

The Planning Commission met in the Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, February 11, 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, Town Council, Ashley Kellahan, Town Administrator, Mayor Woolsey, Garrett Milliken, and Frances Simmons, Town Clerk and Secretary to the Planning Commission. Media: James Island Messenger, Live 5 News.

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

Prayer and Pledge: Chairman Bevon led the payer 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 December 10, 2015 Meeting Minutes: Chairman Bevon moved to approve the December 10, 2015 meeting minutes; Commissioner Lyon seconded. Minutes passed unanimously.

Public Comments: The following persons addressed the Planning Commission:

Garrett Milliken, 762 Fort Sumter Drive: Mr. Milliken stated that he is a Councilmember for the Town of James Island and is speaking as a private citizen. Mr. Milliken's statement is attached.

Mrs. Brook Lyon, 669 Port Circle: Mrs. Lyon commented that she also had the privilege of attending the SC Trees Conference (last October) with Mr. Milliken, Mr. Lyon, and Ms. Palmer. She encouraged the Planning Commission to realize how important trees are to our natural resources on James Island, referring to the Town's logo with a tree canopy. Mrs. Lyon said working with the Town on the BZA, and as President of Lighthouse Point Neighborhood Association, the Town is good in working with people to take down trees that causes a hardship or trees that are diseased. She personally encouraged the Planning Commission to keep the trees at 18 inches. She said Lighthouse Point is a mixture of city properties and there is a smaller subdivision within the subdivision -- she has seen tons of trees taken down and it shocks her. She believes the City's tree size is 24 inches and she hopes the Town will mirror Summerville and Folly Beach's 18 inch tree size. These are her personal thoughts as a citizen.

Staff Comments: None

Discussion of Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) including: Chairman Bevon announced that Mrs. Crane, Planning Director, will present the recommended changes to the Zoning and Land Development Regulations Ordinance. Discussion and vote will follow after each amendment.

§153.231 TEMPORARY SALES

Currently reads:

- (A) Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted only once in a calendar year from the same zoning lot.

Recommendation:

- (A) Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted *twice* in a calendar year from the same zoning lot.

Commissioner Sloane asked how this pertained to craft shows. Mrs. Crane said a craft show would require a special events permit. This is different from the recommended change. There are no limits to the number of craft shows someone can have.

Commissioner Palmer asked if there is a way to control the number of auctions or garage sales a person has; Mrs. Crane replied on a complaint basis.

Motion: Commissioner Sloane moved to accept the recommended change; seconded by Commissioner Palmer. Motion passed unanimously.

§153.177 SPECIALIZED MANUFACTURING

Currently reads:

- (A) In zoning districts subject to condition (C), a structure or structures used for specialized manufacturing shall have a maximum floor area of 2,000 square feet and shall have no more than five non-resident employees.
- (B) All activities related to the specialized manufacturing use shall be confined to a structure that is entirely enclosed.
- (C) On-site retail sales are prohibited.
- (D) All specialized manufacturing uses shall comply with the site plan review requirements of this chapter.

Recommendation:

- (A) In zoning districts subject to condition (C), a structure or structures used for specialized manufacturing shall have a maximum floor area of 2,000 square feet and shall have no more than five non-resident employees.
- (B) All activities related to the specialized manufacturing use shall be confined to a structure that is entirely enclosed.
- (C) All specialized manufacturing uses shall comply with the site plan review requirements of this chapter.

Mrs. Crane listed specialized manufacturing that falls under this category. Commissioner Sloane asked what the purpose is for the employee limit and residency requirement; to which Mrs. Crane said she was uncertain, it could be from one of the County's versions adopted by the Town. Chairman Bevon said the Planning Commission can propose changes and make recommendations to Town Council at any time for consideration. Commissioner Sloane said he was okay with this, and it may require further study before getting rid of it.

Motion: Commissioner Steers moved to accept the recommended change; seconded by Commissioner Lyon. Motion passed unanimously.

