

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, February 9, 2017 at 6:00 p.m. Commissioners present: Lyndy Palmer, Zennie Quinn, Bill Lyon, and Chairman, David Bevon, who presided. Absent: Ed Steers, gave notice.

Also present: Planning Director, Kristen Crane, Town Administrator, Ashley Kellahan, Mayor Bill Woolsey, Councilman Garrett Milliken, and Town Clerk and Secretary to the Planning Commission, Frances Simmons.

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 December 8, 2016 Meeting Minutes: Chairman Bevon moved for approval of the January 12, 2017 meeting minutes; Commissioner Palmer seconded. Passed unanimously.

Public Comments: The following persons addressed the Planning Commission:

Katherine Williams, 1846 Cornish Avenue, Chair of the Town's Arts Commission submitted a letter to the Planning Commission regarding the definition of murals and signage. She read a statement regarding the economic impact of restricting murals. Statement attached.

Carmen Tyner, 1526 S. Pinebark Lane, President, National Honor Society at James Island Charter High School commented that banning murals because it is called signage; or, to prevent tagging and illegal forms of graffiti is not going to stop people from doing it illegally. She thinks murals attracts people to a town. When she visited Reykjavik, Iceland, the murals on the sidewalks and walls attracted people there because of its beauty. She said Charleston and James Island are growing and tourists will come here because of that form of art expression.

Meredith Poston, 1763 Lady Ashley Street, commented on the importance of murals. She said restrictions on signage are important; differentiating between murals as art and murals as signage is rather clear; mural is art, not a sign; such as that on the Money Man Pawn building. There are signs that are eyesores. Money Man Pawn and Sweet Water Café has had a broken sign for years. No one goes after them; we go after the things that beautify our island and stands us apart. We say that we are not like Mt. Pleasant; why do we make these advancements to make ourselves like Mt. Pleasant. She asked the Planning Commission to support murals.

William Turner, 695 Port Circle, Mr. Turner said he is the artist that painted the mural the Planning Commission is discussing. He talked about the importance of art; that it brings money into the lowcountry and to the Town. Painting murals has opened many opportunities for him. He asked that the Planning Commission not limit that opportunity for our community.

David Tomlin, local landscape architect said 90% of the buildings they design have one thing in common ... that is one or both sides of a building is blank. He said this ends up being a wonderful

canvas for artists. From a design standpoint, he urged the Planning Commission to allow artists to have that blank canvas. He discouraged an approval process through the Board of Zoning Appeals (BZA) because people will have to provide a hardship.

Staff Comments: None.

Chairman Bevon announced that the Planning Commission would be voting on the two amendments. The first is a recommendation from Town Council and the second is recommended by staff.

Discussion of Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR): Recommendations Concerning Amendment Regarding Murals (Ordinance 2017-01): Mrs. Crane reported that Town Council recommended the first amendment at its January 19 meeting to allow murals when they are included in the Sign Ordinance allowance. Requests for additional or a larger murals would go before the Board of Zoning Appeals for a Special Exception.

Mrs. Crane explained that staff recommends removing murals from the Sign Section of the Ordinance and add it to Architectural and Landscape Design Guidelines. She said the Planning Director would permit additional or larger murals. Mrs. Crane said this is simpler and a good compromise since we have architectural and landscape design guidelines and use them when reviewing conceptual plans for signs and redevelopments. She believes this could also be an opportunity to involve the James Island Arts Commission's perspective and guidance on murals if needed. Mrs. Crane said definitions were offered by the James Island Arts Commission for a mural and a logo, and they could be administratively added to the Ordinance. She commented that there is some misinformation on social media about the Town's view on murals. She used White Duck Taco as an example and stated according to our ordinance, they are allowed to have a duck twice the size they now have.

Chairman Bevon asked if mural is currently addressed in the Signage Ordinance. Mrs. Crane said it is not addressed. Commissioner Lyon asked and Mrs. Crane confirmed that if a request is heard before the BZA, there is a fee of \$250.00. Chairman Bevon made a comment that the first sentence of Town Council's recommendation could be in the Sign Ordinance and if it is over the size guidelines, the entire recommendation could be in the Architectural and Landscape Design guidelines.

