

MAYOR
CHRISTIE RAINWATER
MAYOR PRO TEM
MICHAEL SALLY
CITY ADMINISTRATOR
COURTNEY SOLER



CITY COUNCIL
KEN BOGGS
JEFF C. CHANDLER
MIKE DYSON
KEVIN HEDGPETH
ADAM SPURLOCK

AGENDA

HANAHAN PLANNING COMMISSION MEETING

Tuesday, May 7, 2024

6:00 P.M.

- 1. Call to Order by Chairman Phil Strope**
- 2. Determination of a quorum.**
- 3. Pledge of allegiance to the Flag.**
- 4. Read and approve the meeting minutes from April 2, 2024, and April 25, 2024.**
- 5. Executive Session:** *Executive Session to receive legal advice covered by the attorney-client privilege (S.C. Code Ann. § 30-4-70(2)) concerning annual legal training.*
- 6. Old Business:**
None
- 7. New Business:**
None
- 8. Citizen Comments.**
- 9. Next Meetings:** Tuesday, June 4, 2024
- 10. Adjourn.**

HANAHAN PLANNING COMMISSION REGULAR MEETING**April 2, 2024, 6:00 P.M.**

NOTE: During periods of discussion and/or presentations, minutes are condensed and paraphrased. Digital coverage of the meeting is available upon a Freedom of Information Request.

The meeting of the Hanahan Planning Commission was held in the Debbie Lewis Municipal Chambers at 1255 Yeamans Hall Rd on April 2, 2024. Chairman Strobe presided over the meeting. Commissioners Butch Thrower, Chris Brace, Brian Hamilton, Matt Weatherford, Pat Eckstine, and Paul Ferrara were in attendance. A quorum was present. This meeting agenda was posted on the bulletin board at City Hall. Staff members in attendance were Lee Lawson (City Planner), Larry Sturdivant (Building Official), Boone Aiken (City Attorney), Courtney Soler (City Administrator), Cam Spencer (Asst. to the City Administrator), and Jeff Chandler (City Councilman). Visitors present were Ray Wrenn, Sarah Wrenn, Fred Skipper, Gary Greenman, Jim Bush, Elisha Bendele, Greg Bauer, Tim Crowley, Gregory Brown, Amanda Colvin, Brandon Jessup, and John McBrath.

1. CALL TO ORDER:

Chairman Strobe called the meeting to Order at 6:05pm.

2. DETERMINATION OF A QUORUM:

Chairman Strobe made the determination that a quorum was present.

3. PLEDGE OF ALLEGIANCE TO THE FLAG:

The pledge was recited.

4. READ AND APPROVE THE SPECIAL MEETING MINUTES FROM MARCH 5, 2024:

Chairman Strobe asked if there were any corrections to the minutes. There were none. He then asked for a motion to approve the minutes. Commissioner Thrower made a motion to approve the Minutes of March 5, 2024. Commissioner Brace seconded the motion. Motion passed after a Roll Call Vote. Commissioner Hamilton abstained.

5. READ AND APPROVE THE MEETING MINUTES FROM MARCH 5, 2024

Chairman Strobe asked if there were any corrections to the minutes. Chairman Strobe mentioned a few typographical errors to be corrected. He then asked for a motion to approve the minutes. Commissioner Weatherford made a motion to approve the Minutes of March 5, 2024, with the corrections. Commissioner Thrower seconded the motion. Motion passed after a Roll Call Vote. Commissioner Hamilton abstained.

6. OLD BUSINESS:

There was no old business.

7. NEW BUSINESS:**A. Text Amendments (Public Hearings).**

- 1) PC Resolution 3-2024:** An amendment to Zoning Ordinance Section 4.3 Land Use Table to allow accessory dwelling units to be accessory to Single-Family Residences in Residential Districts. **Applicant: City Staff**

Lee Lawson presented to the Commission. He explained the reasoning behind the proposed amendments. It was a request by City Council to look into the matter. Lee said that currently accessory dwelling units were only allowed in the Town Center and Town Residential districts. The proposal should help with some of the housing issues by allowing family members and such to live in an accessory unit next to a single-family dwelling. Lee said it was consistent with several principles of the Comprehensive Plan. Staff gave it a favorable recommendation.

Chairman Strope asked if the current regulations for the accessory dwelling units would also apply to the proposal. Lee answered and explained that they would. Commissioner Eckstine stated that along with her, former members Kary and Lackey had wanted to see this proposal come about. Commissioner Weatherford stated that he liked the amendments. Chairman Strope asked if there were any other questions.

PUBLIC HEARING:

Chairman Strope asked if there was a motion to enter into a Public Hearing. Commissioner Hamilton made a motion. Commissioner Eckstine seconded the motion. A Roll Call Vote was taken. Motion passed unanimously.

Chairman Strope informed the audience of the procedures for the public hearing regarding comments. He asked if there were any comments from the audience. There were none.

PUBLIC HEARING CLOSED:

Chairman Strope asked for a motion to close the Public Hearing. Commissioner Eckstine made a motion. Commissioner Hamilton seconded the motion. A Roll Call Vote was taken. Motion passed unanimously.

Chairman Strope asked for a motion to approve PC Resolution 3-2024. Commissioner Brace made a motion. Commissioner Weatherford seconded the motion. A Roll Call Vote was taken. Motion passed unanimously. Commissioner Ferrara abstained.

- 2) PC Resolution 4-2024:** An Amendment to Zoning Ordinance Section 4.3 Land Use Table with the following: 1) Add Pet or Pet Supply store as a permitted use in the Town Center (TC) and General Commercial (CG) Districts 2) add Animal and pet services as a permitted use in the General Commercial (CG) District, and 3) Remove Pet and Animal Sales as a listed use. **Applicant: City Staff**

Lee Lawson presented to the Commission. He explained the reasoning behind the proposed amendments. It was a request by City Council to look into the matter. Lee stated that the proposed amendment was to take the classification and split it into two separate classifications. The Pet or Pet supply stores category would allow the store/retail in the Town Center and General Commercial Districts. Then pet services would only be allowed in the General Commercial District. Lee stated that the proposal was consistent with approximately 6 items in the Comprehensive Plan. As a result, staff gave a favorable recommendation. Commissioner Thrower asked if this would affect

veterinarian services. Lee answered no that the veterinarian services fell under a different classification.

