



Folly Beach Planning Commission

Special Meeting - Minutes

April 12, 2021

4:00 PM SPECIAL MEETING

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

4:00 PM SPECIAL MEETING

1: Call to Order; Roll Call

Present: LaJuan Kennedy, Randy Carter, Michael Norton, Laura Pace (v), John Merritt (v), Kate Pratt (v), Kirk Grant (v), Paula Stubblefield (v)

Absent: Greg Anderson

Staff: Aaron Pope, Eric Lutz, Joe Wilson

Council: Amy Ray, Mayor Tim Goodwin, William Farley, Adam Barker

2: Freedom of Information Statement

3: Personal Appearances

Julia and Omar Colon, Brandon Gaskins on behalf of 204 E Ashley Rezoning

4. Citizen Comments

All public comments were submitted via email prior to the meeting due to COVID-19.

5. Unfinished Business

1) 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.

Randy Carter made a motion to approve the Ordinance as written, and Mr. Michael Norton seconded. There was no discussion. All commissioners voted yes.

2) 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.

Kirk Grant made a motion to approve the Ordinance as written, and Mr. Michael Norton seconded. There was a clarifying question on Downtown Commercial district heights and what the reference floor was. All commissioners voted yes.

3) 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.

There was a motion to consider by Mr. Grant and seconded by Mr. Michael Norton.

-Staff stated the ordinances were properly advertised in the paper, the property was posted, and that notice was mailed to owners. Public comment was accepted by email due to COVID prohibition on in person testimony. There were 60 public comments in support and 3 in opposition. The emails received were distributed as part of the record and are available online.

-Bert's lawyer, Mr. Gaskins, provided a PowerPoint for supplemental information. Omar stated why they are requesting a rezoning and not a variance. They canvassed neighbors within 150' radius and is shown in PowerPoint. The proposed addition is not affecting the lot (204 E Ashley) and addition is back within 15' setback. He described how this property is unique and no other lots are in this scenario. The applicant shows how DC zoning would remedy the dimensional nonconformity and how all other lots are not vacant (aka no precedent). 203 E Cooper concerns were addressed (25' setback requested but there is 15' required now) and hypothetical uses of 204 E Ashley were discussed. Parking constrains this lot for development as it is a half lot. Bert's does not want lot line abandonment (taking) but will entertain a restrictive covenant.

-Staff: Explained why it was encouraging lot line abandonment and would not recommend the applicant's application without that condition.

Discussion and questions commenced.

-Kirk Grant stated the current use of 202 E Ashley - 4 rentals, Bert's and liquor store. He asked for an explanation for the current zoning scenario: LaJuan stated when the City did the maps it was outside the normal district and it was existing commercial and thus zoned accordingly so it was legal. Future land use shows residential for 204 E Ashley thus making a rezoning incongruent with the Comprehensive Plan. Some Commissioners thought that enlarging the parcel would not be in line with the comp plan. As Folly grows, we should not extend the commercial district.

-Laura Pace then raised the point that the Attorney stated 204 E Ashley was not good for any commercial use due to its size, and asked why not give up the lot line? Bert's states that lot has a value so they can't give up the value of the lot and clarifies it is only SOME commercial and all residential. There are no plans to currently develop. The parking requirements and dimensions were discussed. Ms. Pace then asked what the need is to expand the kitchen. Bert's responded that it would have more offerings from Bert's and they will have a pick up window and be able to wait in an open area. Lawyer again makes the case for a restrictive covenant.

-Paula Stubblefield then stated that a restrictive covenant would not prevent all commercial development.

-Kate Pratt then asked if a lot line abandonment scenario was something the applicant wanted and if they need more time for discussion. Applicant does not want lot line abandonment at all.

- Mr. Kirk Grant asked if the current extension of kitchen is legally nonconforming. Staff verified that it is. There was a discussion about value of the lot as commercial vs. residential. Kirk is opposed to the rezoning because tabling should be at next regular meeting, dumpsters on 204 E Ashley are not permitted, the City should protect adjoining residents and some are opposed, and even though Bert's was an exception for the Commercial District, the City should not extend DC. Purpose of zoning is to protect integrity of neighborhood. Rezoning or abandoning lot line is expanding DC and should not happen.

-Comment from Omar on the trash and recycling on 204 E Ashley. He stated that there is community recycling (by City) that was placed at that lot.

-Ms. Laura Pace asked if it is possible to use liquor store for the kitchen. The applicant stated it is not due to layout. It is leased space that has been there for 10-12 years. It is legally nonconforming and staff explained density of uses and required sf for those uses. The motion to consider is now considered closed.

-A Motion to Approve Bert's with Staff Recommendation was made by Michael Norton and seconded by John Merritt. A roll call was done and the motion did not carry.

- No: LaJuan Kennedy, Randy Carter, Laura Pace (v), Kirk Grant (v), Paula Stubblefield (v)
- Yes: Michael Norton, John Merritt (v), Kate Pratt (v)

-There was no other affirmative motion.

4) Ordinance 13-21: An Ordinance Rezoning TMS 328-14-00-057 (Also Known As 204 E Ashley) To Downtown Commercial from Residential Two Family.

-This item was not considered because Ordinance 12-21 was not considered.

6. New Business - none

7. Staff Comments – none.

8: Commission Comments

Mr. Merritt thanked the public for completing the survey and supplying info for Comp Plan update, and thanked all who attended the men's club BBQ and the money that was raised for charity.

9: Adjournment

Motion was made by Mr. Grant and seconded by Mr. Norton was adjournment. Meeting adjourned at 5:02.