Table 153.110: MANUFACTURING AND PRODUCTION

Currently reads:

Beverage or related products manufacturing, including alcoholic beverages. (Nothing in "CC" box = not allowed)

Recommendation:

Beverage or related products manufacturing, including alcoholic beverages. (Add an "S" in "CC" box = allowed only if reviewed and approved in accordance with the special exception procedures of this chapter, subject to compliance with use-specific conditions and all other applicable regulations of this chapter.)

Mrs. Crane informed the Planning Commission that letters of support were given to them.

Motion: Commissioner Lyon moved to accept the recommended change; seconded by Commissioner Steers; no discussion. Motion passed unanimously.

§153.334 TREE PROTECTION AND PRESERVATION

Currently reads:

(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:

- (a) Trees are not required to be retained by the provisions of this section.
- (b) Trees are diseased, dead, or dying (as determined by the Zoning Administrator or a qualified arborist);
- (c) Trees pose an imminent safety hazard to nearby buildings or pedestrian or vehicular traffic (as determined by the Zoning Administrator or a qualified arborist); and/or
- (d) Removal of required trees has been approved by the Board of Zoning Appeals.

Recommendation:

(E) *Tree removal*

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- (a) Trees are not required to be retained by the provisions of this section.
- (b) Trees are diseased, dead, or dying (as determined by the Zoning Administrator or a qualified arborist);

- (c) Trees pose a safety hazard to nearby buildings or pedestrian or vehicular traffic (as determined by the Zoning Administrator or a qualified arborist); and/or
- (d) Removal of required trees has been approved by the Board of Zoning Appeals.

Mrs. Crane said the change is to remove imminent from one of the requirements for a tree permit. Miriam Webster's Dictionary defines imminent as "ready to take place, hanging, threateningly over one's head". She goes out on tree permit calls and the majority of people she meets are nervous about a tree falling onto their house. It may not be an imminent situation, but it is a safety hazard. Also homeowners are required to pay for an arborist or engineer to tell us (the Town) that the tree is causing structural damage, or it is ready to fall. She said a safety hazard is a safety hazard and recommended the word imminent taken out.

Commissioner Sloane said he likened an imminent safety hazard to a tree hanging over a house, cracking, and attempting to fall vs. a tree growing besides a house and starting to destruct the foundation of the house that takes years for the damage to impact; or fall because it has become severely damaged. He asked if that is the idea, or, are people nervous about trees close to their house. Mrs. Crane said yes, people are nervous and worried about the closeness of the tree to their house and their safety. Commissioner Sloane then asked who makes the call and decide whether someone is just nervous about a tree; or if it is actually a safety hazard. Mrs. Crane said if a tree is not dead, diseased, or dying she will ask the homeowner to have an arborist, engineer, or contractor to look at it and make that determination.

Motion: Commissioner Sloane moved to accept the recommended change; seconded by Commissioner Steers and passed unanimously.

§153.334 TREE PROTECTION AND PRESERVATION

Currently reads:

(A) General

(4) Measurements and definitions.

GRAND TREE. Any species of tree measuring 18 inches or greater diameter breast height (DBH) except pine and sweet gum. All GRAND TREES are prohibited from removal unless a grand tree removal permit is issued.

Recommendation:

(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. All GRAND TREES are prohibited from removal unless a grand tree removal permit is issued.

Mrs. Crane reviewed the recommendation to change the current tree size from 18 inches to 24 inches to be consistent with the City of Charleston and Charleston County. She said 95% of the calls she goes out on are for Water Oaks. Councilman Steers asked if there are other municipalities that protect trees at 18 inches. Mrs. Crane said she did research in 2013 on tree size in other municipalities and listed species of protected trees ranging from 16 to 24 inches. Councilman Lyon asked why 24 inches; why not 20 or 21 inches and Mrs. Crane noted to be consistent with other jurisdictions. Commissioner Sloane asked what problem we are solving by taking this particular hornet's nest. Mrs. Crane said there are homeowners needing to take down a tree, and some are unsure which jurisdiction they live -- changing the tree size would make it consistent with other municipalities. Commissioner Steers asked if the violations are rampant and Mrs.