PUBLIC HEARING:

Chairman Strope asked if there was a motion to enter into a Public Hearing. Commissioner Ferrara made a motion. Commissioner Weatherford seconded the motion. A Roll Call Vote was taken. Motion passed unanimously.

Chairman Strope asked if there were any comments from the audience. There were none.

PUBLIC HEARING CLOSED:

Chairman Strope asked for a motion to close the Public Hearing. Commissioner Hamilton made a motion. Commissioner Weatherford seconded the motion. A Roll Call Vote was taken. Motion passed unanimously.

Chairman Strope asked for a motion to approve PC Resolution 4-2024. Commissioner Eckstine made a motion. Commissioner Hamilton seconded the motion. A Roll Call Vote was taken. Motion passed unanimously.

B. Preliminary Plat.

- 1) The Greenway at Foster Creek Village:** A preliminary plat for a proposed subdivision in Foster Creek Village Planned District. The proposal contains nine single-family residential lots and an alley. The 1.057-acre site is located on the easterly side of Caisa Alley. The property is zoned Foster Creek Village PD and is in the FCV-MF zone.

Applicant: Fred Skipper, Foster Creek Village, LLC

Lee Lawson presented to the Commission. He stated that on January 6, 2022, a site plan was conditionally approved by the Commission. There was some information that the Commission wanted to have added to the plan. Lee said the minutes and two letters from staff at the time was that the approval did not constitute a final approval as far as starting land disturbance or vertical construction. It was also stated that the process that was laid out in Article IV of the 1984 Subdivision Regulations was to be followed as far as preliminary plat and a final plat being brought to the Planning Commission. Lee said at the time the plan was twelve lots. Currently the proposal is now nine lots. In addition, the original proposal had a two-lane road that went across the east side of the development to Evening Tide Dr. Now the proposal has eliminated the two-lane road and instead is an alley that wraps around the nine lots. Lee said that after reviewing, it was determined that it was not in compliance with the Foster Creek Village MF District. It stated in the development standards that there was supposed to be five acre lots as the minimum lot size. The current lots were much smaller, and the development is not five acres. Lee also mentioned there were concerns about the road being able to provide fire protection and services. Lee said that the road did not meet the standards as it was an alley. Those road standards were referenced in the 1984 Subdivision Regulations which required a 20-foot wide, and the proposal is 18 feet wide with on street parking that is included within the 18 feet. Lee stated that is why staff was not giving a favorable recommendation since it was not consistent with the planned district or the road standards of the 1984 Subdivision Regulations.

Lee displayed the original plat and the current proposed plat. Also, he displayed the FCV Land Use Map which showed the boundaries. Commissioner Weatherford asked Lee about what the major differences were. Lee stated they were the minimum lot size requirements and the development standards not being met. Lee also stated the 5 acre was the minimum lot size in the FCV-MF District in the development standards table.

Chairman Strobe asked Fred Skipper if he wished to speak. Ray Wrenn, with the Wrenn Group and Foster Creek/Bowen, along with Will Austin, attorney, and Fred Skipper came to the podium. Ray Wrenn presented to the Commission. He began by discussing the history of the development and the planned development since the start in 2006. He mentioned that the City Council at the time of the PD origin gave the Planning commission the responsibility to approve site plans and to efficiently administer specified changes to the PD. He said that power and mandate was given to the Commission. It was all in accordance with the 1984 Subdivision Regulations and the 1993 Zoning Ordinance which were the ordinances that were in place at that time. Ray stated that anything not in the PD, is then referred back to the 1984 Regulations and the 1993 Ordinance. He said the PD does not rewrite the entire ordinance, but it writes what changes in the ordinance and what is different from the existing ordinance. For things that are not different, you then go back to the ordinance which would be the 1993 Ordinance or the 1984 Regulations to determine the loose end items, the details. Ray said that upon the vote by City Council, the PD became law. It was mentioned that the finalized PD was for mid to high-density urban style traditional neighborhood design. He referenced the 1994 State Act. Ray said the 2008 Ordinance does not apply to his PD. The 1994 Act is still in place.

Ray read from Section 629-740 of the 1994 Act. He then quoted the City Attorney Mac McQuillan from the previous meeting saying that Mac did not read the entire document. Ray then read a letter from his attorney, Andy Gouder, that was written to the City Attorney, Mac McQuillan. He then read Section 601 and 601.9 from the 1993 Ordinance and told the Commission why he had previously brought this to the Commission in January. Ray then stated that this was clear and that the BCDCOG said it was good. He said that the Foster Creek D on page 10 – “either a site plan and/ or preliminary plat” be approved by the Commission. Ray told the Commission that he did not need a preliminary plat. The 1993 Ordinance, Article 8, Section 1201.1 was read for the requirements for a site plan. He said those requirements call for a tighter plan than was approved. He also read Section 601.3 and said the Commission may make additional requirements for site plan approval and in special cases may waive a particular requirements if in its opinion the requirements of the chapter are not essential to the project.

Ray stated a problem that the lots are too small. He said those lots are the some of the largest that have been built in Bowen. He said the Commission in the past in the past had no problem with building bigger homes instead of apartments. It was stated that all of the Estuary except those lots along the water were built in the MF district as well as the cottages because they were a permitted use. He then showed a display of the location for the Greenway. He then talked about the process for the past 15 years. He said they got their site plan approval from the Commission. Once they receive that approval the staff has had their say before the commission get to approve the site plan. That is then when he as the developer starts investing money. He stated he could not have after money is spent be told

his site plan is not right. Ray mentioned the definition for Local Governing Body and told the Commission that they became the local governing body in 2006 when the Council approved the PD.

