

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
PLANNING & DEVELOPMENT COMMITTEE  
NOVEMBER 5, 2018  
MINUTES**

Municipal Complex, Committee Meeting Room

Attachment 1—[PowerPoint Presentation](#)

Present: Joe Bustos, Chair, Bob Brimmer, Guang Ming Whitley.  
Absent: Tom O'Rourke.  
Staff: Eric DeMoura, Jeff Ulma, Christiane Farrell, Kent Prause, Michele Canon, Liz Boyles

Mr. Bustos called the meeting to order at 10:00 am.

**1. Approval of Minutes from the [October 1, 2018](#) meeting**

*Mr. Brimmer moved for approval of the minutes. Ms. Whitley seconded the motion. All in favor.*

**2. Public Comments**

There being no comments, Mr. Bustos continued with the agenda.

**3. Annexations**

- a. **[A-34-18: Old Georgetown Road](#). Request to annex an approximately 2.05 acre tract of land comprised of four parcels located 2347 Highway 17 North and 2324 Old Georgetown Road, identified by TMS No. 580-14-00-003 through -005 and 580-14-00-007 and depicted on a plat as Lots 23 through 26 recorded by Charleston County ROD Office in Plats Book V, Page 64 and Book DE, Page 389.**

Mr. Ulma reviewed the request with the Committee.

Ms. Whitley asked about the current county zoning. Mr. Ulma answered that it is S-3 and is in the Sweetgrass Basket Overlay District (SB-OD). Ms. Whitley asked if the annexation would be considered first and then the zoning. Mr. Ulma answered in the affirmative.

*Mr. Brimmer moved to recommend to Town Council approval of the annexation request. Ms. Whitley seconded the motion. All in favor.*

- b. **[A-35-18: 4320 Stonehouse Circle](#)**. Request to annex an approximately 1.06 acre tract of land located at 4320 Stonehouse Circle, identified by TMS No. 632-00-00-085 and depicted on a plat as lot 13 recorded by Charleston County ROD Office in Plat Book EG, Page 761-765.

Mr. Ulma reviewed the request with the Committee.

*Mr. Brimmer moved to recommend to Town Council approval of the request for annexation. Ms. Whitley seconded the motion. All in favor.*

- c. **[A-36-18: Theodore Road](#)**. Request to annex an approximately 2.87 acre tract of land located off Theodore Road, identified by TMS No. 614-00-00-106 and depicted on a plat as lot T recorded by Charleston County ROD Office in Plat Book EC, Page 71.

Mr. Ulma reviewed the request with the Committee.

*Mr. Brimmer moved to recommend to Town Council approval of the annexation request. Ms. Whitley seconded the motion. All in favor.*

#### 4. Review of Planning Commission recommendations from the **[October 24, 2018 meeting](#)**

- a. **[R-23-18, 2347 N. Hwy 17/Old Georgetown Road](#)**, TMS #580-14-00-003, -004, -005, and -007. Request to Zone OP, Office Professional District, four parcels between Old Georgetown Road and North Highway 17. Also request to amend the Comprehensive Plan Future Land Use Map designation from Community Conservation to Commercial land uses.

Mr. Ulma reviewed the request with the Committee. He stated that the Planning Commission recommended approval.

Ms. Whitley asked if there is residential surrounding this property. Mr. Ulma reviewed the zoning map with the Committee and stated that there are a variety of residential and commercial uses surrounding this property.

Mr. Brimmer asked if the use would not be allowed in the current county zoning. Mr. Ulma answered in the affirmative. Mr. Brimmer asked if it is consistent with the Comprehensive Plan recommendation. Mr. Ulma answered in the negative.

and stated that a Comprehensive Plan map amendment is requested. Mr. Brimmer asked about the neighborhood response. Mr. Ulma answered that the applicant has met with the neighborhood to review the plan.

Mr. Berry, Earthsource Engineering, reviewed the request with the Committee. He stated that the owner has reached out to the community to review the project with them. He stated that the community is in favor of the request. He stated that a community park would be located on the property as well. He stated that the Planning Commission recommended an artifact study for the property and stated that the owner is agreeable.

Mr. Tommy Baker, owner, stated that this would be a community bank to serve the neighborhood. He stated that it would be one of two community banks in the area. He stated that they have worked with the community to address their concerns and needs. He stated that they would provide a sweetgrass basket stand as well.

