



Folly Beach Planning Commission

November 6, 2017

7:00 PM REGULAR MEETING

Council Chambers, 21 Center Street

Commission Members: John Pence; Kirk Grant; LaJuan Kennedy; Randy Carter; Greg Anderson; John Merritt, Michael Norton, Adam Barker

Regular Meeting 7:00pm

1: Call to Order; Roll Call

Present: Pence, Merritt, Carter, Anderson, Coggin, Barker, Norton, Kennedy
Absent: Anderson

2: Freedom of Information Statement

3: Approval of Previous Minutes

The minutes of the October meeting will be voted on in December.

4. Personal Appearances

5. Citizen Comments

Council Member Dale Stuckey, 11 Red Sunset Lane, gave her interpretation of the noise ordinance. She explained when someone can complain about a noise and exceptions to the ordinance.

6. Unfinished Business

7. New Business

A. Alternative Parking Plan, Inn at 105 E. Huron, Ryan Buck

Mr. Pope reported this project has received conditional approval from the Design Review Board, pending the approval of the parking plan submitted this evening. He said that the proposed parking plan meets the needs of the inn. He spoke in favor of the request noting that putting the parking area where he suggests does not create a hazard to pedestrians, a hazard to traffic, or create traffic congestion. Mr. Pope also invoked the Comprehensive Plan, noting Mr. Buck's plan helps improve the shoulder of the road in that area as well as pedestrian safety. Mr. Pope said that Mr. Buck is not asking for a variance and reviewed the standards

for the alternate parking plan. Discussion ensued as to how the approved use could follow the property should it ever be sold. Mr. Pope said, "If it is sold, there will have to be some sort of deed restriction or long-term lease in place for this parking." Mr. Buck gave a brief history of the project and stated he would like to have the alternative parking plan approved so that he would not have to cut down trees on the property to make room for vehicles. Mr. Grant made a motion to "approve the alternate parking plan with the condition that the ownership of the parking area be safeguarded for the future." Mr. Merritt seconded the motion. Mr. Carter stated he is concerned about other parking deficits in the area and would like the City Attorney's opinion on the matter. Mr. Grant and Mr. Merritt withdrew their earlier motion. Mr. Carter made a motion to table the request until "we send it to counsel, Joe Wilson, about the additional parking perpetuity of the spaces." Mr. Pence seconded the motion. A vote was taken with all in favor.

B. Minor Subdivision at 1502 East Ashley to divide 1.68 acres into 3 lots

Mr. Pope described the request noting that one lot will not have street access from the front of the property, which is why it cannot be approved at a staff level. Mr. Pope said, "It is my recommendation that one lot being accessed through an easement doesn't create any undue congestion or any undue complications, so I propose this for being approved." He added that the request has been approved by the Fire Department and the driveways will all be pervious as per the ordinance. Mr. Grant made a motion to approve and Mr. Merritt seconded the motion. A vote was taken with all in favor.

C. Continuation of 10/2/17 Public Hearing on Ordinance 26-17 to revise rules or short-term rentals

Mark Craig, a non-resident property owner, expressed concern about the 10% vote needed for neighborhood overlays, stating it was not representative of the population.

Kevin Roerden, 1507 Forrest Avenue, expressed concern with not counting children as "persons" when renting a home. Ms. Kennedy said, "You would be okay with the two per bedroom plus two as the maximum occupancy?" and Mr. Roerden said, "Yes."

Ross Appel, representative for the owners of 318 West Indian Avenue, stated he felt good about "the non-conforming use regulations apply specifically now to vacation rentals that were to be prohibited by this overlay that is a part of this framework here," but is still concerned with the 10% vote needed for a neighborhood overlay. He said he believes there could be legal issues faced when "zoning by referendum." He said, "Going by to the non-conforming issue, essentially what the approach is, we think that if you remodel your house more than 50%, you shouldn't lose your short-term rental rights if you're already grandfathered."

Andrea Weathers, 1402 East Ashley Avenue, spoke to what it is like living near an event house year-round. She said she does not think the property managers are posting the rules in each rental unit as required.

Patrick Arnold, 25 Beverly Road, who is the Government Affairs Director for the Charleston Trident Association of Relators, said the NPOD's percentage is a violation of property rights and asked that it be done away with.

Kathy Miller, 19 Red Sunset Lane, said if the purpose of this ordinance is regulate short-term rentals, then to consider limiting the number of homes allowed to act as short-term rentals and limit the amount of time they can rent to 6 weeks/year.