Ray continued with the process. He said after the site plan is approved, they can spend money on architecture, civil engineering, digging dirt, putting in drainage piping, etc. the approval from the Commission gives him the open gate to start spending without the jeopardizing from someone that works for the City brand new and wants to reevaluate the site plan. He referred to comments about the lots being too small. He said that the right sizing of the lots for the applicable use is read. Ray said that they will continue to build more single-family homes.

Ray said after the roads are in and the underground utility are in, they will need a plat. A bond might be needed. They borrow money from the bank. He said that Larry nor Lee need nothing else but a site plan. Then while that is being taken care of, they bring their plans to Larry for a building permit. After that is done, then they need plat because the lots have to be subdivided.

Ray then referenced Skipper Park that was built. As a result, he said that had to make the road narrower. He said 9-foot lanes were allowed, but they made it 18 feet wide. Seven feet of the 18 feet would be for parallel parking and the remaining 11 feet for travel.

Ray said that Lee issued a letter on a review post construction stating issues with fire safety, etc. Ray said he met with the Fire Chief and the Public Works Director and solved the issues with the fire safety. They eliminated several parallel parking spaces. He said that marked up a drawing in red and as far as they are concerned, the issue is resolved, and they have nothing else to do.

Commissioner Weatherford asked if the Fire Chief/Fire Marshal signed off. Ray presented a handout that had a signature. Ray also stated that they did not need a plat for permitting, but only for the bank or when they sell the land. Commissioner Thrower stated that these things should be resolved between the city's attorney and Ray's before coming to the Commission. He said that Ray was referring that they should not listen to the city attorney. Commissioner Thrower said common sense would not be for the him to not listen to the City's Attorney or the City staff. Ray started the City's attorney was practicing law and giving bad advice.

Will Austin, Attorney for Ray, spoke to the Commission and gave an example of what would and would not be ok. Ray then stated speaking and said that he spoke with attorney Andrew Gouder. Ray said the Commission should listen to advice from both sides. He was showing a different legal opinion and perspective. Ray said that since the March 5, 2024 Planning Commission meeting, he had listened every word that was said in the meeting. He read what he had written down from the actual meeting and not from Larry's minutes. He quoted from the motion from the March meeting. Ray said that a site plan was submitted in March and not a preliminary plan but was a site plan in accordance with the PD.

Commissioner Hamilton asked of the minor changes proposed fell under the Act? Ray handed a letter to the Chairman for the record. He then read again from comments from the previous meeting in March.

Commissioner Ferrara asked if the original plan was preliminary. Ray answered that it was a site plan. Commissioner Ferrara asked if this was a proposed tract of land was within the larger tract. Ray said the whole tract was 94 acres. Commissioner Ferrara asked some additional questions to Ray.

Ray stated that they wanted to make the homes bigger and the lots bigger with elevators in the homes. He said they made the road a one lane road. He mentioned that the Fire Chief asked if they would install fire sprinklers in the homes. Ray said the Chief stated they could play with the turning corners and eliminate a few parking spaces as long as the sprinklers would be installed. Ray said this was done without having to go back to the engineer.

Ray showed the homes in The Estuary that had re loaded for parking which is why the alleys are preferred. Ray also mentioned about the executive session that was held the previous month.

Commissioner Eckstine clarified that the executive session was posted on the agenda with the purpose of obtaining legal advice about ex-parte communications. Commissioner Thrower stated that if the issue was so common sense why was there the issue of both parties not being on the same page. Ray stated to listen to the opposing argument.

Commissioner Eckstine asked if something had expired. Lee Lawson said the vesting rights had expired for the particular development. It was approved on January 6, 2022 and had expired. Commissioner Eckstine asked what was meant by vested rights. Lee said the State Law was created for site development plan and explained the law to the Commission. Chairman Stropé asked if that was in the 1993 Ordinance. Lee said it was in the 2008 Land Development Regulations and in State Law. He did not believe that was in effect at the time during the creation of the 1993 Zoning Ordinance.

Commissioner Ferrara asked what is approved for this property in its current form. Ray said their position was site plan approval in 2022. He mentioned several areas approved by precedent. Ray read again from his notes and referenced the meeting with City Staff in February of 2024. He also discussed further reasons for approving his development.

Will Austin, attorney for the Wrenn Development, spoke about how to interpret the law. He gave principles that could be used from the example of hermeneutics. The Canons of Construction was referenced in ow to understand the law and statute.

Commissioner Hamilton and Commissioner Eckstine said the Commission was being asked to be a governing body which they were not. Commissioner Thrower said that their information comes from staff and recommendations. Ray stated that he did not agree with staff on some things. Commissioner Hamilton asked Ray why he did not use the argument that City Council kicked the issue back to the Planning Commission. Ray said he needed a decision and that they do not trust the leadership.

Chairman Strobe asked Lee about the precedent with the other neighborhoods. Lee said it appeared that the Estuary and Sarah's Ct were allowed in the MF District. Commissioner Weatherford said the alleyway was changed due to the park. He also said that the developer went to the Fire Chief and Fire Marshal and they were good with it. Commissioner Hamilton said that Council had kicked it back to the Planning Commission. Commissioner Thrower said this is a new application. Chairman Strobe said that there appears to be several issues. Lee referred the Commission to Article 4 of the 1984 Subdivision Regulations.

Ray Wrenn came back to the podium and presented a plat to the Commission stating this is what they need signed off. Ray asked Chairman Strobe if he thought the Fire Chief was incorrect. Commissioner Eckstine asked Lee about the alternatives in the staff report. Lee answered and explained. Commissioner Eckstine asked about the three text amendments that were removed from the agenda. Lee answered her questions. Lee also mentioned that anyone designing a road is practicing engineering in the state must be licensed to practice engineering. If a person goes to someone that is not an engineer and they design something. If the design was not a good design and an incident occurs, there could be a liability on the City.

