

The McClellanville Planning Commission met on the above noted date and time. Notice of the meeting was published in compliance with the Freedom of Information Act. Planning Commission members present were Ginny Prevost (Chair), Oliver Thames, Dan Fifis, Ed Taylor and Mary Duke. Zoning Administrator Kathryn Basha and Town Administrator Michelle McClellan were also present as well as Mayor Leland, and Council members: Bob Gannon, Aaron Baldwin, Chris Bates, and Jim Scott. There were also many members of the community present.

Chair Prevost opened the meeting asking Commissioners to review the minutes from the June 27, 2022, meeting. Ms. Duke made a motion to approve the minutes as presented and Mr. Thames seconded the motion. The motion carried with a unanimous 'aye' vote by all the commission members.

Chair Prevost opened the joint Public Hearing with Council for consideration of a draft amendment to the Town of McClellanville's Zoning and Land Development Ordinance to add a Rural Activities District, applicable to areas designated as a Special Redevelopment Area on the recently adopted Future Land Use Plan.

Ms. Basha presented the proposed ordinance to the Commission and Council. She explained that during development of the McClellanville 2040 Comprehensive Plan, recent development of areas abutting the incorporated town had raised concerns about the compatibility of such development in scale and with uses that may have impacts on abutting residential lots at the periphery of the village. The comprehensive plan therefore included a policy that states: *"McClellanville will protect the marine commercial area as a working waterfront and seek to expand employment areas in other sections of town"* with the following strategy to be implemented: *Identify areas in and around the Town in its rural fringe that are appropriate for rural/agriculturally compatible employment uses such as light industry and construction services with indoor storage.* In addition, the Future Land Use Map adopted with McClellanville 2040 designates an area for special activities and employment uses to be established called the Special Redevelopment District.

The Planning Commission previously discussed the issue and is proposing adoption of a Rural Activities District as an addition to Article 5 of the McClellanville Zoning and Land Development Ordinance. Ms. Basha stated that that this district would is not currently being applied to property, but offers an additional district that could be applied in the Special Redevelopment Area.

Councilman Baldwin asked about the two-acre requirement. Ms. Basha said that the intended uses may require greater land area but that could be changed to the one-acre minimum required in the Highway Commercial District. Ms. Prevost asked for a motion. Mr. Fifis motioned to accept the resolution with changes and the motion was seconded by Ms. Duke. The motion carried with a unanimous 'aye' vote by all the commission members.

Chair Prevost introduced the next item which was consideration of a request to subdivide TMS #744-00-00-026 to create four (4) individual lots fronting on the ICWW. These parcels are to be accessed via Mouzons Bluff. Ms. Basha stated that the request was to subdivide 12.6 acres of land within Tract I on Skipper's Point into four individual lots on the intracoastal waterway spoil area that would include an extension of Ivory Bill Lane. The four lots will be a minimum of three acres each. The entire tract is zoned Residential (R), requiring individual lots to a minimum of 1-acre in land area and 120' in width. All four (4) proposed lots will meet or exceed the minimum lot area and lot width requirements.

The Town's Residential (R) district requires a 40' minimum front and rear setback and 16-foot side setbacks. The proposed lot dimensions are adequate to accommodate a buildable area on each lot meeting those setback requirements. The applicant is proposing that the subdivision be accessed via Mouzons' Bluff's existing 50' easement. The applicant has provided Staff a copy of the shared easement agreement with Mouzons Bluff. Lots 1-4 will individually be served by an extension of Ivory Bill Lane, which serves lots 29-32 in Mouzons Bluff. Per Note #5 on the preliminary plan, all roads are to be crushed gravel and private. This road does align with Ivory Bill Road as a second point of access in case of emergency, however Staff has requested that the applicant verify that the radius of the turnaround is sufficient for emergency vehicles. Ms. Basha said concerns about the increasing number of lots that will rely on Mouzons Bluff for egress in case of emergency is noted and therefore Staff has been researching the ownership of the 50' easement connecting Mouzons Bluff to Romain Road shown. Given that the developer does not have sole control over the stub out from Romain Road but does own the link between the stub and Mouzons Bluff, Staff suggests that the applicant be required to coordinate with the controlling property owner's association for permission to improve the stub out of Romain Road and create a secondary point of access for emergency purposes as done with the Tract III connection back out to Mouzons Bluff. Staff further recommends that the developer coordinate with the developer of Mouzons Bluff to amend the existing shared access agreement to include Ivory Bill Lane.