Reverend Gallant stated that he was involved in the community meetings and suggested that the community needs and concerns have been addressed. He stated that the community is in favor of the request.

Mr. George Freeman, 1450 Bowman Rd, stated that the community is in support of the request. He suggested that this project would be in keeping with the changes being requested in the Comprehensive Plan update. He suggested that John Brown Road should be connected to Billy Swails Blvd for better access for the church.

Mr. Brimmer asked the size of the building. Mr. Berry answered that it would be approximately 10,000 square feet. He stated that the current zoning would not allow the use, so the proposed zoning was requested.

Mr. Brimmer suggested that a smaller project should be located on this property as it is located in a historic area. He suggested that the conceptual design seems too modern for the neighborhood and suggested that a design that blends more with the architecture of other buildings in the area should be considered.

*Ms. Whitley moved to recommend to Town Council approval of the request. Mr. Brimmer seconded the motion. All in favor.*

- b. [R-24-18, 1227 Longpoint Road](#), TMS #557-00-00-019. Request to rezone from R-1, Low Density Residential District, to CC, Community Conservation District.

Mr. Ulma reviewed the request with the Committee. He stated that the Planning Commission recommended approval.

Ms. Whitley asked if the accessory dwelling unit (ADU) could remain on the property with the principal structure built. Mr. Ulma answered that the current ordinances do not allow two principal structures to be located on one lot. Ms. Whitley suggested that the ordinances should be amended to allow the ADU first, rather than allow the rezoning.

Mr. Brimmer agreed that this might not be the best course of action.

Ms. Chestnut Dutton, owner, stated that the zoning was suggested by staff in order to move forward with building the primary residence.

Ms. Whitley asked if the ordinance was updated, would this resolve the issue for this property. Mr. Ulma answered that it is possible, but the amendment would take several months to research this issue and ensure the right course of action was being taken, not only for this property but for the entire Town.

Mr. Bustos stated that this was previously approved for a different property. He suggested that this should move forward with the understanding that an ordinance amendment should be considered.

*Mr. Brimmer moved to recommend to Town Council approval of the request. Mr. Bustos seconded the motion. All in favor.*

- c. [R-25-18, Off Billy Swails Blvd](#), between Crystall Drive and Yough Hall Road, TMS #578-00-00-128, -129, -167, -168, -217. Amend the Coaxum Tract PD-CD, Planned Development-Conservation Design District, to adopt the planned development district zoning map.

Mr. Ulma reviewed the request with the Committee. He stated that the Planning Commission recommended approval.

Mr. Freeman expressed concern with interconnectivity of this neighborhood to adjacent property. He suggested that the connection should be paved to the property line for future connections.

Mr. Bustos asked how many lots are proposed. Mr. Ulma answered that there are 55 lots proposed. He showed the interconnectivity for the Committee and stated that the pavement would stop short of the property line, but the property would be designated as right-of-way.

Mr. Brimmer asked why the road did not extend to the property line. Mr. Ulma answered that there were previous concerns with having the road extend to the property line, so the roadway stops before the property line, but the length of the property would be dedicated as right-of-way with the understanding that the interconnectivity could be completed at a later date. Mr. Brimmer asked if external feedback can dictate what is done on a different property. Mr. Ulma answered in the affirmative and stated that public comment is allowed for these projects and can result in changes to a project.

Mr. Bustos suggested that at the least, pedestrian access should be provided.

Ms. Whitley asked if the request is for approval of the map. Ms. Canon answered in the affirmative.

*Mr. Brimmer moved to recommend to Town Council for approval of the request with the condition that the right-of-way is paved to the property line for future interconnectivity. Mr. Bustos seconded the motion.*

Mr. Ulma suggested that a deferral might be appropriate in order for staff to review the issue further.

*Mr. Brimmer withdrew his motion. Mr. Bustos withdrew his second.*

*Mr. Brimmer moved for deferral for further review by staff. Ms. Whitley seconded the motion. All in favor.*

**d. [R-26-18, 1843 Rifle Range Road](#), TMS #561-00-00-012. Request to rezone from CC, Community Conservation District, to R-1, Low Density Residential District**

Mr. Ulma reviewed the request with the Committee. He stated that the Planning Commission recommended approval.

Mr. John Popelka, developer, reviewed the request with the Committee. He stated that the residents on Page Lane are in favor of the request and provided a letter of support for the Committee. He stated that Page Lane encroaches onto the requested property, so he is willing to dedicate that portion of the property for access.