Commissioner Palmer asked if there were guidelines for murals. Mrs. Crane said she is uncertain whether definitive guidelines are needed. Commissioner Palmer said she has seen some murals that are inappropriate for public viewing. She asked who would have the final say about them. Mrs. Crane said under the staff recommendation, it would be the Planning Director; however, she would consult with the Arts Commission if she needed. Commissioner Quinn asked if someone could paint a mural on the entire side of a building; is there a size limitation. Mrs. Crane said staff would have to look into that. Commissioner Lyon expressed there is no public input under the staff recommendation. Commissioner Quinn asked if the amendment is approved, are there any murals that would be affected. Mrs. Crane said no; there are three in the Town. She said there are legal non-conforming uses in the Ordinance and if murals were not considered signs; they would be

grandfathered. Chairman Bevon explained the reason the request came from Town Council is to prevent drawing of logos as advertisement on businesses that other businesses could not do. It was placed under the Sign Ordinance to prevent unfair advertising. After the discussion, Chairman Bevon made a motion on the amendment recommended by Town Council at its January 19, 2017 meeting:

Murals on exterior building walls are permitted when included in the number and square footage applying to wall/façade signs (See Table 153.341 C). Other murals visible to the public or neighboring property owners may be permitted due to artistic, historic or other cultural interest by Special Exception; Commissioner Lyon seconded the motion.

Chairman Bevon stated that it is worth saying that no Planning Commissioner is against murals or art, or trying to ban murals. He said there was a purpose for not allowing logos and advertisements that are larger than signs and the Planning Commission wants to find a balance and determine what is and what is not allowed. Chairman Bevon said he would vote to keep the first sentence “that murals are allowed as long as they meet the sign square footage.” Commissioner Lyon voiced concern about an appearance before the BZA. Chairman Bevon explained that he was referring to the first sentence; he is not in favor of going before the BZA.

VOTE -TOWN COUNCIL RECOMMENDATION:

Favor: Commissioner Quinn.

Oppose: Commissioners: Lyon, *Palmer, Chairman Bevon.

**Commissioner Palmer originally voted in favor. She changed her vote in opposition after clarification was given that the entire amendment by Town Council was being voted on, not the first sentence only. The motion failed 3-1.*

Chairman Bevon moved for a motion on the amendment recommended by staff:

§153.336 Architectural and Landscape Design Guidelines (C) (3) Building Color

(c) Murals on exterior building walls are allowed when included in the number and square footage requirements applying to wall/façade signs (See Table 153.341 C). Any additional or larger murals visible to the public or neighboring properties may be permitted by the Planning Director because of artistic, historic or other cultural interest. Commissioner Lyon seconded the motion.

Commissioner Lyon said the only problem he has with the staff recommendation is there is no input from the public. Commissioner Palmer said this is a good point; however, she can see chaos with all of the public hearings, the cost to advertise the hearings, and police being required at meetings. She commented that everyone has a different opinion about art, and that makes it special. Commissioner Lyon said he does not think anyone has a problem with the murals, and it is not that he does not trust the Planning Director or the Arts Commission’s decision but feels someone else may have a different perspective and may want to voice it. Chairman Bevon said someone could paint something controversial; but most business owners want to paint something people will see as cool, funky, has character and is good for business and the island. Commissioner Lyon asked the possibility of the approval by the Planning Director and the Arts Commission with the final

approval by Town Council. Chairman Bevon said he could make this as a motion, but it is not the motion on the floor being voted on.

VOTE - STAFF RECOMMENDATION:

Favor: Commissioners: Palmer, Quinn, Chairman Bevon

Oppose: Commissioner Lyon

Motion passed 3-1

Commissioner Lyon made the **motion to accept the staff's recommendation and add final approval by Town Council**; Chairman Bevon seconded the motion. Commissioner Lyon said the Planning Director and Chair of the JI Arts Commission would approve the mural and it would go to Town Council for final approval.

VOTE - COMMISSIONER LYON MOTION:

Favor: Commissioner Lyon

Opposed: Commissioner Quinn, Palmer, Chairman Bevon

Motion failed 3-1.

Chairman Bevon announced that Town Council would hold a Public Hearing and First Reading on the Planning Commission's recommendation at the March 16 meeting. Second Reading will be held at Town Council's April 20 meeting.

Chairman Comments: None

Commissioners Comments: None

Next Meeting Date: The next meeting of the Planning Commission will be held on Thursday, March 9, 2017.

Adjourn: There being no further business to come before the Planning Commission, the meeting adjourned at 6:37 p.m.

Respectfully submitted:

Frances Simmons

Town Clerk and Secretary to the Planning Commission