

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
PLANNING & DEVELOPMENT COMMITTEE  
JANUARY 3, 2019  
MINUTES**

Municipal Complex, Committee Meeting Room

[PowerPoint Presentation](#)

Present: Joe Bustos, Chair, Guang Ming Whitley, Tom O'Rourke,  
Bob Brimmer (entered at 10:02 am).

Staff: Eric DeMoura, Christiane Farrell, Jeff Ulma, Brad Morrison, David  
Pagliarini, Kevin Mitchell, Michele Canon

Mr. Bustos called the meeting to order at 9:47 am and reviewed the procedures with the public.

**1. Approval of Minutes from the [December 3, 2018](#) meeting**

*Mr. O'Rourke 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. Review of Planning Commission recommendations from the [December 19, 2018](#) meeting**

**a. [Amendment to the Zoning Code](#) to add a Building Permit Allocation System (BPAS)**

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

Mr. O'Rourke asked about the Planning Commission recommendation. Mr. Ulma reviewed the basis for the Planning Commission's recommendation for denial.

Mayor Will Haynie, 316 Mallard Court, thanked the Committee for their work over the past year. He stated that this Council was elected under the premise that there would be growth management. He suggested that the issues and

questions raised can be answered and potentially incorporated into the program. He stated that preservation of quality of life is a major concern of the citizens. He stated that staff calculated the fiscal impacts and suggested that at the previous 3.45% growth rate that the Town has experienced over the previous five years cannot be supported by the current infrastructure. He stated that there has been an increase in the number of high school students of approximately 2,490 students. He stated that the cost of services is an issue as well and with the 3.45% growth rate, cost of services increased from \$5,000 to \$17,000 a year, which is not sustainable. He stated that based on the tax rate and the spending rate, it was determined that the growth rate peak should be 2%. He stated that the BPAS is one way to achieve the 2% growth rate. He suggested that revisions can be accommodated, and the concerns and questions raised can be addressed while still implementing this much needed program.

Mr. Brimmer entered at this time (10:02 am).

Mr. Patrick Arnold, CEO Charleston Homebuilders Association, stated that the Trident Realtor Association is opposed to this system as well. He stated a recent article in *Forbes Magazine* indicated that a BPAS makes traffic and infrastructure worse not better. He suggested that it violates private property rights and could mean costly lawsuits that would further strain the Town's finances. He stated that the BPAS would limit the housing supply, increase housing costs and undermine the Town's plan to address affordability. He stated that while they understand the need for infrastructure improvements, the BPAS would make those improvements more difficult to achieve. He asked that the BPAS not be approved as it would create more problems than it would solve.

Mr. Will Jenkinson, 250 River Oak Drive, and broker in charge of Carolina One Homes, stated that four of the seven developments are in the final stages of approval, with investment of significant funds for these developments. He stated that these developments are under 50 lots in size and suggested that the BPAS would unfairly burden the local homebuilder. He suggested that this would mean that these lots might not be able to be sold and future homes built. He suggested that these communities should be grandfathered so they are allowed to build. He expressed concern with allowing a first come, first serve system as it gives unfair advantage for the larger developers and homebuilders. He expressed concern to the number of townhome permits that are proposed for the BPAS and they should be reconsidered. He stated that over the past six

years there has been an average of 130 townhomes built. He suggested that townhomes typically provide a more affordable home in Mount Pleasant and would decrease the number of available affordable housing.

Mr. Steve Kendrick, 1052 Wharf Indigo Place, and owner of Structures Building Company, stated that he is a custom homebuilder and resides in the Town. He stated that he is opposed to the BPAS and barely survived the previous allocation program and subsequent market downturn. He suggested that the BPAS would mean not having access to permits to build on lots already platted. He suggested that the guidelines should be revised to better protect the small homebuilder. He suggested that having to wait six months for a permit would significantly impact his workforce. He suggested that the BPAS should not be approved.

Mr. Scott Elferdink, 982 Cliffwood Drive, and developer of Edwards Place in Old Village, expressed concern with the BPAS. He stated that they have a significant investment in the current project that took well over a year to get approved. He stated that he had to seek private financing because of the potential of a BPAS. He stated that the market is currently slowing down and suggested further restriction would significantly impact the number of industry jobs available.

Mr. Tom Massey, 24 Salty Tide Cove, stated that as a developer he has invested a significant amount of money and time for his current projects. He suggested that the potential of a BPAS has put additional pressure on the market. He suggested that projects that are close to being completed should be grandfathered in to allow those projects close to being completed with the approval process be allowed to have permits or defer implementation to allow those projects close to final approval to be completed.

There being no further comments, Mr. Bustos closed public comment.

Ms. Whitley expressed concern with the first come, first serve aspect of the program and suggested that this should be reviewed to ensure a more equitable distribution of permits.