Ray said the premise of their discussion with the Fire Chief was to try and get around having to relocate water lines, etc. He said they will have an engineer but want the plat approved with conditions. Also he said the text amendment is not required because the Commission had already approved the lots.

Chairman Strobe asked Fred Skipper if they were doing a water main extension and a sewer main extension. He asked if they had an engineer doing those. Fred said yes they had an engineer on standby waiting for approval to begin designing.

Boone Aiken, City Attorney, came to the podium to speak to the Commission. He gave legal council to the Commission members. He stated that their opinion was that the plat could not be approved until the PD was formally amended by City Council. He stated the reasons behind why it could not be approved. He said the amendments that were removed were going to allow lot sizes less than 5 acres to be put into the District. Boone said as of now from a legal perspective, since that has not been formally approved or gone through City Council, the commission could not approve it.

Commissioner Weatherford asked about the smaller lots that were approved. Attorney Boone referred them back to the issue before them. He could not speak what had occurred in the past. Chairman Strobe asked about precedence and if that played into any role legally. Boone said his advice was to look at the current issue and the letter of the law said 5 acres. Commissioner Weatherford asked if this was against the law, why was it brought to the Commission. Boone answered. Lee stated that anyone could apply for a subdivision. Commissioner Thrower stated that everything was a recommendation to Council. Lee informed him it was not. Lee stated the Commission was performing an administrative action. He reminded the Commission that they were reviewing preliminary plat for the developer to take a one-acre tract subdivided into nine lots and then create a roadway. They are looking to make sure it meets all of the regulations. Chairman Strobe asked if the roads were irrelevant. Lee said that the road was part of it. Commissioner Weatherford said

they were just told they could not approve the preliminary plan because it was not 5 acre lots even though there were other locations with less.

Ray came back to the podium and said the City attorney did not quote the law but kept saying the letter of the law. Ray mentioned a letter written by a former City Planner, Alexis Kiser, that said it was approved. Will Austin spoke and said this was absurd and could be overlooked. Commissioner Eckstine asked about the letter from Alexis that was included in the staff report from January 7 for the approval in 2022. Lee said it was titled site plan and then it was in the minutes and staff report. Commissioner Eckstine then read from the letter and stated it said subsequent to approval for land disturbance and approval to begin construction, the applicant must submit a preliminary plat for review by the Planning Commission. She then said what was approved back then compared to now is not consistent with the PD.

Ray stated that what the Commission was not seeing were the emails refuting. He said staff imposed those requirements wrongly.

Commissioner Eckstine asked Lee what his certification was for clarification. Lee answered that it was with the AICP (American Institute of Certified Planners) and has been a planner for over 20 years.

Chairman Strobe said he found the 1984 Regulations and read the steps to the Commission. Ray came back to the podium and said that he could move the lines but chose to use Section 601.9. Commissioner Thrower said they overlooked the 5-acre requirements a few years ago. Commissioner Eckstine said the text amendments would go to the City Council. She had a concern regarding the stormwater problems and why there were no ponds. Lee stated that the developer chose not to have them. Chairman Strobe said there were other methods for stormwater control.

Fred Skipper mentioned that the preliminary plat was a non-recordable instrument. The next step would be to have a final plat with a bond. He was asking the Commission to approve the preliminary plat with the condition of having the Fire Chief sign off on.

Commissioner Thrower asked a few questions. Lee explained how the platting procedures worked. Commissioner Thrower asked if this put conditions, other agencies still have to give approval.

Ray came back to the podium to ask the commission again for a decision.

Commissioner Thrower made motion to approve the preliminary plat presented by the applicant and pending we make sure the Fire Chief approves that the equipment can access that road properly. Commissioner Weatherford seconded the motion. Chairman Strobe asked if there was any discussion. Lee Lawson stated that if the Commission approved, the City would appeal to the Circuit Court. A Roll Call Vote was taken. Motion passed with a 4-3 vote in favor. Commissioners Thrower, Brace, Hamilton, and Weatherford voted YES. Commissioners Eckstine, Ferrara, and Chairman Strobe voted NO.

8. CITIZEN COMMENTS:

Chairman Strope asked if there were any citizen comments. Commissioner Eckstine asked if there were any emails received for comments.

- 1) Jeremy Watts (3026 Evening Tide Dr) . . . He expressed concerns about the Bowen Development and the condition that it is in. He also was concerned about the access by the Fire Department with their trucks. He asked that a moratorium that would shut down building in Hanahan be implemented. A packet was submitted by Mr. Watts to the Commission to be included in the record.
- 2) Gary Greenman (7010 Lanier St) . . . He expressed concerns regarding the traffic and said that the issues were not being addressed.
- 3) Ashley Watts (3026 Evening Tide Dr) . . . She expressed concerns about the traffic patterns, safety issues in the development, and stated that there was no master plan to follow and other concerns about the Bowen Development.

Commissioner Eckstine asked Mr. Watts about the moratorium as to if he was suggesting for the entire City or just the Bowen Development. Mr. Watts responded that he wanted to see it for the entire City.

- 4) Elisha Bendele (3004 Evening Tide Dr) . . . He stated that he bought a house that had a waterfront view and that that view would most likely be blocked with a proposed development. Also was concerned about a future development that will have a parking lot next to his house. He expressed concerns about the flooding in the street.
- 5) Greg Bauer (3016 Evening Tide Dr) . . . He stated that he was not in favor of the proposed developments in Bowen. He said where he lives is primarily a single-family neighborhood. He was fearful of the noise/traffic that will occur. He said that his house will be next to a parking lot which will then be next to a restaurant. He also said that the developer had left the meeting and was not there to hear any of the comments.
- 6) Sarah Wrenn (Wrenn Development) . . . She said that she works for the Wrenn Group. They understand the concerns. She has been with the Wrenn Group for over 6 years. They are paying attention and was assuring that they are working to address the issues.
- 7) Reida Woodward (3003 Evening Tide Dr) . . . She mentioned that she was fearful for the neighbor's children in the development. She also urged the Commission to put safety at the forefront.

