

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
PLANNING & DEVELOPMENT COMMITTEE
MARCH 4, 2019
MINUTES**

Municipal Complex, Committee Meeting Room, 3rd Floor

[PowerPoint Presentation](#)

Present: Joe Bustos, Chair, Bob Brimmer, Guang Ming Whitley, Tom O'Rourke.
Staff: Eric DeMoura, Jeff Ulma, David Pagliarini, Marcy Cotov, Michele Canon,
Liz Boyles

Mr. Bustos called the meeting to order at 12:30 pm.

1. Approval of Minutes from the [February 4, 2019](#) meeting

Mr. O'Rourke moved for approval of the minutes. Ms. Whitley seconded the motion. All in favor.

2. Public Comments

Mr. Clay Duffie, Mount Pleasant Waterworks (MPW), stated that in reference to the MPW request to rezone to Light Industrial (LI) to install a monopole cell tower. He asked that MPW not be required to go before the Board of Zoning Appeals (BOZA) for this type of request, but be allowed the right to have the monopole within PI-2 zoning.

Ms. Michele Whitbeck, 712 Hibbens Grant, suggested that short-term rentals should be allowed for townhomes. She suggested that the proposed short-term rental regulations are an infringement on her property rights. She suggested that the same rights should be allowed for all dwellings.

Ms. Mary Ricossi, 615 Baytree Court, stated that she has a short-term rental and thanked the Committee for their concise review of this issue. She stated that there should be regulations and taxation as appropriate that would apply to all.

Mr. Thomas Donaldson, 1649 Lauda Drive, stated that regarding the proposed short-term rental regulations throughout the Town could jeopardize the character of some neighborhoods. He suggested that the homeowners associations (HOAs) should be involved in the discussion. He suggested that limiting short-term rentals per street segment is unfair, particularly because the Town is not developed in a

grid pattern. He suggested that the prohibition on non-occupied Townhomes should be removed as it is unfair. He suggested that a better approach would be to use a portion of the revenue from the short-term rental permit fees for affordable housing.

Mr. Robert Donaldson, 322 Lapwing Lane, thanked the Committee for their work on this issue. He asked the Committee to reconsider limiting short-term rentals according to street segment. He suggested that this could cause an issue for those that would otherwise be able to have a legal short-term rental. He suggested that the proposed limiting the number of short-term rentals to 1% of the number of dwelling units should be a sufficient limitation.

Ms. Mary Line, 911 North Shem Drive, expressed concern with the same regulations applying for room rentals as whole house rentals. She suggested that the short-term rental of a single room should have separate regulations from a whole house rental.

Mr. Steve Brock, 34 Hopetown Rd, suggested that the agenda should include the names of the Committee members. He asked about item 5C regarding amendments to the use table and stated that he was not able to determine the genesis for the request. He suggested that the Zoning Administrator should not have the authority to single-handedly make land use decisions. He suggested that there should be notice requirements as well as a study to determine the effect on neighborhoods. He also suggested that there should be an appeal process in place as well.

Ms. Laurie Bixler, 144 3Rd Avenue, suggested that with short-term rentals, the proposed ordinance is somewhat intrusive in some areas. She suggested that requiring a home inspection is invasive. She also suggested that the fire inspection regulations are based on fear and that if required, it should be required for all dwellings within the Town. She suggested that signage such as "exit" and behind the door room signs is too intense. She suggested that not allowing a double lock door should not be prohibited. She stated that these are just a few examples of where the proposed ordinance is too onerous and should be further reviewed.

Mr. Kenny Craft, 204 Speer Lane, suggested that some aspects of the proposed short-term rental ordinance are extreme and arbitrary. He suggested that short-term rentals are a perceived problem as there is a small percentage of short-term

rentals currently in the Town. He suggested that the parking regulations are too extreme. He suggested that there should not be a limit according to street segment as it is unfair. He suggested that limiting the maximum number of short-term rentals to 1% is also extreme and arbitrary. He suggested that townhomes should not be prohibited from having short-term rentals. He suggested that some items are extreme and too restrictive.

