

The Town of Summerville Planning Commission Meeting  
Minutes  
April 15, 2019

This meeting of the Town of Summerville Planning Commission was attended by Commission Members, Jim Reaves, Chairman; Sarah Bares; Tom Hart; Jonathan Lee; and Kevin Carroll. Staff in attendance included Tim Macholl, Zoning Administrator and Meredith Detsch, Town Planner.

Jim Reaves, Chairman, called the meeting to order at 4:00 PM.

**Approval of Minutes:**

The Chairman asked if there were any edits or additions to the minutes from the meeting on March 18, 2019. Hearing none, the Chairman asked for a motion. Dr. Bares made a motion for approval of the minutes as presented. The Motion was seconded by Mr. Carroll. The motion passed unanimously 5-0.

**Public Hearings:**

The first public hearing opened at 4:01 PM and was for the proposed amendments to the Town Code, Chapter 32, Zoning, Article V, Special Use Permits to include Section 32-313, Conditional Use Permits for Halfway Houses. Mr. Reaves introduced the request. The Public Hearing was opened to the public and Mr. Reeves asked if anyone in attendance came to speak concerning the first item. No one came forward to comment on the proposal and the public hearing was closed at 4:03 PM.

The second public hearing opened at 4:03 PM and was for the Petition by W.D. Phillips to annex Berkeley County TMS# 232-00-02-051 (approximately 1.66 acres) located at 1107 through 1111 N. Main Street, currently zoned GC General Commercial in Berkeley County and will be zoned B-3 General Business upon annexation into the Town of Summerville's municipal limits. Mr. Reaves introduced the request. Ms. Brenda Phillips a representative for the applicant Mr. W.D. Phillips came to the table to discuss the proposal. She explained that she was unaware that the Town Council had already conducted first reading of the Ordinance and that she was concerned about the notification, because the sign that was posted had washed out and was difficult to read. She indicated that she didn't understand why this was being handled the way that it was and that her tenants were asking what they would need to do after annexation. Ms. Phillips asked if it would be possible to delay the proceedings to allow her tenants time to consider the ramifications. She has a tattoo parlor as tenant and was concerned about their legal status after annexation. Mr. Macholl explained they would be a legal non-conforming use and would be permitted to continue operating. Hearing no other comments from the audience, the public hearing was closed at 4:09 PM.

The third public hearing opened at 4:09 PM and was for the Request to amend the PUD for Palmetto Place, owned by NVR, Inc., located off of Gahagan Road and Grand Palm Lane. Amendments include but may not be limited to the following: allow model homes which may be used as a sales office for the marketing and sales of the townhome units. Parcels affected by this request include: TMS# 379-00-00-300 through 379-00-00-365, 379-00-00-065, and 379-00-00-171 through 379-00-00-189, approximately 18.77 acres. Mr. Reaves introduced the request. Ms. Nancy Oros came forward with some questions. She stated that she is a resident of the development and that there are 13 existing residences and wanted some more details concerning the proposed changes to the PUD. Mr. Frank Finlaw of NVR homes addressed the concerns of the resident. He stated that this is a formality and that because of the age of the PUD and the way that they operate they needed this approval to move forward. He explained that they needed approval for the limited commercial scope for the model homes, to obtain a CO, but that these would all be residences and that there would be no commercial component to the development. Ms. Oros asked if he knew how long they would be doing construction in the subdivision. Mr. Finlaw said that he couldn't

be sure but anticipated that build out should take no longer than two years, but may be sooner depending on the market. Hearing no other comments from the audience, the public hearing was closed at 4:17 PM.

### **Old Business**

There were no items under Old Business.

### **New Business:**

The first item under New Business was New Street Names (as applicable). Mr. Macholl stated that staff had no street names for approval.