Mr. O'Rourke asked how many projects have been approved or nearing approval. Mr. Ulma answered that total lots currently platted are 1,200, with approximately 700 permits issued; some are townhome lots, some single family.

Mr. O'Rourke asked if this included those projects close to having final plat approval. Mr. Ulma answered in the negative and stated that he does not have those figures for this meeting. Mr. Mitchell answered that there have been only a few new subdivisions over the past year. Mr. O'Rourke suggested that this information should be provided. He suggested that the program should be fair.

Mr. Bustos asked about a cap on how many permits are issued to an individual or developer. Mr. Jenkinson answered that there are approximately ten projects that have under 50 lots that are near completion.

Mr. Elferdink stated that Edwards Place has 10 lots. Mr. Massey stated that he has two projects for a total of 40 lots.

Ms. Kathy Landing, 2114 Sewee Indian Court, stated that the free market should dictate how an area grows and develops. She stated that the residents have asked for a slowing of growth because of the amount of increasing traffic. She stated that many of the commercial or economic development property was rezoned for residential use in previous years, which is one reason for the traffic congestion. She suggested that the BPAS should be deferred to gather additional information and possibly revise certain aspects of the system. She suggested that controlling the free market is the solution. She stated that another consideration is the update to the Comprehensive Plan.

Mr. Bustos stated that there have been multiple meetings on this issue both at the Planning Committee prior to the Planning Commission meeting and the minutes of those meetings are posted on the website and available for the public.

Mr. Brimmer suggested that the Planning Commission did a good job of outlining their concerns with the BPAS. He stated that one of those concerns was the fiscal implications and suggested that this information should be provided before moving forward with the BPAS so that these implications are known before implementation. He asked about the allocation of permits with the previous allocation program. Mr. Ulma answered that the previous program did allow for allocation for at least one permit, but this was difficult and tedious to administer. Mr. Brimmer asked how the previous allocation program dealt with implementation. Ms. Farrell answered that it was implemented as the

effective date of the ordinance, which is similar to what is proposed for the BPAS.

Mr. Bustos stated that there were revisions to the previous allocation program to address some of the issues that occurred after implementation. He suggested that possibly restricting the number of permits allowed to be pulled to 40 for each individual or developer, for instance, might be a solution to better protecting the smaller homebuilders. He suggested that this could allow a more equitable distribution of permits.

Mr. Brimmer agreed that there should be a revision to allow the smaller projects to be completed and not having these projects building in the county.

Ms. Whitley suggested that one solution might be tying the permit allocation to the community or subdivision rather than the developer.

Mr. Ulma stated that once the permit is issued, they must proceed with construction within six months or the permits would be surrendered and added back in for the next allocation cycle.

Ms. Whitley asked about affordable housing projects and if the current recommendation is for those that meet the 80% median income threshold. Mr. Ulma answered in the affirmative and stated that it could be increased to 120% median income. Ms. Whitley suggested that the affordable housing should be increased to 120% of median income.

Mr. O'Rourke stated that the reason for this BPAS should not be forgotten which is the massive construction of homes that cannot be supported with the current infrastructure.

Mr. Brimmer asked how to proceed. Mr. Bustos suggested that the increase for affordable housing median income and the 40 permit allocation cap could be included and sent to Town Council for final reading at the January Town Council meeting.

Ms. Whitley suggested that a smaller allocation for townhomes should be considered as well.

Mr. O'Rourke suggested that this issue should be discussed with the entire Town Council. Mr. Brimmer suggested that it might be premature to send to Town Council and that these issues should be discussed with the Committee and then a more final version sent to Town Council for final reading.

Mr. Ulma asked if the ordinance should be revised prior to final reading. Mr. Bustos answered that he would like the revisions outlined at the Town Council meeting but not included in the final draft of the ordinance at this time.

*Ms. Whitley moved to recommend to Town Council approval of the BPAS for further discussion. Mr. O'Rourke seconded the motion. All in favor.*

#### **4. Consideration of an [ordinance to regulate Small Wireless Facilities \(SWFs\)](#)**

Mr. Ulma reviewed the request with the Committee. He stated that the Planning Commission previously recommended approval, but staff asked for deferral to continue to work with industry representatives on some revisions to the ordinance.

Ms. Whitley asked if there is a one-time review fee or if this would be a recurring fee. Mr. Ulma answered that currently it is proposed as a one-time application review fee.

Mr. Brimmer asked how the homeowner association (HOA) covenants would affect the installation. Mr. Ulma answered that the HOA would not have purview over the right-of-way or Town owned property. Mr. Brimmer expressed concern with aesthetics within neighborhoods. Mr. Ulma suggested that the ordinance addresses these issues and provides a balance. He stated, for instance, that if the lines are placed underground, there is a provision in the ordinance to address this.