Ms. Alicia Lockwood, 316 Lapwing, suggested that some of the proposed short-term rental requirements are too extreme and an infringement on property and personal rights. She suggested that some of the requirements are too restrictive and should be reconsidered such as signage and registering visitors. She suggested that the program should be scaled down and then increased if necessary as time goes on. She suggested that short-term rentals are currently sufficiently run. She expressed concern with limiting the short-term rentals according to street segment and suggested that it is unfair.

Mr. George Bixler, 144 3rd Avenue, suggested that the proposed short-term rental regulations are not needed and does not make sense. He suggested that some of the requirements are too restrictive and should be reconsidered. He suggested that the requirements are too restrictive and are intended to prevent STR.

Ms. Jean Jamay, 674 Ferry Street, stated that she agrees with the previous comments regarding short-term rentals. She stated that her short-term rental is properly insured under private insurance and the insurance company does not require a fire safety inspection for coverage.

Ms. Melissa Black, 920 Center Street, stated that she has a short-term rental to help supplement her retirement income. She stated that there should not be a difference between and long-term rental and short-term rental. She stated that there can be bad long-term renters just as much as short-term renters. She suggested that the violation portion of the ordinance should be further reviewed. She suggested that the regulations are too restrictive and there should not be a limit on the number allowed.

Mr. Mark Sanford suggested that the proposed regulations are too restrictive. He suggested that the proposed ordinance is effectively prohibiting short-term rentals in the Town. He suggested that the regulations should be fair for all dwellings and safety for all. He suggested that there can be a sharing economy for types of uses

and products that are successful. He stated that the castle doctrine provides protection of the homeowner. He suggested that a home should not be considered the same as a hotel or hotel room. He suggested that there should be flexibility allowed for homeowners to have additional income.

Ms. Pam Ireland, 820 Fiddlers Point Lane, agreed with many of the comments regarding short-term rentals. She suggested that room rental regulations should be separated from whole house rental regulations. She expressed concern with investment companies buying multiple property for whole house rentals. She suggested that there should be a distinction between renting a primary residence or a portion of their primary residence from the investment companies to avoid areas from becoming vacation rentals.

Ms. Lucy Gordon, 1551 Ben Sawyer, agreed that the proposed short-term rental regulations should distinguish between those that have a primary residence in the Town and those that have investment property for short-term rentals. She suggested that there should be a balance of regulation without opening up short-term rentals as investment property.

Ms. Sarah Jacob, 1152 Village Creek Lane, agreed that room short-term rentals should be separated from whole house short-term rentals. She suggested that long-term rental property is needed in the Town and should be protected.

3. Old Business

- a. **[R-01-19, Request to rezone from PI-2, Public Institutional-2 District, to LI, Light Industrial District, one parcel in its entirety located at 520 King Street between Greenwich and Simmons Street, Parcel ID TMS No.: 532-01-00-227](#)**

Mr. Ulma reviewed the request with the Committee. He stated that staff recommends a text amendment that would allow cell towers for PI-2 zoning as a special exception. If desired, staff recommends that the request be could be withdrawn and the proposed text amendment move forward. This would mean that BOZA approval would be needed.

Mr. Bustos asked for clarification on the recommendation and MPW request. Mr. Ulma answered that MPW has requested that the cell tower be allowed as

a conditional use with staff approval rather than a special exception that would require approval from BOZA.

Mr. Brimmer asked the reason for MPW wanting staff approval. Mr. Duffie answered that MPW would prefer to have this type of request as a Conditional Use which would be a staff level approval. Mr. Brimmer asked if the proposed text amendment would resolve the MPW issue. Mr. Duffie answered in the negative. Mr. Brimmer stated that the zoning drives the use of the property and suggested that the issue is if the property would be appropriate for LI zoning. He suggested that the property is not appropriate for LI zoning and that requiring BOZA approval should remain.

Mr. Bustos suggested that MPW would prefer not to have to go to BOZA for approval of a cell tower. He stated that the rezoning was requested because it would not require BOZA approval. He suggested that allowing the cell tower as a conditional use would be appropriate.