The applicant is proposing a 9' wide drainage easement along the private road, as well as a 50' wide wetland buffer area around the 12.6 acres that will filter runoff. Prior to final plat approval, the applicant must demonstrate that these lots are included within a larger common plan (LCP) submitted and approved by SCDHEC and OCRM as meeting all required NPDES regulations and Sections 11.9 and 11.10 of the Town's Land Development Standards.

The proposed subdivision proposes a wetland buffer along the ICWW and canal, which is a delineated critical area, comparable to Mouzons Bluff and Pinckney Street Docks. A note on the bottom of Sheet 1 identifies the purpose of the buffer and states that the proposed buffer shall be limited in the type of impervious surfaces and removal of vegetation. Staff has requested

that this note be revised to include reference to Article VI, Tree Conservation regulations, that would be applicable. This information will also be required on the final plat(s).

In accord with Section 10.6.1(b)(2), the proposed subdivision indicates the location of existing grand trees, which will require BZA approval for removal. Staff has requested that critical root zones for these trees be provided and notes that it is likely that the critical root zones could conflict with the proposed shared driveway. Therefore, Staff suggests that if the critical root zone is infringed upon by the proposed private road, that the shared driveway be jogged and encroach within the 50' buffer along the canal to protect the tree roots.

Cheves Leland asked if the properties would have a 50' natural buffer with native vegetation. Ms. Basha stated that the 50' natural buffer would be in place during the construction phase, but there would not be a requirement after that for it to remain natural. Chair Prevost called for a motion. Mr. Fifis made a motion to accept the proposed subdivision with the conditions listed by staff which was seconded by Mr. Thames. The motion carried with a unanimous 'aye' vote by all the commission members.

Chair Prevost then re-introduced discussion of a proposal to amend Section 3.4.4(c)(2) to increase the size of non-habitable accessory structures permitted on vacant lots prior to construction of a principal use. Ms. Prevost noted that the Commission had been asked by Council to revisit the current ordinance which only allows a 120' accessory structure prior to principal use. The commissioners had discussed the issue at previous meetings and staff offered four options based on past discussions.

Option 1: To be clearly "incidental and subordinate", allow maximum size of the non-habitable accessory structure based on 25% of the maximum residential floor area permitted in the village or 875 SF.

Option 2: Allow structures that are approximately 2.5% of the minimum lot size. This would equate to:

- Lots in the historic district (minimum lot size of 0.75 acres), maximum accessory structure of 800 sf
- Lots outside the historic district (minimum lot size of one acre), maximum accessory structure of 1,100 sf.

Height Options 1 and 2: Should either of these options be considered, Staff further recommends that the Commission also consider the height of these structures. As non-habitable structures greater than 120 sf, they will be required to meet flood regulations. Therefore, Staff recommends limiting them to one-story in height or no greater than 19' above minimum required design elevation, whichever is greater. After discussion of whether these are habitable structures, it was requested that the height be measured from grade rather than the Design Flood Elevation requirement. [Note: the change for measuring height will need to be part of the amended language]

Option 3: Repeal the current provision and do not permit ANY accessory structures prior to establishment of a principal structure or use.

Option 4: Do not take any action and keep current provision for the single 120 sf maximum in place.

After a lengthy discussion, Chair Prevost said that she felt like there were still many questions that needed answers. Councilman Gannon asked for a recommendation from the Planning Commission to Council. Chair Prevost asked each commissioner what their preference would be. Commissioner Fifis voted for Option 4, Commissioner Thames voted for Option 2 with further considerations for larger lots outside the Historic District, Commissioner Taylor voted for Option 2 with an 800 SF limit in the Historic District and no limits in other areas. Commissioner Duke voted for Option 2 with height limits and Chair Prevost voted for Option 2 with height limits. Commissioner Duke made a motion to recommend to Option 2 to Council with height options as noted in staff notes. The motion was seconded by Commissioner Taylor. The motion carried with a unanimous 'aye' vote by all the commission members.

Next, Chair Prevost asked for an update on the Dollar General parking lot. Ms. Basha said that they had applied to remove pervious concrete and put down gravel. She stated that it was going before the ARB for approval at their next meeting.

There being no further business, Ms. Prevost asked for a motion to adjourn. Mr. Thames motioned to adjourn and was seconded by Mr. Taylor. The motion carried an "aye" unanimously and the meeting was adjourned. At 8:30 PM.

Respectfully submitted

Michelle McClellan  
Town Clerk