The second item under New Business was the proposed amendments to the Town Code, Chapter 32, Zoning, Article V, Special Use Permits to include Section 32-313, Conditional Use Permits for Halfway Houses. Mr. Reaves introduced the request. Dr. Bares made a motion for approval to discuss the proposed changes by staff. Mr. Carroll seconded, and discussion proceeded comparing the two versions of the amendment. Dr. Bares stated that this is needed for the Town. She indicated other regions have experienced problems with the operators of these types of facilities. They site them in neighborhoods and then don't oversee them properly creating issues for the neighbors. Mr. Lee stated that there is always a stigma that goes with halfway houses and felt that they should provide benefit to both the residents and to the public. The Commission asked if the proposed text had been reviewed by the Town Attorney. Mr. Macholl stated that it had as well as the proposed edits from staff. Mr. Reeves stated that he had read this multiple times and that he felt that the staff's proposed edits were beneficial to the overall ordinance. Discussion concerning a couple of the requirements specifically related to the outdoor activity restriction. Mr. Macholl clarified that it was staff's position that the Town should not be regulating how the residents of the home can use the property, and that they should be able to have an outdoor barbeque for the benefit of the residents if they chose to do so. It would be unlikely that they would be hosting a neighborhood event and be bringing the general public onto the property. Mr. Reeves felt that they should start from the top and go through the proposed changes as presented in the document. Comment SJ1 – The address requirement protects the Town from unscrupulous operators which might bring out of state offenders to the location. Mr. Macholl explained that this would be exceedingly difficult to regulate and it is the staff's responsibility to use the ordinance to regulate the use not how it is operated. Comment SJ2 – The Commission felt that it would not hurt to include I2 zoning as well as a permitted location for the use. Comment SJ3 – The geographic origin of the residents is not necessary and would be difficult to obtain prior to approval. The commission agreed that this should be left out. Comment SJ4 – obtaining a copy of the operators charter and articles of incorporation would be part of the business licensing and should not be included as part of the zoning ordinance. It should be handled by the Finance Department. Comment SJ5 – The requirement for a sign. The commission discussed and it was discussed that no other business is required to have a sign. Mr. Lee pointed out that the residents would probably prefer privacy. Comment SJ6 – This comment addresses the bulk restrictions. Staff suggested revising the prior paragraph to read that they shall observe the requirements of the R-1 zoning classification. The commission discussed this section. Mr. Macholl explained that the written requirements exceed the restrictions for all of the zoning that the Town has and that R-1 is our base it would make sense to refer back to this for the minimum lot size requirements. The Commission agreed. Comment SJ7 – The separation requirement should stand alone as its own condition of approval. The Commission agreed. Comment SJ8 – Stating that the required signage needs to conform with the Sign Ordinance is redundant, and that a specific signage requirement is not imposed on any other use. The Commission agreed that this should be removed to be consistent with the previous revision. Comment SJ9 – Public notice of all property owners within 2,000 feet. Staff felt that this would be logistically impossible to enforce or execute, and that a 500 foot notification should be adequate. The Commission agreed. Comment SJ10 – Requirement that a public notice sign be posted at all corners of the property. The Staff pointed out that the State Law requires that a public notice sign be posted on all frontages, when posting is required and that this should be adequate. The Commission agreed. Comment SJ11 – Permission needed for outdoor activities. As was discussed earlier in the

meeting, this could be misconstrued that the Town was trying to regulate how the residents of the house would be permitted to use the property and that they would need to obtain permits to have outdoor barbeques. This would not be the case, and staff would not anticipate a facility of this nature would be hosting neighborhood events that would necessitate permits. The Commission agreed. Dr. Bares withdrew her motion for approval as presented. She then made a motion to approve the proposed amendment with Staff edits. The motion was seconded by Mr. Carroll. The motion passed unanimously 5-0.

The third item under New Business was the Petition by W.D. Phillips to annex Berkeley County TMS# 232-00-02-051 (approximately 1.66 acres) located at 1107 through 1111 N. Main Street, currently zoned GC General Commercial in Berkeley County and will be zoned B-3 General Business upon annexation into the Town of Summerville's municipal limits. Mr. Reaves introduced the request. The Commission asked about the timeline of the approval to address the concerns raised by the applicant. Mr. Macholl explained that Town Council gave first reading to the ordinance at the March 20, 2019 meeting and that the Public Hearing is being held tonight with second and final reading being held at the May 9, 2019. He explained that he was unaware of the reason why this case was handled in this manner, but that he thought it was a time sensitive issue. Dr. Bares asked the applicant if she wanted the Commission to table the annexation to the next meeting to allow her to work out the details for her tenants. Mr. Reaves asked why the applicant had applied for annexation. Ms. Phillips explained that they had been encouraged to annex and asked for clarification on the existing businesses in the center. Mr. Macholl explained that though they might not be allowed by the proposed zoning that they would be "grandfathered in" and that they would have legal non-conforming use status and would be permitted to continue operating with a Town of Summerville business license. Mr. Lee made a motion to table the request until the next meeting. The motion was seconded by Dr. Bares. The motion passed unanimously 5-0.

The fourth item under New Business was the Request to amend the PUD for Palmetto Place, owned by NVR, Inc., located off of Gahagan Road and Grand Palm Lane. Amendments include but may not be limited to the following: allow model homes which may be used as a sales office for the marketing and sales of the townhome units. Parcels affected by this request include: TMS# 379-00-00-300 through 379-00-00-365, 379-00-00-065, and 379-00-00-171 through 379-00-00-189, approximately 18.77 acres. Mr. Reaves introduced the request. Mr. Lee made a motion to approve as presented. The motion was seconded by Mr. Carroll. Mr. Reeves asked if there were any other comments and Dr. Bares asked why the language read "may not be limited to the following"? Mr. Reeves explained that it is standard language used to allow for the possibility of future amendments. This allows the document to continue to be used, and it doesn't lock in stone language. After the discussion the motion passed unanimously. 5-0

#### Miscellaneous:

Mr. Macholl stated that the Consultants had been in town to conduct the stake holder's interviews and that the website was operational for the Town's Comprehensive Plan update. Additionally there is a mapping tool to be used and he encouraged everyone to use it.

**Adjourn**

With no further business for the Commission, Mr. Carroll made a motion to adjourn with Dr. Bares making the second, and Mr. Reaves adjourned the meeting at 5:00 PM.

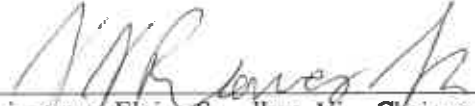
Respectfully Submitted,



Tim Macholl  
Zoning Administrator

Date: May 20, 2019

Approved:



Jim Reaves, Chairman of Elaine Segelken, Vice Chairman