9. NEXT MEETING: TUESDAY, May 7, 2024

Chairman Strobe stated the next Planning Commission meeting would be held on April 2, 2024, at 6pm. He mentioned to the audience that the Commission takes matters seriously. He stated he did not appreciate the Commission members or staff being thrown under the bus. Chairman Strobe said there has been a lot of time involved and that other opportunities to get involved. He said there are other boards that will need people. He said they did appreciate everyone coming out to the meeting.

Larry Sturdivant added a reminder about the special recognition for Carolyn Lackey at the April 9, 2024, Council Meeting at 6:00pm. Commissioner Eckstine thanked the new Commissioner, Paul Ferrara for being willing to serve.

10. ADJOURNMENT:

Chairman Strobe asked for a motion to adjourn. Commissioner Ferrara made a motion to adjourn. Commissioner Strobe seconded the motion. A Roll Call Vote was taken. Motion passed unanimously. The meeting was adjourned at 9:00pm.

ATTEST:

Chairman Strobe

Larry Sturdivant, Secretary

HANAHAN PLANNING COMMISSION REGULAR MEETING**April 25, 2024, 6:00 P.M.**

NOTE: During periods of discussion and/or presentations, minutes are condensed and paraphrased. Digital coverage of the meeting is available upon a Freedom of Information Request.

The meeting of the Hanahan Planning Commission was held in the Debbie Lewis Municipal Chambers at 1255 Yeamans Hall Rd on April 25, 2024. Chairman Strobe presided over the meeting. Commissioners Butch Thrower, Paul Ferrara, Pat Eckstine, Matt Weatherford, Chris Brace, and Brian Hamilton were in attendance. A quorum was present. This meeting agenda was posted on the bulletin board at City Hall. Staff members in attendance were Lee Lawson (City Planner), Larry Sturdivant (Building Official) Courtney Soler (City Administrator), Cam Spencer (Asst. To the City Administrator), Mac McQuillin (City Attorney, Boone Aiken (City Attorney). Visitors present were Maureen Greenbaum, Janel Ferrara, Gary Greenman, Scott Newsome, Johnnie Harkness, John Mular, Tyler Gratton, Roger Pye, April Breeden, Vellen Kirby, Reida Woodward, Tim Crowley, David Howell, Jeremy Watts, Greg Bauer, Robert Carlisle, Elisha Bendele, Tone Holmen, Sara Wrenn, and Wes Smith.

1. CALL TO ORDER:

Chairman Strobe called the meeting to Order at 6:01pm.

2. DETERMINATION OF A QUORUM:

Chairman Strobe made the determination that a quorum was present.

3. PLEDGE OF ALLEGIANCE TO THE FLAG:

The pledge was recited.

Commissioner Eckstine asked Chairman Strobe if she could speak. She stated that Commissioner Thrower and her notified staff on April 10 that they would like to propose an amendment to tonight's agenda. She made a motion to amend tonight's agenda to add item "4A" before the Executive Session. The Executive Session would become item "4B." Commissioner Eckstine then stated the motion was to amend the agenda to discuss the proposal to schedule a workshop or workshops to review, update, and understand the Foster Creek Village PD's involvement over the past 18 years, and to discuss the text amendments items #2, #3, and #4 from tonight's agenda in those workshops. Text amendment #1 was removed yesterday by city staff. Commissioner Eckstine then mentioned that in 2015 the Planning Commission held a publicly advertised workshop open to the public nine years after the adoption of the PD. She said it was now nine years later and that it was in the best interest of the Commission members and the public. Commissioner Eckstine asked if there was a second on the motion. Commissioner Thrower seconded the motion. Chairman Strobe asked Commissioner Eckstine for clarification. Commissioner Eckstine said this was to discuss those items at the workshop. She said whether they could remove the items from the agenda she was not sure. She stated the removal would be preferred until they could discuss at the workshop. Larry Sturdivant, Secretary, asked Commissioner Eckstine to clarify the motion. Mac McQuillin, City Attorney, asked Commissioner Eckstine if her motion was to schedule workshops at a future date. Commissioner Eckstine said yes.

Commissioner Eckstine then restated that the motion was to amend the agenda and to discuss a proposal to schedule workshops to review, update, and understand the Foster Creek Village PD's involvement over the past 18 years. Also to discuss items #2, #3, and #4 from tonight's agenda in a

workshop or workshops. She then said that text amendment #1 was removed yesterday by city staff. Commissioner Eckstine said they were not sure if the agenda items could be removed from tonight's agenda by the Planning Commission.

Mac McQuillin stated that to add items to the agenda there would have to be a 2/3rds vote approval and the item to add would have to be an emergency situation. Commissioner Thrower mentioned that would apply if there was vote. Mac McQuillin said the Commission could have a vote about scheduling a workshop coming forward and mentioned that the Commission could not necessarily take any action when the item was not on the agenda and posted 24 hours prior unless it was an emergency. Commissioner Eckstine stated they did send it to staff and that she and Mac did discuss the issue. She said that they greatly appreciated effort that staff put into filling in the blanks. Commissioner Eckstine stated they did want to put it on the agenda to discuss later dates for the workshop. Also wanted to discuss the text amendments at those meetings. Mac McQuillin stated that was fine to schedule a meeting. Commissioner Eckstine said the second part was to discuss the text amendments before they acted on them. Mac McQuillin made a suggestion about pulling them from the agenda to after the executive session where they will receive legal advice on the issue. Mac said that was one of the first agenda items. He also stated that technically City council was the applicant, and the Commission could deny, approve, or approve with conditions. Chairman Strobe said it sounded like they needed legal guidance. Commissioner Eckstine revised her motion. She stated her motion was to amend the agenda and discuss the proposal to schedule a workshop or workshops to review, update, and understand the Foster Creek Village PD involvement over the past 18 years. The new agenda item would be "4A" and the Executive Session would become item "4B." Commissioner Thrower seconded the motion. Chairman Strobe asked if there were any discussions. There were none. A Roll Call vote was taken. Motion passed unanimously.