*Mr. Brimmer moved to recommend to Town Council approval of the request. Ms. Whitley seconded the motion. All in favor.*

**5. Review of [Draft Building Permit Allocation System \(BPAS\) Ordinance](#)**

Mr. Ulma reviewed the request with the Committee.

Mr. Bustos asked if this is a similar system to what was previously utilized. Mr. Ulma answered in the affirmative and stated that some procedural changes were included for ease of administration.

Ms. Whitley asked what additional information is needed for the affordable housing. Mr. Ulma answered that staff wanted to ensure that the language provided outlined the intent.

Mr. Bustos suggested that there could be an increase of permit applications as this moves forward and that a pending ordinance doctrine might need to be enacted.

*Ms. Whitley moved to recommend to Town Council approval of the request. Mr. Brimmer seconded the motion. All in favor.*

Mr. Bustos thanked the Committee and staff for their work on this issue.

## 6. Review of preliminary Draft Ordinance to regulate Short-Term Rental properties (STR's)

Ms. Canon reviewed the request with the Committee. She stated that based on the report received, there are approximately 245 properties advertised for short-term rentals, with approximately 40 of those were bed and breakfast type rentals.

Ms. Lucy Gordon, 1551 Ben Sawyer, expressed concern with allowing short-term rentals when the owner does not live on the property. She suggested that the ability to purchase homes strictly for short-term rental use should be prohibited. She stated that the City of Charleston has been reviewing their short-term rental requirements to determine how to better regulate short-term rentals so that only owner-occupied residences can have short-term rentals. She suggested that this should be considered so that the neighborhoods do not become commercialized, investment properties.

Mr. Mark Sanford suggested that the important aspect is ensuring that there is no impact to neighboring properties. He suggested that regulations should be put in place to regulate this industry. He suggested that often short-term rental is used as a means of providing additional income, so the industry should be regulated to provide the means of having short-term rentals, but not cause undo impact to the neighbors.

Ms. Sally Jacob, 1152 Village Creek Lane, suggested that short-term rentals should not be allowed in townhouse or multi-family units. She suggested that the impact to neighbors for townhouses or multi-family units can be more significant because of the proximity to neighbors. She expressed concern with public safety with the number of unknown renters. She expressed concern that having short-term rentals for townhouses and multi-family units would deplete the number of units available for affordable housing.

Mr. Brumby McCloud, 731 Mildenhall Place, commended staff on their work on this issue and agreed with the majority of the proposed ordinance. He suggested that every unit should be licensed for short-term rentals and every agent should be licensed as a property manager as well. He suggested that the Town should coordinate with the County Assessor's office in collection of accommodation taxes and other appropriate taxes.

Mr. Kenny Craft, 204 Spooner Lane, stated that he is in favor of short-term rentals as it does provide opportunities for additional income. He stated that there has been concern with having loud or obnoxious renters and suggested that there are systems that can monitor noise levels that can be purchased and installed by the property owner. He suggested that there is an opportunity to collect some additional revenue for the Town. He stated that the impact of short-term rentals in the Town is minor compared to the number of homes in the area and suggested that this should be kept in mind.

Mr. Mike Pontias, 805 Farm Quarter Road, asked the reason for excluding ADUs and suggested that this should be reconsidered. Ms. Canon stated that accessory structures were not included as permitted for short-term rentals, but ADUs that were inspected as such would be allowed to have short-term rentals. She stated accessory structures such as pool houses or bonus rooms over a garage were excluded mainly because they would not meet the requirements for a dwelling.

Mr. Kevin Cunnane expressed concern with fire safety and suggested that a simple affidavit should not be allowed. He suggested that some signage should be included on the street to identify where additional units are located. He suggested that fire extinguishers and sprinklers should be required for short-term rentals. He suggested that there should be an inspection to ensure that there is proper fire protection and penalties assessed for violations.

Ms. Laurie Bixler, 144 3<sup>rd</sup> Ave, suggested that the residential use does not change because of having short-term rentals. She suggested that the stricter fire protection should be considered for all residential uses and not limited to short-term rentals as the danger would be no different. She stated that many of those that have short-term rentals do pay appropriate taxes and are good neighbors. She stated that hotels have stricter requirements because it is a commercial use. She suggested that the City of Charleston is reviewing their requirements for having owner-occupied short-term rentals because of enforcement issues.