Mr. DeMoura suggested that if allowing a cell tower within the PI-2 zoning was desired, then it should be considered as an allowed use and not a conditional use or special exception.

Ms. Whitley suggested that a monopole at the height requested should not be an allowed use. She suggested that a cell tower might not be appropriate for this property.

Mr. Pagliarini noted that the request is for a rezoning. He stated that if desired, then a text amendment could be considered and the Committee could direct staff to come back with the text amendment at the next meeting.

Mr. Brimmer moved to recommend to Town Council denial of the rezoning request. Ms. Whitley seconded the motion.

Mr. Bustos asked if the text amendment could be considered. Mr. Pagliarini answered in the affirmative and stated that the text amendment would be brought back to the Committee for consideration at their next meeting.

Mr. O'Rourke asked if the text amendment was approved then a cell tower would be allowed for any PI-2 zoned property as an allowed use without further

review by staff or BOZA. Mr. Ulma answered in the affirmative. Mr. O'Rourke expressed concern that this could have unintentional consequences if approved. He suggested that this should be carefully reviewed. He asked if the cell tower would only be used for MPW uses. Mr. Duffie answered that the cell tower would be used for MPW, but would also allow co-locations.

Mr. Bustos called for a vote on the motion. All in favor.

The Committee agreed that a text amendment allowing cell towers within PI-2 zoning should be brought back to the Committee for consideration next month.

4. Annexations

- a. **[A-4-19: 1593 Boston Grill Road](#)**. Request to annex an approximately 0.86 acre tract of land located at 1593 Boston Grill Road, identified by TMS No. 577-00-00-078 and depicted on a plat recorded by Charleston County ROD Office in Plat Book BQ, Page 32

Mr. Ulma reviewed the request with the Committee.

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

5. Review of Planning Commission recommendations from the [February 20, 2019](#) meeting and any associated annexations

- a. **[A-3-19: Labor Camp Road](#)**. Request to annex an approximately 0.977 acre tract of land located on Labor Camp Road, identified by TMS No. 558-00-00-944 and depicted as Lot 4 on a plat recorded by Charleston County ROD Office in Plat Book L18, Page 0563.
- b. **[R-04-19, Request to zone PI-2](#)**, Public Institutional-2 District, an approximately 0.98 acre tract of land located on Labor Camp Road, identified by TMS No. 558-00-00-944, and depicted on a plat recorded by the Charleston County ROD Office in Plat Book L18, Page 0563.

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

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

Ms. Whitley moved to recommend to Town Council approval of the zoning to PI-2. Mr. Brimmer seconded the motion. All in favor.

- c. **Proposal to amend Chapter 156 of the Mount Pleasant Code of Ordinances, Section 156.325 (C), Principal Use Table, to allow Duplex Dwellings, Multi-Family Dwellings and Single Family Dwellings as a Conditional Use in any nonresidential zoning district, subject to the conditions of Section 156.326 (C)(2)(e), as proposed to be amended, and to amend Section 156.326 (C)(2)(e), Principal Use Conditions, to include Duplex Dwellings and Single-Family Dwellings as a Conditional Use, subject to the conditions enumerated therein.**

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

Mr. Bustos moved to recommend to Town Council approval of the text amendment as presented. Mr. Brimmer seconded the motion.

Mr. Brimmer asked if this would be allowed town-wide. Mr. Ulma answered in the affirmative.

Mr. Bustos called for a vote on the motion. All in favor.

- d. **Proposal to repeal sub-paragraphs (1) and (2) of Paragraph (A) of Section 156.224 of Chapter 156 of the Mount Pleasant Code of Ordinances pertaining to tree conditions as the basis of providing exceptions to tree removal and replacement, and replace the same with new language addressing the same topic.**

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

Mr. Brimmer asked if an arborist or engineer would be required. Mr. Ulma answered that this could be changed to “and/or” to indicate that the respective professional opinion would be required.

Ms. Whitley asked the reason for removing the language about self-imposed damage. Mr. Ulma answered that it is included in the ordinances under a separate section.

