



# Folly Beach Planning Commission

## Regular Meeting - Minutes

**April 5, 2021**

7:00 PM REGULAR MEETING

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**Commission Members:** Greg Anderson; Kirk Grant; LaJuan Kennedy; John Merritt; Michael Norton; Laura Pace; Kate Pratt, Paula Stubblefield; Randy Carter

### 7:00 PM REGULAR MEETING

#### **1: Call to Order; Roll Call**

Present: Greg Anderson, LaJuan Kennedy, John Merritt, Michael Norton, Laura Pace. Paula Stubblefield

Absent: Randy Carter, Kate Pratt

Staff: Eric Lutz and Aaron Pope

Council Members: Bill Farley

#### **2: Freedom of Information Statement**

#### **3: Approval of Previous Minutes – March 1, 2021**

Mr. Grant made a motion to approve the minutes and Mr. Norton seconded them. There was no discussion and the minutes were approved.

#### **4. Personal Appearances**

Omar Colon and Brandon Gaskins on behalf of Bert's.

#### **5. Citizen Comments**

Citizen comments were distributed to Planning Commission prior to the meeting. There were 63 total public comments for Berts. No other public comments.

#### **6. Unfinished Business**

None.

Ms. Kennedy proposed a motion to delete Item 7 under New Business due to the heavy schedule of this meeting. This will go on the May meeting agenda. Mr. Grant moved and Mr. Norton seconded. No discussion and all are in favor.

## 7. New Business

### 1) Preliminary Plat: Subdivision of TMS #328-10-00-141 into Lots 7, 8, & 9

- Lot 7 will be donated, use or purpose has not been determined and it is not required to review. City just reviews if it meets the ordinance. This cannot be done at staff level because it does not meet access and there is an easement agreement. Staff had a discussion on utility and sewer availability and a letter is being drafted by the utility director and will be submitted with final plat review. Planning Commission asked for staff recommendation and staff says it complies with the ordinance so it should be approved.
- LaJuan made a motion to approve the preliminary plat and it was seconded by Mr. Norton. All voted yes.

### 2) Ordinance 08-21: An Ordinance Amending Chapter 168 (Nonconformities) Of the Folly Beach Code of Ordinances, Section 168.02.07 (Substantial Improvement) by Allowing Nonconforming Uses to Remain by Result of Substantial Improvement in the IC, RTF, and DC Districts.

- There was a motion by Paula to approve the ordinance and seconded by Mr. Norton. Staff explained the nonconforming use and what districts are affected with the implications.
- All voted yes. And the ordinance is recommended to Council.

### 3) Ordinance 10-21: An Ordinance Amending Chapter 152 (Flood Damage Prevention) Of the Folly Beach Code of Ordinances) By Increasing the Freeboard From 2' To 4' And Regulating Shaded X and X Zones Due to The Change of the Flood Insurance Rate Maps and Overall Drop in Base Flood Elevations Throughout the City of Folly Beach.

- There was a motion by Mr. Merritt to approve the ordinance and seconded by Mr. Norton. Staff explained changes in the flood maps, lack of quality data behind the modeling, the commitment to planning for Sea Level Rise, and the benefits to the CRS community.
- All voted yes. And the ordinance is recommended to Council.

### 4) Ordinance 11-21: An Ordinance Amending Chapters 161 (Definitions), 163 (Zoning Districts), 164 (Use Standards), 165 (Dimensional Standards), And 166 (Development Standards) of the Folly Beach Code of Ordinances) By Changing the Reference Point of the Max Height Requirement from the Base Flood Elevation to the Top of the First Living Floor Surface Due to the Change of The Flood Insurance Rate Maps and Overall Drop in Base Flood Elevations Throughout the City of Folly Beach.

- Motion was made by Mr. Norton to approve the ordinance and seconded by Mr. Anderson. Staff explained that with the changes in the flood maps, that the reference point for max height should also change to allow for people to make the choice to elevate higher and use parking underneath home.
- Mr. Grant moved to table this as he did not understand the concept. This also tables Ordinance 10-21 as they must be recommended as a package. It was seconded by Mr. Merritt. The ordinance is passed and tabled until next meeting.

**5) Ordinance 12-21: An Ordinance Amending the Zoning Map of The City of Folly Beach to Show TMS 328-14-00-057 (Also Known As 204 E Ashley) To Downtown Commercial from Residential Two Family.**

- No in person commentary due to covid, just public comment via email.
- Motion to approve was made by Mr. Norton and seconded by Mr. Anderson.
- Bert's case was presented by Brandon Gaskins (lawyer) - explains the rezoning and circumstance. Eliminates dimensional nonconformity. States that rezoning with condition is illegal due to SC Code requiring uniform conformity. Staff then explained why staff support was conditional on lot line abandonment or to deny the application.
- 203 E Cooper has opposed.
- Should we table? Applicant has considered the lot line abandonment and is not asking for that.
- Permits were not acquired before kitchen was built, but Bert's should not be punished for this per the lawyer.
- A motion was made by Mr. Grant to table as he did not have time to read the public comments and Mr. Anderson seconded. All Commissioners voted to table.
- Staff will make sure to ask City attorney about legal argument of conditional zoning.

**8. Staff Comments**

Staff let the Commission know that the next regularly scheduled meeting will be her first day back from her wedding and to be patient during this time. Staff also requested if Commissioners need printouts of any agenda or paperwork to let them know and they will be more than happy to provide.

**9: Commission Comments**

**10: Adjournment** – Mr. Grant made a motion to adjourn, and Mr. Norton seconded. The meeting was adjourned at 8:00pm.