Crane said she has had six or seven since working here. Commissioner Sloane asked if these were violations or requests and Mrs. Crane said they were violations that were pursued. Commissioner Palmer asked if we could compromise on some of this; perhaps define some of the trees that should remain at 18 inches and specify those to be 24 inches, i.e., Grand Oaks. Mrs. Crane said tonight the 24 inches is what's on the table and discussions about other things can occur at a later time. Commissioner Sloane asked if the Planning Commission could approve this and have Council adjust it as they see fit. Mrs. Crane said if the change is substantial it would come back to the Planning Commission. Chairman Bevon called for a motion to approve the staff's recommendation. Commissioner Palmer moved for discussion, and Commissioner Sloane seconded.

Commissioner Palmer said she would like to look at this more. She mentioned having a break-down of trees that cannot be touched at 24 inches and those that might be able to at 18 inches. She loves trees but understands there are implications when tree roots gets too close to a house. Her big concern is the amount of money a homeowner pays. She gave an example of a 19 inch tree in the middle of a lot that prohibits building on the lot. Chairman Bevon said he thinks there are exceptions for a single family residential lot that has a tree in the footprint of the house. Those people can get relief to build on a single family residential lot; not developers. He said private homeowners do have ways to be relieved. He would say that you cannot buy a wooded lot on James Island to build and not be able to remove a grand tree. Commissioner Palmer said we should state that, and there needs to be differentiation between the homeowner and developer. Commissioner Sloane said he would like to vote up or down and if Council is interested in exploring a varied or tiered ordinance they could instruct the staff to research and have it come back to the Planning Commission. He would like to see this go forward to Town Council for discussion. Commissioner Steers agreed and would like to learn more. As a new Planning Commissioner he does not have some of the history the others have. Chairman Bevon added that the zoning and land development regulations is a big document and this is a section people on the island care deeply about and brings the most interest. He said this is not a static document, it can be changed at any time by asking staff to place items on the agenda and recommendations can be forwarded to Town Council for consideration.

Vote:

No: Chairman Bevon, Commissioner Palmer, Commissioner Lyon

Aye: Commissioner Sloane, Commissioner Steers

Motion did not pass: 3-2

Appendix A (Ordinance 2012-06, Attachment C) PRIVATE ROAD STANDARDS

Currently reads:

§A.2.2 Ingress/Egress Easement (Maximum of 10 Lots)

ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES: The landowner/developer shall determine the location of easement(s) and the type of access to be provided. The location of the easement(s) shall be clearly depicted and labeled on submitted plats or plans.

Recommendation:

§A.2.2 Ingress/Egress Easement (Maximum of 4 Lots)

Mrs. Crane said this will change the ingress/egress easement from 10 lots to 4 lots; and will prevent developers from using the right-of-way area in their lot size and density requirements.

Motion: Commissioner Palmer motioned for discussion, Commissioner Lyon seconded.

Chairman Bevon and Commissioner Lyon said the recommended change is good. Motion passed unanimously.

Chairman Bevon announced that Town Council will hold a Public Hearing and First Reading on these amendments with the Planning Commission's recommendations at their March 17, 2016 meeting. The Second Reading will be held at the April 21st Town Council meeting.

Election of Planning Commission Officers for 2016: Chair and Vice-Chair: Chairman Bevon announced that local Planning Commissions must elect one of its members as Chair and Vice-Chair for a one-year term. These appointments will begin immediately and last through 2016.

Chairman Bevon opened the nominations for the Chair. Commissioner Lyon moved to reappoint David Bevon; Commissioner Steers seconded. No other nominations. Motion passed unanimously for Chairman Bevon to continue to serve.

Chairman Bevon opened the nominations for Vice Chair, and moved to reappoint Commissioner Palmer; Commissioner Steers seconded. No other nominations. Motion passed unanimously for Commissioner Palmer to continue to serve.

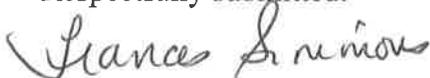
Chair's Comments: Chairman Bevon thanked the Planning Commission for their confidence in voting for him to serve again as Chairman. This is a service and responsibility that he takes seriously and strives to be a good steward for the Town. He thanked those who came out regarding the proposed amendments to the Zoning and Land Development Regulations Ordinance.