Mr. George Bixler, 144 3<sup>rd</sup> Ave, stated that he has short-term rentals that has provided additional income and allowed him to retain his home. He suggested that requiring sprinkler systems for residential homes would be excessive.



Ms. Marsha Keith, Village Creek Lane, stated that there are fees and taxes that a resident would pay that a short-term renter would not such as electric fees and suggested that this should be a consideration.

Mr. Cunnane clarified that intoxication in a vacation home or dwelling is different from being intoxicated in your own home because there is more familiarity with your own home as opposed to a vacation home.

Mr. Bustos asked if ADA requirements would be required for short-term rentals. Mr. DeMoura answered that it is a private residence, so ADA compliance is not required. Mr. Bustos asked if some requirements such as exit signs, maps, etc should be considered for short-term rentals for safety reasons.

Ms. Whitley suggested that a limit on the number of short-term rentals allowed should be considered as this would change the character of the rentals. She also suggested that the fee should be set to cover the cost of enforcement of the program. She suggested that apartments should be excluded. She also suggested that a portion of the fee could be used for affordable housing efforts.

Mr. Brimmer asked what is the definition of a commercial use. Ms. Canon answered that there is no definition for a commercial use, but there are requirements set forth for developing on a commercial property and for commercial buildings. Mr. Brimmer suggested that a commercial use would be something that generates revenue and suggested that this should be clarified and a distinction made between a commercial use and a residential use. Ms. Canon stated that the principal use table distinguishes where a commercial use is permitted. Mr. Brimmer stated that he is trying to distinguish between a home being rented out and a hotel. Mr. Ulma stated that a home would be occasionally used for rental whereas the hotel is exclusively used as rental. Mr. Brimmer suggested that there should be clear definitions determined.

Mr. Prause stated that in the past, the principal use is occupying and living in the house. He stated that it is more utilization of the home as a domicile rather than a business. He stated that residential rental properties would have different fire and safety requirements.

Mr. Brimmer suggested that there should be clarification on owner-occupied residences and the owner should be onsite. Ms. Canon asked about whole-house

rentals. Mr. Brimmer answered that the owner should be onsite and that a whole-house rental would be considered a commercial use. He suggested that commercial uses versus residential uses should be clarified and that they occur in the appropriate zoning. He suggested that HOA restrictions should be considered. He suggested that how short-term rentals or bed and breakfasts already approved are handled needs to be considered. He suggested that the requirements of the county should be reviewed to ensure that the Town does not become a magnet for short-term rentals. He asked that a comparison of other municipalities be provided in a table format so that it is easy to compare.

Ms. Whitley suggested that long-term rental is a commercial activity, but short-term rental would be a residential activity. She agreed that HOA restrictions should be a consideration. Ms. Canon answered that an affidavit stating that there are no covenant restrictions would be required.

Mr. Bustos suggested that some additional fire and safety requirements should be required for short-term rentals. He suggested that there should be a maximum of short-term rentals allowed within a neighborhood or on a particular street. He suggested that a business license for short-term rentals should be required with a safety inspection conducted. He agreed that this program should be self-sustaining with a fee assessed to cover all of the administration costs.

Ms. Canon suggested that allowing only owner-occupied homes would self-govern the number of short-term rentals that would be allowed. Ms. Whitley suggested that short-term rentals should not be restricted for owner-occupied property. Mr. Brimmer suggested that some restrictions should be determined to prevent having a significant number of short-term rentals in one area or along one street as this would change the character of the street or that neighborhood.

Mr. Brimmer read the US Legal definition of commercial and suggested that short-term rentals would be considered commercial under that definition. He suggested that careful consideration should be taken to determine what is considered commercial and what is residential.

Mr. Prause stated that home-based businesses are allowed in a residence if the requirements are met and there are no covenant restrictions.

Ms. Gordon suggested that the majority of the short-term rentals are owner-occupied and would be self-regulating. She stated that her concern is a company buying up numerous homes for short-term rental.

Mr. Ulma stated that staff would provide the additional information at the next meeting.

Ms. Whitley suggested that there is a distinction between someone who has more than one home and is living in the home on a part-time basis and renting out the home short-term during the times they are not in Town. She stated that she is not opposed of whole-house short-term rentals, but there should be a maximum number allowed.

## **7. Comprehensive Plan update**

Mr. DeMoura suggested that the update could be provided by memo.

The Committee agreed.

There being no further business, the meeting adjourned at 12 01 pm.

Submitted by,  
L. Lynes  
PlanComm11052018