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

e. Update on Comprehensive Plan

Ms. Boyles stated that the Planning Commission has completed their review of the draft Comprehensive Plan and has been forwarded to Town Council for review and approval. She stated that staff is reviewing dates for upcoming work sessions to review the draft plan, schedule a public hearing, and approval of the Comprehensive Plan.

6. Consideration of extending 2017 Moratorium on Multi-Family Structures

Mr. Bustos stated that in reviewing the inventory, he suggested that the moratorium should be extended for an additional two-year period.

Mr. O'Rourke suggested that the moratorium might not need to be extended given the current market. He suggested that the same outcome would occur whether the extension is approved or not.

Mr. Brimmer asked how many apartments have been built since the moratorium has been in place. Mr. Ulma answered that this can be provided, but those projects that were vested were exempted. Mr. Brimmer agreed that there is not a great demand for apartments and suggested that the extension might not be necessary.

Ms. Whitley that she recently attended a groundbreaking for an apartment complex where it was noted that the occupancy rate is approximately 90% and suggested that there might be a need for additional apartment units. Mr. Ulma answered that this information is not readily available for staff, but could be researched if desired.

Mr. Brimmer moved to recommend to Town Council approval of extending the moratorium on apartments for an additional two years. Mr. O'Rourke seconded the motion. All in favor.

7. Discussion of hotels, storage unit buildings, and zoning regulations

Mr. Bustos stated that he asked for this discussion. He stated that hotels are an allowed use in commercial zoning. He expressed concern with commercial property being initially proposed for a different use, but the developer then decides because of the market to build a hotel without any additional approvals necessary. He suggested that the commercial zoning should be reviewed and consider separating out hotel and storage unit uses so that it would require additional approval from Town Council.

Mr. Brimmer stated that this goes back to the issue of zoning. He suggested that instead of dictating through an ordinance, the uses should be market driven. He suggested that the main issue is typically where the use is located and not the specific use. He suggested that this would mean a separate zoning district.

Mr. Bustos stated that he is not sure whether this would mean a separate zoning district or not, but he would like Town Council to have the final decision on where a hotel or storage unit is located.

Mr. O'Rourke suggested that a separate zoning district should be considered to determine if this would be a better option. He suggested that it should be determined where hotels and storage units are desired to be located within the Town.

Ms. Whitley asked if zoning can be conditioned and what mechanism would be enacted. Mr. Pagliarini answered that it is a planning and comprehensive plan function. He suggested that the standards should be clearly defined to ensure there is not an arbitrary decision made and that it would not stand in opposition to the Comprehensive Plan. He stated that staff would have to review this issue and recommend what the best option would be to ensure the desired result. Mr. Ulma stated that this has been discussed with the Comprehensive Plan update process.

Mr. Bustos suggested that Town Council should have a final decision on this issue.

The Committee agreed to have staff bring back additional information and recommendations on this issue at their next meeting.

8. Discussion of building heights in the Johnnie Dodds and Chuck Dawley portions of the Boulevard Overlay District

Mr. Bustos stated that he asked for this discussion to review the building heights within the boulevard overlay district.

Ms. Canon reviewed the current heights with the Committee.

Mr. Bustos asked about the height for the hotel district. Ms. Canon answered that 80 feet in height is allowed. Mr. Bustos asked about the armory property off of Mathis Ferry Road. Ms. Canon answered that an 80-foot height is allowed for this property as well. Mr. Bustos asked the Committee if the height for this property and area is desired. Mr. Demoura answered that if desired, a lower height could be reviewed considered that would transition to the surrounding residential property. Mr. Bustos suggested that this should be reviewed and more of a transitional height considered.

Mr. O'Rourke suggested that if there is a justifiable reason for the additional height, then it might make sense to keep the height, particularly from a fiscal standpoint. He suggested that more of a transition might be desired.

Ms. Canon stated that the height is consistent with the Comprehensive Plan and is recommended as one of the hub areas.

Mr. O'Rourke stated that the height should be consistent with the goals of the Comprehensive Plan.

Mr. Bustos suggested that more of a transition height should be considered.

Mr. Brimmer suggested that some transition height should be considered, but there should be a methodical, justifiable reasoning for the height recommended.