Commissioners' Comments: None

Next Meeting Date: The next Planning Commission meeting will be held on Thursday, March 10, 2016 at 6:00 p.m.

Adjourn: There being no further business to come before the body, the meeting adjourned at 6:35 p.m.

Respectfully submitted:



Frances Simmons

Town Clerk and Secretary to the Planning Commission

Good evening folks, My name is Garrett Milliken and I am a member of James Island Town Council , but I am here tonight as a private citizen and also as a past member and past chair of the Planning Commission. I know that Mayor Woolsey and Mayor Pro Tem Blank come and speak to you all at times, and also to BZA, but again, I am here as a private citizen.

A few of you have been appointed to PC since the Tree Unpleasantness of 2013 - which you may or may not have heard about. To fill you in, in 2013 Planning commission decided to define Grand Trees in the Town as trees 18 inches and greater, diameter at breast height. This rolled up and down and all around, and after several months: the definition was set at 18 inches and greater dbh.

The past history of this was that in one of our former towns, trees were protected at 12 inches DBH and greater, then at some point in time, it had edged up to 18 inches and Greater DBH. A new town was incorporated and the DBH became 24” but then that town was disbanded. When the Town reincorporated and the PC did a review of the land use plan in 2013, the DBH was changed to 18 inches; and to further explain: this is the Definition of a Grand Tree, this is not about Protected Trees, which differs for all municipalities. As you all know, the reason for this, is not to Save Every tree on James Island, because that would be impossible - it's to encourage the preservation & protection of established trees, and to allow for a process to mitigate trees that are cut down, and ask that folks who do that to substantial, healthy trees: Plant More Trees if that is what is decided by BZA--- when they receive a variance or permit to do that. For example, I think the Pulte Group took out a few grand trees and they should have had to plant new trees to replace what they took out,,I see some holly trees out there, and there are new oaks that they've planted.

Anyway, there was quite a hoo ha over the 18 inches, which just so you all understand is a TREE that measures 57 inches around in circumference. That is a large old tree, 30-40 yrs old on James Island, or more depending on species.

If you compare to 24 inches DBH, that is a tree that measures 75.5 inches around, and that is a massive massive tree - the bigger oaks, the older trees measure like that.

What we've learned and found out is that it's of critical importance to do all we can to save Yes, our Old Granddaddy Oaks, but also our more vital, healthy, younger trees ---to protect our urban tree canopy. Mr. Lyons, Ms. Palmer and myself attended the Trees SC conference where we learned that there are numerous tree species that will never grow as large as 18 inches but provide specialized feeding niches and habitats for local birds and wildlife.

Now where you get into problems is: we have a hard time talking anyone into preserving a Pine tree, as they are more fragile in hurricane forces, or into preserving a sweet gum tree, which are fabulous and native, and if you drive through a neighborhood like Harborwoods - it is full of 30+ foot tall sweet gum - but sweet gum drop the burrs and nobody likes those burrs. Now Take Magnolias, Those don't get huge trunks, That is an iconic Southern tree w/ those gorgeous blooms,,they almost always measure less than 75 inches around , which is that 24 DBH,,even at 75-80 years old....and the bumblebees love those magnolia blooms.

Another issue is that we've seen what is happening to our very old big oaks, is that they are rotting and splitting at times from all this rain. That in and of itself is the reason to save the younger more vital oaks and all species of trees.

We really incorporated the Town of JI to be more preservation minded than the City or the County. I think Ms. Crane has worked really well w/ residents and I know the Town is reasonable about exceptions & enabling residents to take down trees that are diseased or problematic if they need to.....

Mainly, I wanted to speak to you all tonight to let you know some background on this, and the reason for the 18 inch definition ----- and my recollection is that many residents came out and supported that vs. the 24 inches.

18' protects tree species diversity, it allows for younger trees to be protected and it allows for James island to retain its commitment to tree preservation in the face of challenges from the City of Charleston and unincorporated Charleston County. Keeping more trees keeps JI looking like JI. Thank you.