Commissioner Eckstine asked what the feeling of the others was. Chairman Strobe said it was a good idea. He was not sure if a date could be set at the moment. Commissioner Eckstine said on March 24, 2015, a previous workshop was advertised and was open to the public. She stated a workshop would be good for the benefit of the Commission. Commissioner Thrower stated that they started out with the BCDCOG staff providing the staff reports and then they went through several planners each with a different interpretation. Chairman Strobe asked for dates. Staff will get back with the Commission.

Commissioner Eckstine asked Larry Sturdivant a question. She said she received a text asking with the meeting was being livestreamed. Chairman Strobe said no.

4. EXECUTIVE SESSION:

Chairman Strobe asked for a motion to enter into an Executive Session. Commissioner Ferrara made a motion. Commissioner Hamilton seconded the motion. Mac McQuillin mentioned that it would be a good idea to state the reason for the executive session. Chairman Strobe read from the agenda the reason for the executive session. A Roll Call vote was taken. Motion passed unanimously. The Planning Commission entered into an Executive Session at 6:13pm.

**** The recording was stopped at this point. ****

The Planning Commission returned to the council chambers at 8:38pm. Commissioner Eckstine made a motion to return to regular session. Commissioner Hamilton seconded the motion. A Roll Call Vote was taken. Motion passed unanimously.

5. OLD BUSINESS:

There was none.

6. NEW BUSINESS:

Commissioner Thrower asked to make a motion for the Planning Commission to join City Council in initiating the 3 text amendments on the agenda tonight. Commissioner Ferrara seconded the motion. A Roll Call vote was taken. Motion was approved with a vote 6-1 and Chairman Strope voting no.

A. Text Amendments (Public Hearings).

1)PC Resolution 6-2024: An amendment to the Foster Creek Village PD to use the City of Hanahan's currently adopted Zoning and Land Development Ordinances for the following: procedures for all petitions, site plans, subdivisions, definitions, applications, road standards, and development standards not specifically addressed within the planned district. Applicant: City Staff

Lee Lawson, City Planner, presented to the Commission. He explained the purpose was to create consistency with all of the developments within the city. The ordinance would be the 2008. Lee said that this would make it easier on the development to be able to use the road standards, the parking standards, and to use the processes that every other developer uses in the city or any other development that would come through the city. Lee said that the proposed amendment met the three goals in the comprehensive plan which were the growth management goals and the two guiding principles 3 and 4. Lee stated that staff gave a favorable recommendation.

Chairman Strope mentioned that copies of a zoning appeal application to the Board of Zoning Appeals was presented to the Commission which was appealing the city staff decision. He asked that the application be added to the record.

Mac McQuillin, City Attorney, came to the podium to further explain the proposed text amendment. He stated that another legal reason that City council was proposing to have the 1993 Ordinance replaced with the 2008 Ordinance and the new subdivision regulations for the purposes of the PD was that the 1993 Ordinance was based on old law. It was required to be repealed within five years of the enactment of the 1994 Planning Act which ran to 1999. Mac mentioned that there were multiple provisions in the 1993 Ordinance that were not compliant with state law. One example given was that council could give a one day's notice before making zoning amendments. Another example was that an applicant could submit items within fourteen days prior to the meeting. He said that state law requires a fifteen-day public notice to be advertised in the newspaper. This process takes about eighteen days due to giving the paper three days' notice in order for the ad to run fifteen days prior. Mac said that these were just some examples, but the amendment would make sure the PD is operating under a legally valid zoning ordinance and makes it compliant with state law. He mentioned that the substantive rights in the PD were not changing. Density would not change. What the developer is allowed to build would not change, etc. He said these were procedural and legal issues with the 1993 Ordinance as opposed to the 2008 Ordinance.

Chairman Strope asked if there was any discussion before opening the public hearing. There was none.

PUBLIC HEARING:

Chairman Strobe asked if there was a motion to enter into a public hearing. Commissioner Eckstine made a motion to open the public hearing. Commissioner Hamilton seconded the motion. A Roll Call Vote was taken. Motion was approved unanimously.

Chairman Strobe stated the rules to the audience for the public comment section of the public hearing. He mentioned that the name and address was required. Also, the comments were to be about the specific text amendment, and a time limit of four minutes was given. Lastly, comments were to be addressed to the Commission members.

- A) Will Austin (Attorney for Ray Wrenn) . . . He stated the text amendment was improperly before the Planning Commission. He said the arguments of Mr. McQuillin did not matter at this point as well as his since this was under the jurisdiction of the BZA. He said this was clear and gave the reference from Section 2.4 stating the amendment must be initiated by City Council or within the Planning Commission. He said that this did not negate the other issues that were before the BZA at this time. He stated the BZA proceedings stay this matter, and it cannot be heard by the Commission.

Chairman Strobe asked Mac McQuillin, City Attorney, to come to the podium. Mac stated that the BZA appeal was improper. It was trying to appeal a staff/city application to the Planning Commission which would make a recommendation to Council. In the event that they (developer) are not happy with the decision made by Council or by Planning Commission, they can appeal that decision. There has been no decision by the zoning administrator. Mac said a staff report was just providing a report of what the city was asking for which was number one.

Mac said number 2 was that there were 3 bases for appeal. One of which was because the application said city staff. The Planning Commission had moved to join the application with City Council so that point was off the table. Second, Mac stated the other issue of the appeal was regarding the maritime overlay district. That item had been removed from the agenda and was no longer an issue. There was nothing before the Commission regarding the restaurants or the maritime district. The final issue was the referencing to the 2008 Ordinance in the resolutions. Mac explained the reason. The City cited the 2008 Ordinance because the 1993 Ordinance did not comply with state law. He gave two examples to the Commission of the 14-day submittal and the 1-day notice for Council, whereas state law requires a 15-day notice in the paper. The reason the procedure from the 2008 Ordinance is being followed is because it is state law. Mac stated those were the three bases for the developer's appeal and he would deal with that. He mentioned to the Commission that they did not need to view it as a stay as it was not a proper appeal. Mac said that this was solely an effort to delay this process.