Mr. O'Rourke asked if there is a means for this being a recurring revenue source through franchise fees. Mr. DeMoura answered that the General Assembly made changes several years ago on how franchise fees are assessed for the telecommunication industry.

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

The Committee convened for a short break at 10:57 am and reconvened at 11:03 am.

## **5. Continued discussion of proposed regulations for Short Term Rentals (STRs)**

Ms. Michele Wickveck, 712 Hibbens Grant Blvd, suggested that STR's should be allowed for townhomes. She suggested that each STR application should be independently reviewed for compliance as the circumstances would be different for each one. She suggested that STR restrictions might affect affordable housing for the Town and the amount of affordable housing would actually decrease if the regulations are too restrictive. She suggested that taxing STRs and using that revenue for affordable housing is a better option than banning non-owner occupied STRs. She also suggested that existing STRs should be grandfathered in.

Ms. Laurie Bixler, 144 3<sup>rd</sup> Ave, thanked the Committee for their efforts and work on this issue. She suggested that the Town consider the City of Charleston STR efforts as they have currently only permitted 175 units, with approximately 1500 illegal STR remaining. She suggested that if the owner is managing the rental and initiates police calls then there should not be a penalty to the owner for violations. She suggested that a noise aware system should be required. She suggested that some additional parameters for eviction should be considered as well. She referenced an instance in Colorado, where there is an issue with eviction.

Mr. O'Rourke asked about the owner initiated calls when there are problems. Ms. Bixler answered that with the licensing of these STR, there should be a provision to protect the owner when the owner is having a problem with a renter.

Mr. Bustos asked Ms. Bixler to outline her other concerns in an email to the Committee. He suggested that the owner would not be penalized but rather the renter for those situations where the renter is in violation of STR regulations.

Ms. Alicia Lockwood, 316 Lapwing, expressed concern with fee simple townhomes being excluded from having STRs. She stated that she is dependent on STR revenue to supplement her income and suggested that she should be able to continue to have the STR.

Mr. Thomas Donaldson, 1649 Lauda Dr, expressed concern with limiting STR for multi-family homes. He stated that they have a STR investment property that

supplements their income and suggested that this should be continued to be allowed.

Mr. Kenny Craft, 204 Spooner Lane, stated that he is in favor of reasonable regulation of STR. He suggested that STR is a means of supplementing income for areas like Mount Pleasant that have a higher cost of living. He stated that there is a difference between building code regulations for single family and multi-family. He stated that a townhome is considered the same as a single family home under the international building code. He suggested that there should be appropriate control systems and those like a noise aware system are a possible solution to regulate noise from STR rather than outlawing the ability of having a STR. He suggested that allowing STR could be a “win-win” for the Town and the residents. He suggested that there is a small percentage of STR in the Town and that the impact of the STR on the Town has been exaggerated.

Mr. Arnold stated that he has some experience in crafting STR ordinances for other municipalities and provided information on de-clustering to staff. He stated that his research shows that the number of homes currently used for STR is not affecting the home value and affordability of homes. He suggested that there should be allowance for those homes assessed at 6% tax rate to have a STR.

Ms. Sarah Jacob, 1152 Village Creek Lane, expressed concern with affordable housing and multi-family homes being allowed to be rented as a STR. She suggested that a STR does take the number of affordable housing from the market. She expressed concern that parking could be a possible issue for multi-family homes. She suggested that a STR should not be allowed for multi-family dwellings. She stated that she is in favor of using a portion of the revenue for affordable housing in the Town.

Ms. Canon reviewed the request with the Committee and the recommended changes from last month’s meeting.

Ms. Whitley suggested that the revenue for affordable housing should not be restricted to a particular organization.

Mr. O’Rourke asked about fees. Ms. Canon answered that there would be an application fee and the proposal is that a portion of that fee would be reserved for affordable housing in the Town. Mr. O’Rourke suggested that the percentage of

the application fee should be reserved for affordable housing. Ms. Canon answered that this could be incorporated into the program, pending legal review. Mr. O'Rourke asked how de-clustering would work. Ms. Canon answered that the Durango, Colorado example limits the number allowed on a street segment, so no other rentals would be allowed on a street segment. She reviewed other de-clustering ordinances from other municipalities with the Committee.

Mr. Bustos asked how much area of the Town would allow STRs if those areas that restrict STR were not included.

Mr. Brimmer suggested that limiting the number allowed within a street section would work better for a street grid system like in Durango, Colorado, but suggested that it might not make sense given the number of winding roads and cul-de-sacs within the Town.

Ms. Whitley suggested that there should be a 1% cap in addition to restricting according to street segment as having numerous STRs within a section could change the character of the neighborhood.