Darlene Rawls, 5 Red Sunset Lane, said her rental homes are a business just like any of the restaurants. She believes the number of strikes against an owner should be 3 instead of 6 before losing their business license.

Jimmy Rawls, 5 Red Sunset Lane, agreed that the number of offenses should be lowered to 3, but noted there needs to be a specific way to track the tickets received. He also suggested only allowing event homes in the business district.

Eric Draper, 120 East Cooper Avenue, also spoke with concern about the 10% vote needed for a neighborhood overlay. He said he rents out his home to pay his bills. Mr. Pope explained that the 10% is a placeholder and that the Planning Commission could change the number. He also said with regards to the overlay that "the petition to Council does not in itself create the result. It just asks Council to start our standard resulting process. So a petition to Council does not create the overlay. It would get Council to start the normal zoning procedure of public notice, public hearings, just like any standard rezoning."

Lynn Hudson, 613 East Arctic Avenue, suggested requiring proof that the septic tank had been cleaned each year. She reiterated that she would like to see the City do all it can to attract families to the beach.

Mr. Grant made a motion to remove all references to the neighborhood overlay. Mr. Merritt seconded the motion. Mr. Pope explained how the neighborhood overlay became part of the proposed ordinance. He said there is already a process by which new zoning districts or overlays can be created by City Council. He said if the neighborhood overlay is removed, the 50% rule also goes away. He added, "The only way that would come into effect is if the zoning changed." A vote was taken as follows:

Ayes: Norton, Grant, Carter, Pence, Merritt, Kennedy

Nays: Barker

Mr. Grant said that he was concerned about event houses acting as a commercial enterprise in a residential area and hoped that issue could be address in the future. Mr. Grant made a motion that “on page 1, the license be suspended or revoked when you have got not 6, but three or more times during any calendar year”. Mr. Barker seconded the motion. Mr. Carter stated that 6 is too many and 3 is too few. Mr Carter said language should be added: “If the occupant of a short-term rental has two warnings during their stay, they will be evicted.” Mr. Grant said, “I will take your motion as a substitute for mine.” Mr. Barker agreed to the change. Mr. Pope expressed concern about evicting renters and said he would like to seek legal advice on that issue. Mr. Grant reiterated the motion as “Any occupant during their stay who has been cited by the police two times will be evicted.” (for Section 117.03 (D)) Mr. Carter seconded the motion. A vote was taken with all in favor.

Mr. Grant made a motion to “paragraph 1, 110.17(A)(7), instead of 6 or more times, it would be 4 or more times.” Mr. Norton seconded the motion. A vote was taken as follows:

Ayes: Carter, Pence, Grant, Barker, Norton, Kennedy
Nays: Merritt

The issue of occupancy was discussed at length. Mr. Carter made a motion that “the maximum be two persons per bedroom plus two additional people per floor” regardless of sewer system and striking the age requirement. Mr. Norton seconded the motion. Mr. Pope noted that 2 persons per bedroom plus 2 additional persons is standard. Ms. Kennedy asked of Mr. Carter if he would be open to an amendment from Mr. Pence allowing a property owner to appeal the number of people allowed per house, and Mr. Carter agreed. Mr. Barker seconded the motion. A vote was taken as follows:

Ayes: Carter, Merritt, Pence, Barker, Norton, Kennedy
Nays: Grant

Mr. Pope noted changes will be made on page 6 to match the language change made earlier in the ordinance with regards to the number of offenses. Discussion ensued regarding exemptions for owner-hosted events. Mr. Carter made a motion to amend Section F to include the date of August 1, 2018. Ms. Kennedy seconded the motion. Mr. Barker suggested removing the word “outdoor” from the motion. Mr. Carter and Ms. Kennedy approved the change to the motion. A vote was taken as follows:

Ayes: Pence, Barker, Norton, Carter
Nays: Merritt, Grant, Kennedy

Mr. Pope then reviewed all the changes made to the ordinance. Ms. Kennedy made a motion “that with the revisions that Aaron is going to put in there for us

that we send this back to Council as our recommendation, and Mr. Grant seconded the motion. A vote was taken with all in favor.

8. Staff Comments

Mr. Pope reminded the commissioners that the Boards and Commissions party is on November 16 and to please RSVP to City Hall.

9. Commission Comments

10. Adjournment at 8:55pm.