- B) Ray Wrenn (the Wrenn Group, Bowen Development) . . . He began by saying that property owners had a time to talk and did not agree that the 4-minute time limit was not a proper rule for that. He said that if anyone disagreed with that to let it be on the record. He mentioned that he did not believe proper notice had been served. There were at least 25 or 30 property owners that had not been given notice. He said that City Council had not approved this, and that Council had only voted on the appeal to the Commission. Council had not approved the text amendment and it was only initiated by staff. He said the statute was clear that it could not be initiated by staff. He reminded the commission that his attorney said the process was stayed and any efforts to speed this up would create injury to his company. Ray said they had been operating the PD for one and half decades and it was not until the new staff and administration

came in that this was now a problem. He mentioned that he had spoken to two councilmembers yesterday and that there was only a vote to appeal to the Planning Commission. He said the only text amendments discussed in this room with this body was based on Lee Lawson's commitment regarding the Waterfront mixed-use to take the site plan and use a text amendment to get that compliant. He said he agreed in good faith. He said now there is bad faith. All of the multi-family, office space, flex space has been eliminated from the plan. Ray also stated he did not agree that the 1993 Ordinance was not usable in this situation. Ray went on to further discuss vesting ordinances and said they were getting jerked around. He said that the state law passed and the deadline was July 1, 2005 to have updated the ordinances. Hanahan did not update their ordinances until 2008. As a result, he said Hanahan must use the default vesting provisions that were contained in the 1994 Planning Act. He said that Hanahan had used the 1993 Ordinance for 13 years that was adopted into their PD. Ray stated a case with Folly Beach that regarded vesting rights. He said that this issue will cause the city to spend a lot of money. NOTE: the timer went off. Ray asked if there was a limit on the amount of time he could talk. Commissioner Eckstine and Commissioner Thrower said there was, and it was four minutes. Ray stated that was for public comment and he was a property owner. Commissioner Thrower said that Ray was not the applicant. Ray said he would finish but this was not over, and the Commission could not do this. He said he would not stop until the the Supreme Court tells him. He further said a judge will tell him, but it will be the highest court. Ray then continued to explain his disagreement and why he was still vested based on the amount of money he had spent. He stated his vesting could not be taken away. Ray also stated he did not know what was said in that room. Chairman Strobe said that Ray needed to get to a stopping point. Commissioner Thrower said that Ray could speak again during the next public hearing that would occur during the next amendment and could continue there. Commissioner Thrower reminded that there was a time limit. Ray stated he did not think there was a time limit and that property owners were not part of the public opinion. This was a separate issue in the statute and that they were not part of the public opinion. He said they are parties to the text amendment and that staff had reached way into their property rights and he was done.

- C) Sarah Wrenn (2103 Channel Marker Way) . . . she stated that they had not scrubbed the 2008 Ordinance. She gave some examples that could be impacted such as buffers, road standards, land disturbance permits, sidewalks, etc. Also, boardwalks, future amenities, trail systems, the waterfront, etc. They would not know the impacts without having a focus group such as was mentioned by the Commission. Sarah also mentioned that it could affect MS4. They have professionals that review, and development could be held up if the city staff would now be reviewing. She said it could affect the density and there could be unintended consequences.

Mac McQuillin asked to respond to the vested rights issue that Ray Wrenn discusses. Mac clarified that nothing substantial was being changed. Only the procedural processes and making it compliant with state law. Mac also clarified the Folly Beach issue and explained the differences between that case and the issue before the Commission. He did state that the default provision could be amended. Mac stated that the maximum the developer would have had was seven years and it had now been 17 years. He said there have been two separate legal opinions. One disagreeing with Mr. Wrenn's interpretation about Section 601.9, and the second separate legal opinion that there was no vesting, or takings or litigations associated with the proposed changes. Mac said they were comfortable with the Planning Commission proceeding and even more so with a separate attorney that provided an opinion. Mac said that at the end of the day, this comes down to process. He said the developer may not like the process because

the public would be more involved, and it would be a more transparent process which would be fair to the residents.

Chairman Strope asked if there any more comments. He mentioned that there was only one time to speak per public hearing. There were no more comments.

Commissioner Eckstine made a motion to close the public hearing. Commissioner thrower seconded the motion. A Roll Call Vote was takedn. Motion passed unanimously.

PUBLIC HEARING CLOSED:

Chairman Strope asked if there was any discussion from the Commision. Commissioner Ferrara stated he was concerned about litigation and did not feel he had enough information. Chairman Strope asked if there was a motion. Commissioner Thrower made a motion to deny the proposed text amendment for PC Resolution 6-2024. Commissioner Eckstine seconded the motion. A Roll Call vote was taken. Motion was approved to deny with 6 members voting no and Chairman Strope abstaining. Chairman Strope said he did not have enough information to make a decision.

2)PC Resolution 7-2024: An amendment to the Foster Creek Village PD to use the standards for the Foster Creek Village Single-Family 2 Zone for single-family lots in the Foster Creek Village Multifamily Zone and the standards for the Foster Creek Village Townhouse Zone for townhouse lots in the Foster Creek Village Multifamily Zone. Applicant: City Staff

Lee Lawson presented to the Commission the reasoning behind the proposed text amendment. He said the SF1 could be added along with the SF2. This would be consistent weith the land use plan and the intent of the planned development. This change would allow a variety of homes. Staff gave a favorable recommendation.

PUBLIC HEARING:

Chairman Strope asked if there was amotion to enter into a public hearing. Commissioner Thrower made a motion to open the public hearing. Commissioner Hamilton seconded the motion. A Roll Call Vote was taken. Motion was approved unanimously.

