

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, June 9, 2016 at 6:00 p.m. Commissioners present: Lyndy Palmer, Warren Sloane, Bill Lyon, Ed Steers, and Chairman David Bevon, who presided.

Also present: Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Councilman Darren “Troy” Mullinax, Councilman Leonard Blank, 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 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 May 12, 2016 Meeting Minutes: Chairman Bevon moved for approval of the May 12, 2016 meeting minutes; Commissioner Palmer seconded and made a correction on page 4, paragraph 1; next to the last sentence, to delete “d” from the word scheduled. Minutes were approved with the correction.

Public Comments: None

Staff Comments: None

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:

Chairman Bevon announced that Town Council at its May meeting voted on Resolution #2016-09 that contains a proposed amendment to the Tree Protection and Preservation Section of the Ordinance. Council voted to send the proposal to the Planning Commission for a vote of recommendation. The proposal was written by Councilman Mullinax who is here to give a brief explanation.

Councilman Mullinax said he is trying to formulate a compromise; that within 25’ of any public right-of-way of an existing single family residential lot, a grand tree is 18” or greater; beyond that, a grand tree would be 24’ or greater; excluding the trees on the endangered species list: Pine, Sweet Gum, etc. He is trying to create a delicate balance for homeowner rights and protect some of the natural resources on the island. He is looking for something that will be consistent; not to change with every council and mayor. Councilman Mullinax said he is open to having the amendment tweaked as some concerns have been brought to his attention; such as there may be some yards or homes affected more than others. He said that may require some leniency for the homeowner to the BZA. In summary, the amendment would stand the test of time and it will be a good balance.

Kristen Crane, Planning Director, reported that she researched the City of Hanahan’s Tree Ordinance that this amendment started off to mirror. She spoke with the City of Hanahan Building Official and was told that they no longer use this requirement. That particular ordinance was in effect from 2008 and was discontinued in 2013 due to issues from requiring surveys to locate property lines, to utility companies having problems with their easements in protected areas. She said Hanahan protects trees at 8” or greater and Landmark trees at 24” or greater. In order to remove a Landmark tree, it must be shown that the tree is in a buildable area of the square footage of the home or driveway and it is mitigated according to a schedule.

Mrs. Crane said we may have the same issues that Hanahan had because a homeowner has to determine where a 24' line begins and ends. Commissioner Lyon asked how the City of Hanahan's ordinance has changed. Mrs. Crane said protected trees are 8" or greater, (same as the Town) including those on a single family lot, and Landmark trees are 24" or greater for most trees. Basically 25% of the trees are kept on a lot; however, this is done on a case-by-case basis. If a landmark tree is removed, it is mitigated according to a schedule. Diseased or dying trees do not have to be mitigated. Hanahan no longer uses this ordinance as a requirement.

Chairman Bevon moved for a vote on Town Council's Resolution #2016-09, Amendment to Section 153.334 Tree Protection and Preservation. Commissioner Lyon seconded. Commissioner Steers was given clarification that the motion is to approve the resolution as presented with the 25 ft. Commissioner Lyon said this may be a good compromise. Chairman Bevon said he is not against the resolution; he guesses, as Mrs. Crane mentioned, that the enforcement or measurement may be what Hanahan came across. We often think of public right-of-ways as only a road; but there are some easements that can go 10-15 feet into people's yards. Commissioner Lyon asked if the right-of-way from the center of the road is 25 ft., Mrs. Crane answered that it can vary. Commissioner Steers asked if we didn't approve the amendment; would 24 ft. remain consistent throughout the property. Chairman Bevon answered that Town Council has asked the Planning Commission to make a recommendation. He said Town Council will vote on the amendment whether the Planning Commission approves or disapproves and they will hold a public hearing and first reading at its July meeting. He briefly discussed Town Council's decision to send amendments to the Planning Commission for recommendation. Commissioner Sloane asked if the 25 ft., is from the edge of any public right-of-way, and used the example of a water meter in a front yard. Some discussion followed. Commissioner Steers said he thinks compromise is good when it is appropriate; but we are looking at doing this when Hanahan has experienced it and felt they needed to remove the 25 ft. He said we have organizations that are able to change things if it becomes obvious that it should change, so this doesn't lock us in to the end of time if we change it or not. After discussion, Chairman Bevon called for the vote. Secretary, Mrs. Simmons, asked for a roll-call as the votes previously cast could not be determined.

Roll Call

Commissioner Palmer	no
Commissioner Sloane	no
Commissioner Lyon	yes
Chairman Bevon	no
Commissioner Steers	no

Motion failed. Town Council will hold a Public Hearing and First Reading regarding the Amendment to Section 153.334, Tree Protection and Preservation, with the Planning Commission's recommendation at its July 21st meeting. Second Reading will be held at Town Council' August 18th meeting.

Chair's Comments: None

Commissioners' Comments: None

Next Meeting Date: The next meeting of the Planning Commission will be held on Thursday, July 14, 2016 at 6:00 p.m.

Adjourn: There being no further business to come before the body, the meeting adjourned at 6:18 p.m.

Respectfully submitted:

Frances Simmons, Town Clerk and Secretary to the Planning Commission