The Committee asked staff to review this and bring back some recommendations regarding more transitional heights and justifications for the next meeting.

9. Discussion of draft of [Short Term Rental regulations](#)

Ms. Canon reviewed the request with the Committee and the February short-term rental report.

Ms. Whitley suggested that a \$500 license fee should be considered as it would better cover administrative costs.

Mr. Bustos asked if the business license would be separate from the permit fee. Ms. Canon answered in the affirmative. Mr. Bustos asked how the fee for the business license if determined. Ms. Cotov answered that it is based on revenue.

Mr. O'Rourke suggested that a portion should not be allocated for affordable housing as recommended by legal and finance staff. He suggested that the administration seems "laborious". He suggested that if not regulated by the Town, the neighborhood HOA would self-regulate. He suggested that registration requirements should be determined first and then add additional requirements if deemed necessary. He suggested that there should not be separation between room rental, Townhomes, and single family dwellings.

Mr. Brimmer suggested that the ordinance is complex and that it might be too intensive. He suggested that the main focus and purpose should be kept in mind.

Mr. Bustos agreed that the regulations should incrementally administered. He suggested that requiring registration and "grandfathering" current short-term rentals should be considered. He suggested that the magnitude of the number of short-term rentals needs to be clearly determined. He suggested that the safety inspection is important from a liability aspect, but might be able to be initially paired down. He suggested that establishing a maximum number allowed is important to ensure that there is not a saturation of short-term rentals in a certain neighborhood that does not have HOA restrictions.

Mr. Brimmer agreed and suggested that the registration and fees should be determined first, then what would be "grandfathered" determined next, with the other aspects determined as the program moves forward. Mr. Brimmer thanked staff for their work. He suggested that the direction from the Committee was not clear in some areas and stated that staff did a good job of providing information and parameters.

Mr. Bustos asked if this would be a recommendation to Town Council. Mr. DeMoura answered in the affirmative and stated that staff could bring back the registration and business fee requirement and then work on other amendments going forward.

Ms. Whitley suggested that this should not be done “piece-meal” as it would be harder to administer after-the-fact. She suggested that the boundaries of what would be acceptable should be determined so there is a clear understanding of what would be required.

Mr. Bustos asked if a business license is required. Mr. DeMoura answered and currently a business license is only required for more than four rentals. Mr. Bustos asked if the business license could be required without the registration fees. Ms. Cotov answered in the affirmative. Mr. Bustos suggested that this should be done in order to determine the number currently operating within the Town.

Mr. Brimmer asked about penalties and if these could be imposed for illegal short-term rentals. Ms. Cotov answered in the affirmative and stated that penalties would be included with the draft ordinance.

Ms. Whitley asked if there would be any restrictions on current short-term rentals such as a pool house or room over a detached garage. Ms. Canon answered in the affirmative and stated that the definition does not specify the type of structure, only that a short-term rental is less than 28 days. Ms. Whitley expressed concern that a business license for a short-term rental could be obtained when the short-term rental is not allowed under the HOA covenants and restrictions.

Mr. Bustos asked if it is the responsibility of the HOA to enforce their covenants and restrictions. Ms. Whitley answered in the affirmative and expressed concern that the business license might erroneously be issued.

Mr. O’Rourke suggested that there would not be an issue because the business license would only be required if there is a business. He suggested that a decision should be made instead of deferring this issue further. He suggested that the type of uses allowed should be determined and then determine what fees should be implemented. He suggested that condominiums and townhomes should be allowed to have short-term rentals.

The Committee discussed whether short-term rentals should be allowed for multi-family uses. Ms. Whitley asked if other uses such as pool houses should be included as well. Mr. Brimmer asked about enforcement of illegal short-term rentals such as those in apartments. Mr. Bustos suggested that whole apartments should not be allowed as short-term rentals.

Mr. Brimmer suggested that further discussion should be deferred to next month.

The Committee agreed to defer further discussion to next month, with staff bringing back changes to the ordinance as discussed.

There being no further business, the meeting adjourned at 2:38 pm.

Submitted by,
L. Lynes
PlanComm03042019