- A) Will Austin (Attorney for Ray Wrenn) . . . He stated the argument that the appeal to the BZA has stayed the decisions of the Commission.
- B) Ray Wrenn (the Wrenn Group, Bowen Development) . . . Ray stated that he disagreed with any means to amend his PD outside of what was lawful. He stated that the PC had the authority based on the PD and the 1993 Ordinance as was done with the previous plans in the development. He said the Commission did not need a text amendment to allow the Planning Commission to do their job. He also said he did not agree that there was any material difference with the Folly Beach decision. He said that Bowen is not a commercial venue as it does not meet the standards of a commercial piece of land. They have to generate volume so the businesses can flourish. He said North Charleston has many PD's and they don't stop to bring them all up to current standards. Ray finished his comments.

Will Austin asked if he could have a moment to talk with his client on a few items he spoke with Mac Mcquillin about. Commissioner thrower said it did not have any relevance because the City was the applicant. Mac McQuillin said the developer may be agreeable.

- C) Julie Johnson (the Wrenn Group) . . . She said the developer was not brought in or given notice that this was going to occur. They were not able to collaborate with the staff or the attorney. She said the process did not appear to be transparent.

Chairman Strobe if there were any other comments. There were none. Chairman Strobe asked for a motion to close the public hearing. Commissioner Thrower made a motion. Commissioner Eckstine seconded the motion. Attorney Will Austin mentioned to the Commission that the developer was in agreement to allow this one resolution to pass. A Roll Call vote was taken. Motion was approved unanimously.

PUBLIC HEARING CLOSED:

Chairman Strobe if there were any other comments. Commissioner Ferrara asked if this would allow the site plan that was approved at the past meeting to move forward. Commissioner Eckstine asked about the addition of SF1 to the proposed allowance of SF2.

Chairman Strobe asked if there was a motion. Commissioner Thrower made a motion to approve Resolution 7-2024 with an addition to Single-Family 2 Zone to add in the addition of Single-Family 1 Zone as part of the use in the Multifamily Zone as presented in the presentation. Commissioner Ferrar seconded the motion. A Roll Call vote was taken. Motion was approved unanimously.

3)PC Resolution 8-2024: An amendment to the Zoning Ordinance Section 4.7.7 amendments to Type "B" PDs (Planned Development Districts). Applicant: City Staff

Lee Lawson presented to the Commission. He stated the reasoning for the proposed amendment. The amendment would describe in detail what constituted a minor modification. Then if anything did not fall within the 6 categories, then it would be a major modification which would go to the Planning Commission and then to City Council. Minor modifications would be handled by staff. He said that staff gave a favorable recommendation. Commissioner Thrower asked if this was specific to the PD or to the entire city. Chairman Strobe answered that this would be city wide for all PDs.

PUBLIC HEARING:

Chairman Strobe asked if there was a motion to enter into a public hearing. Commissioner Thrower made a motion to open the public hearing. Commissioner Eckstine seconded the motion. A Roll Call Vote was taken. Motion was approved unanimously.

- A) Fred Skipper (the Wrenn Group) . . . He stated that he felt this was unnecessary and that it felt like this was being forced on them. He did not agree with the amendment and that it would cost them time and money.
- B) Sara Wrenn (2103 Channel Marker Way) . . . She mentioned the possible impacts that the amendment could have on the development. Such items mentioned were amenities, impact fees, commercial development, etc. She asked the Commission to consider a focus group along

with more time before making decision. She ended by stating this could impact the high ground development and have a negative effect on flooding.

- C) Ray Wrenn (the Wrenn Group, Bowen Development) . . . He began by reading from the 1993 Ordinance. He said the legislature allowed for PD was because of flexibility and speed. Ray also read from Section 601.9 and gave the reasons he believed the Planning Commission had the right and ability to make the decisions. He ended by saying that the shift in power and the reduction of their zoning rights will result in tens of millions of dollars in damages.

Mac McQuillin spoke to the Commission and relayed that the City had responded to Mr. Gouder multiple times in writing. Also, the city had received a second separate opinion from another attorney on applicability of section 601.9 and the legal risks associated with the amendments this evening. Mac said there were not any legal risks associated with these. He said they may sue us, but it was not a taking. It did not take away any substantive rights, but just categorized what were minor and major modifications and the process that was to be followed based on a minor or major modification. This only applies to any PD under the 2008 Ordinance. It was just a straight amendment to the 2008 Ordinance.

Chairman Strope asked if there were any other comments. There were none. Commissioner Weatherford made a motion to close the public hearing. Commissioner Eckstine seconded the motion. Attorney Will Austin stated for the record that the Appeal to the BZA making it a stay from action still stood. A Roll Call vote was taken, Motion was approved unanimously.

PUBLIC HEARING CLOSED:

Chairman Strope asked if there was any discussion. There were none. Commissioner Thrower made a motion to deny PC Resolution 8-2024. Commissioner Eckstine seconded the motion. A Roll Call vote was taken, Motion was approved unanimously.

7. CITIZEN COMMENTS:

Chairman Strope mentioned that he was incorrect at the previous meeting regarding his interpretation citizen comments. He said that the comments could not be about the items that were in the public hearing since those hearings were closed. Anyone was welcomed to speak about anything else. Adjustments would be made to allow for comments earlier in the meeting for items that do not require a public hearing.

- A) John Harkness (1036 Dominion Dr) . . . He suggested the Planning Commission meet with developer to work things out.

8. NEXT MEETING: TUESDAY, MAY 7, 2024

The next Planning Commission was stated it would be held on March 7, 2023. Lee stated he received a comment online from a citizen and it would be added to the public record.

9. ADJOURNMENT:

Chairman Strope asked for a motion to adjourn. Commissioner Thrower made a motion to adjourn. Commissioner Brace seconded the motion. A roll call vote was taken. Motion passed unanimously. The meeting was adjourned at 9:38pm.

Chairman Eckstine

ATTEST:

Larry Sturdivant, Secretary

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