Director, Leonard Blank, Town Council, Ashley Kellahan, Town Administrator, Mark Johnson, Public Works Coordinator, and Frances Simmons, Town Clerk and Secretary to the Planning Commission.

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

Prayer and Pledge: Chairman Bevon led the prayer and followed it 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 November 12, 2015 Meeting Minutes: Chairman Bevon moved to approve the November 12, 2015 meeting minutes, Commissioner Lyon seconded and the minutes passed unanimously.

Public Comments: None

Staff Comments:

Leonard Blank, 1500 Relyea Avenue: Mr. Blank introduced himself as a Councilmember for the Town of James Island; and the Chairman of the Town's Land Use Committee. He said the subdivision before the Planning Commission tonight is probably different from any they have seen, in that the subdivision will not have a publicly maintained road that goes through it; they will have an ingress/egress easement. He said the property line for each of the lots go to the center of the road, and the reason for an ingress/egress easement is because the lots do not meet the Town's size requirements if there were no ingress/egress easement. An ingress/egress easement is in compliance with the Town's land use regulations. He said the road to the subdivision will always be private. Councilman Blank said after he talked with Charleston County and the Town's Planning Director, Kristen Crane, they decided to recommend stipulations to protect the property owners because there have been problems in the past with property owners building fences in the middle of a road.

Councilman Blank said, should the Planning Commission approve the preliminary plat that they consider the following stipulations:

- 1) Homeowners Association document should include language that states "no structures (including buildings, fences, landscaping, etc.) are to be built or planted within ingress/egress easement".
- 2) Homeowners Association document should include language that states the HOA takes full responsibility for maintenance of the ingress/egress easement.

Councilman Blank asked for these stipulations to be placed into the HOA's documents. Councilman Blank availed himself to answer questions from the Planning Commission. Commissioner Sloane said HOA documents can be changed at a later point by an HOA; to which Councilman Blank said yes it could. Commissioner Sloane asked if there are wording that would protect that from being changed. Councilman Blank said if the stipulations are placed in the original HOA documents and someone comes to the Town for a permit for anything on the roadway, the Town would not approve it. Commissioner Sloane also asked, if the wording in the HOA were to be changed to allow something; or if the HOA rules were rewritten and it did not include the stipulation, what would prevent someone from putting in, for example, landscaping? Councilman Blank said that could happen and he does not know if there is anything the Town can do to

prevent it. He said we can only try to protect the property owners, and if an HOA changes the language or removes it and allow fences on their private road, he guesses we can say go ahead. There was brief discussion about owners' limited common areas and deed restrictions. Commissioner Sloane asked if we had information from the County or other municipalities about deed restrictions that cannot be changed by a simple majority vote and Councilman Blank explained the changes in HOA's restrictions that municipalities must now adhere to. He said if restrictions change, the Town has no control over them; however these are recommended to protect the property owners. Chairman Bevon commented on common areas shared by all and an owner's right on their individual lot.

Discussion, Presentation and Vote of Preliminary Plat for 695 Fort Johnson Road, Application #20835-P, TMS#454-10-00-095: Chairman Bevon announced the staff review of the preliminary plat for the Sovereign Still subdivision, at 695 Fort Johnson Road. He said after the staff's review, the applicant will have an opportunity to speak and answer questions. The Planning Commission has final decision-making authority to approve, approve with conditions, or to deny the application.

Planning Director, Kristen Crane gave the staff's review and a full copy is attached. She stated that the purpose of the Preliminary Plat is for the future conveyance of 10 new lots at 695 Fort Johnson Road. This application has been approved by the Planning and Engineering Departments.

Applicant:  
Danny Forsberg, Forsberg Engineering  
28 Held Circle

Mr. Forsberg presented the request for preliminary plat approval for 10 lots at 695 Fort Johnson Road. He informed the Planning Commission that he was fine with the stipulations recommended by Councilman Blank. He explained why the ingress/egress easement to the development is needed and that it meets the guidelines of Charleston County and the Town of James Island. He said he is happy to include the recommendations by Councilman Blank into the HOA document or into the plat.

Discussion was led by Commissioner Steers about drainage and he mentioned the effects of the recent floods on Highwood. He asked that steps will be taken to ensure drainage flows with this development. Mr. Forsberg responded that they intend to build two retention ponds that should take care of drainage. He noted that they do not intend to block any drains and the County will also make sure that no drains are blocked.

Chairman Bevon moved for the approval of the Preliminary Plat for 695 Fort Johnson Road, Application #20835-P, TMS#454-10-00-095 with the staff recommendations, Councilman Blank's recommendations, and prior to final approval, contingencies 1-7 must be met. Commissioner Steers seconded the motion.

During discussion, Chairman Bevon commented on the stipulations recommended by Councilman Blank is to try to prevent an owner from building in the road; however, there is no liability to the Town if someone does, because it is private land. He noted it is extreme to say that we won't allow an ingress/egress easement because the land would become landlocked with owners not being able to get to their property, and the Town's Zoning and Land Regulations allows for ingress/egress easements. Commissioner Lyon said the concerns he had about drainage was addressed.

MOTION: Preliminary Plat for 695 Fort Johnson Road, Application #20835-P, TMS#454-10-00-095:

Stipulations:

1. Approval of this plan in no way obligates the Town of James Island to maintain any of the proposed right-of-way/ingress-egress easement and drainage system

2. The private HOA areas shall be dedicated to a legally recognized entity. Private HOA areas shall not be dedicated to the public. Further, the Town of James Island, nor Charleston County is obligated or responsible for the private HOA areas maintenance. The dedication to an entity will be reviewed and approved by the Town's legal department prior to recording of a Final Plat.

Prior to Final Approval, the following Contingencies must be met:

1. Submission of a Certificate of Title or sworn Affidavit of Ownership of each person or persons dedicating the ingress/egress easement to the property owners.
2. Lots must comply with the provisions of the Town of James Island's Subdivision Regulations pertaining to final plats and final approval.
3. Lots must comply with the Town of James Island's Zoning and Land Development Regulations.
4. This approval in no way constitutes approval for any individual lot in this subdivision
5. Public water and sewer taps are to be installed to each lot prior to the recording of a final plat.
6. Development of each lot must comply with the ordinances in effect at the time application is made.
7. All infrastructure is to be installed prior to recording a final plat.

Stipulations Recommended by Councilman Blank for HOA:

- 1) Homeowners Association document should include language that states "no structures (including buildings, fences, landscaping, etc.) are to be built or planted within ingress/egress easement".
- 2) Homeowners Association document should include language that states the HOA takes full responsibility for maintenance of the ingress/egress easement.

Chairman Bevon called for the vote and the motion passed unanimously with all recommended stipulations.

Chair's Comments: None

Commissioners' Comments: Commissioner Sloane gave an update on the land sold by First Baptist Church to Sabel Homes for the construction of 90 homes. Those homes will be built at the back of the James Island Youth Soccer Club and during the construction, the road to the Soccer Club will be blocked off. Commissioner Sloane noted that a Memorandum of Understanding (MOU) will be worked out with the City of Charleston.

Next Meeting Date: The next meeting of the Planning Commission will be held on Thursday, January 14, 2016.

Adjourn: There being no further business to come before the Planning Commission, the meeting adjourned at 6:28 p.m.

Respectfully submitted:



Frances Simmons  
Town Clerk and Secretary to the Planning Commission