



# Folly Beach Planning Commission

## Minutes

**July 2, 2018**

6:00 PM WORK SESSION

7:00 PM REGULAR MEETING

---

**Commission Members:** Greg Anderson; Adam Barker; Randy Carter; Lisa Strauss; Kirk Grant; LaJuan Kennedy; John Merritt; Michael Norton; Kate Pratt

### **6:00 PM WORKESSION**

Members Present: Chairwoman Kennedy, Anderson, Barker, Carter, Merritt, Strauss  
Staff: Pope

#### 1. Review of Formula Business Zoning Proposal

Mr. Pope along with Lauren Geliaty from Lowcountry Local First, presented to the Commission about the preliminary plans to ban formula businesses in the downtown commercial district of Folly Beach. Mr. Pope also mentioned that this will be brought to the next City Council Meeting on July 10<sup>th</sup>. Ms. Geliaty also added some background information about Lowcountry Local First, and how they have helped Sullivan's Island create a similar ban to prohibit formula businesses. Ms. Geliaty stated that the types of businesses that would be affected would be based on the characteristics of the business: the number of outlets (both national and worldwide if applicable), and standardized features that the business would have.

Mr. Pope added that this would only be protecting the community's character not the local businesses that are currently on Center Street. He also added that there would be some exceptions to the formula business rule: Circle K gas station with Subway and the Tides Hotel location. Ms. Kennedy added that around 2004 the City had passed an ordinance to ban drive through chains since the City did not have the capacity. Ms. Kennedy also added that this new potential ordinance will be an addition to the current ordinance which will be good to keep the current character of the downtown commercial district.

Mr. Pope went through some current examples that are happening on Folly that potentially could have the capacity for national chains to move in, and stressed why this ordinance is important to keep the character of the commercial district. Mr. Pope also stated that the City Attorney Joe Wilson will be helping with the language of the ordinance to ensure each business is treated equally in the same process. Mr. Pope added that Mr. Wilson has already

done some preliminary legal work to ensure that the ordinance states the City is protecting the character of the downtown commercial district and not the current businesses.

## 2. Review of subcommittee report on historic preservation incentives

Mr. Pope summarized the final Historic Preservation Incentives that were done from the Historic Preservation Committee. Mr. Pope also mentioned that this is the final product to provide to City Council after 9 meetings. What the committee decided first was not to pursue architectural incentives now since they would be the hardest to regulate and enforce. They decided to create preservation incentives to entice homeowners to preserve their historic homes (50 years old like the industry standard). Mr. Pope then went into detail the different incentives that would be granted for two different situations: for any new construction that elevates and incorporates an existing structure of local historic importance, or for any new construction incorporating a historic structure or substantial improvement of an existing historic structure (without associated new construction). Some of the main focuses were: raising the demolition fees, possibly allowing for the historic structure to be an accessory structure, and waiving some of the permitting fees and potentially some property taxes.

Chairwoman Kennedy mentioned the issues with having an accessory structure on the property. She reminded the committee that most of the island is on a septic tank, and with an additional structure on the property there would need to be two different septic tanks which would difficult to have on most of the lots on Folly Beach. She also stated the issue if the property were to sell the other unit could be another vacation rental on the beach. Mr. Barker stated if they could have the accessory structure it could be used as a form of affordable housing on the beach which is a part of the 10-year plan.

## **7:00 PM REGULAR MEETING**

### 1: Call to Order; Roll Call

Present: Chairwoman Kennedy, Anderson, Barker, Carter, Merritt, Pratt, Strauss  
Absent: Grant, Norton

Staff Present: City Administrator Wetmore, Eich, Lutz, Pope

### 2: Freedom of Information Statement

### 3: Approval of Previous Minutes

Approval will happen at next month's meeting.

### 4. Personal Appearances

No personal appearances were made.

### 5. Citizen Comments

The Mayor from a town outside of Louisville, KY came to visit the planning commission to see how it differs from his own town. He also mentioned that he came into City Hall earlier as well to see how they operate.

Matt Napier, 1661 E. Ashely Ave, gave a short presentation to the committee in favor of the moratorium that was recently passed, and why it is important to change the current building setbacks on super beach front lots. Mr. Napier used his own house as an example of how the beach has eroded by his house and with any new construction it would destroy the beach further.

6. Unfinished Business

(1) PC Recommendation on sending historic preservation incentives to Council.

Mr. Pope summarized to the committee the historic preservation incentives from the work session. Some of the main points were to waive permitting fees, where the example to raise the house is \$25,000 the permit would be \$330.00 that would be waived, and raising the demolition fees. Mr. Carter motioned to discuss the incentives, Mr. Anderson seconded.

Mr. Carter motioned to amend page two number 5 to say, the City shall waive property taxes for 5 years with a cap of 10 houses, Mr. Barker seconded. All voted in favor.

Mr. Carter motioned to amend the amount of years waived for property taxes to be determined by City Council, Mr. Barker seconded. All voted in favor.

Mr. Barker motioned to add a historic structure can be considered an accessory dwelling with a deed restriction that it cannot be used as a short-term rental, Mr. Carter seconded. Chairwoman Kennedy mentioned that the deed restriction can only be enforced on the new homeowner once the property is sold, not the current owner. She stated the major issue with accessory structures is the septic tank, and most of the lots on Folly are not able to have two septic tanks on one lot. Mr. Anderson also stated his opposition to allow two houses on one lot. Mr. Barker added that this would be best for affordable housing on Folly Beach, which has been a factor in the 2015 Comprehensive Plan for the City. A vote on the amendment was taken as follows: Ayes: Mr. Barker, Mr. Carter; Nays: Mr. Anderson, Mr. Merritt, Ms. Pratt, Ms. Strauss, and Chairwoman Kennedy. The amendment failed.

Mr. Carter motioned to vote on the proposal to Council with both Amendments, Mr. Barker seconded. All voted in favor.

7: New Business

(1) Moratorium Session 1: review of oceanfront development, oceanfront management issues, current regulations, and initial areas of study.

Mr. Pope gave a brief presentation on the moratorium for oceanfront properties. He went into the history behind the moratorium, the different regulations that have been proposed, and the various properties that will be affected. Chairwoman Kennedy also added some of the history of what the City has already done and how this has evolved to the moratorium today. Mr. Pope also went into detail about how the City evaluates the setbacks on different properties. The City currently uses the setbacks from the critical line that was drawn by OCRM, which usually matches the baseline. City Administrator Wetmore added that there are some “pocket beaches” by the Washout where the baseline and the critical line do not match.

Mr. Pope also mentioned most of the beach front lots on the West End of the island are not big enough to build on since they are not large enough to install a septic tank on. Mr. Pope added another issue with septic tanks on beach front lots is the beach erosion. As the beach erodes the setbacks move with the new critical line. Mr. Lutz added that the City has only shut down at least three houses for septic tank issues during his time with the City due to this issue. Mr. Pope suggested that they will be

looking at other agencies, such as: DHEC, DNR, OCRM, and others, at their standards for setbacks with septic tanks with the eroding beach line.

Mr. Pope mentioned to the commission that he will draft 3-4 different options for the commission to consider in their August Meeting to bring forward to Council.

8: Staff Comments

(1) Moratorium Session 2: Marsh development review scheduled for July 9.

Mr. Pope stated to the commission that it will be easier to look at the ocean front properties and marsh front properties separately. He also mentioned the bulk of the presentation will be done by Nicole Elko who has done most of the research on this project, and can answer most of the commission's questions.

9: Commission Comments

Mr. Carter thanked the Historic Preservation Committee for all their hard work over the past year.

10: Adjournment **8:18pm**