Mr. O'Rourke asked if the percentage cap would be per neighborhood or for the entire town. Ms. Whitley suggested that it should be for the entire town.

Mr. Bustos suggested that a different percentage might need to be determined as well as how the percentage would be applied. Mr. Ulma agreed and stated that additional information could be provided on this aspect to the Committee for consideration.

Ms. Whitley suggested that those areas where STRs are prohibited should be provided.

Mr. Bustos asked how enforcement would be handled for STRs prohibited by an HOA. Mr. Ulma answered that the HOA would be responsible for enforcement. Ms. Canon stated that operating a STR without a permit would require enforcement from the Town in addition to the HOA enforcement efforts.

Mr. DeMoura suggested that it might be difficult for staff to determine all of the areas that prohibit STRs through covenant restrictions.

Mr. Brimmer asked if the revised language would only allow STR for townhomes that are owner-occupied. Mr. Ulma answered in the affirmative.

Ms. Whitley asked if a grandfather provision should be considered. Ms. Canon answered that a bed and breakfast is allowed through special exception approval from the Board of Zoning Appeals (BOZA). She suggested that it would be difficult to allow existing STRs to continue operation as there is not a way to track those that currently exist. She stated that it would be easy to allow those that have to received BOZA approval to continue operating.

Mr. Brimmer asked if there is a mechanism to determine who has received previous approval. Ms. Canon answered in the affirmative and stated that staff tracks those approvals from BOZA.

Mr. Bustos asked about townhomes and if living in the same building would then allow a STR to operate in the next dwelling unit. Mr. Ulma answered that the intention is that a STR would be allowed if the dwelling unit was owner-occupied.

Ms. Whitley asked if allowing a period of time for existing STR to apply and be permitted to continue to operate could be considered. Mr. Ulma answered that this could be considered as a component of the program.

Mr. Brimmer agreed that some provision for existing STRs should be considered.

Mr. O'Rourke asked the difference between a four-unit townhome and a duplex in regard to allowing STRs. Mr. Bustos answered that it would be dependent on if the unit was owner-occupied.

Mr. Ulma stated that staff would continue work on this issue and bring it back to the Committee next month.

## **6. Update of the Comprehensive Plan status**

Mr. Ulma updated the Committee on the progress of the Comprehensive Plan update.

Mr. O'Rourke asked if the recommendation from the Planning Commission would first come to the Planning Committee. Mr. DeMoura answered that the recommendation would go to Town Council.

## **7. Approval to install a temporary road closure on John Bartram Place**

Mr. Brimmer stated that he asked for this item to be discussed. He stated that there is concern with cut-through traffic. He suggested that there be a temporary closure until Park West Blvd is widened to four lanes. He stated that another issue is the number of vehicles parking on the roadside because of current construction.

Mr. Bustos asked what type of barrier is anticipated. Mr. Brimmer answered that this would be the decision of the Transportation staff. Mr. Bustos asked where the barrier is proposed to be located. Mr. Brimmer answered that it would be on John Bartram after the Foxmoor neighborhood and indicated on the map the exact location. Mr. Bustos asked about emergency access. Mr. Brimmer answered that there are multiple accesses to the neighborhood. Mr. Bustos asked about ease of access for those that currently live near the proposed barrier. Mr. Brimmer answered that the new access has only recently been completed, so they are used to traveling the alternate route.

Ms. Whitley asked if traffic would access from Patmore. Mr. Brimmer suggested that the traffic backs up once through the traffic circle. Ms. Whitley asked if this is a good solution. Mr. Morrison answered that this would not be known until it was installed. He stated that some turn restrictions could be implemented as well.

Mr. O'Rourke expressed concern that this would not resolve the issue of cut-through traffic and there are other areas in the Town that have a similar issue. He suggested that if approved, it could set a precedent.

Mr. Brimmer stated that this is a neighborhood road and would be a temporary measure until the Park West Blvd widening was completed.

Mr. O'Rourke asked when the widening of Park West Blvd would be completed. Mr. DeMoura answered that it should be completed in approximately 20 months.

*Mr. Brimmer moved to recommend the temporary closure on John Bartram Place between the Foxmoor and Center Park neighborhood. Motion failed due to the lack of a second.*

Mr. Bustos suggested that a speed cushion might be a solution to help slow the traffic. He asked if construction traffic could be prohibited. Mr. Brimmer answered that the main issue is not the construction traffic as much as the cut-through traffic. Mr. Bustos asked what can be done from a legal standpoint. Mr. Pagliarini stated that if there is an issue and there is a reasonable basis for closure, such as safety and public welfare, then it would be appropriate to put some measures in place.

Ms. Whitley asked if the proposal would be for the barrier to have in place until Park West Blvd was widened. Mr. Brimmer answered in the affirmative. Ms. Whitley suggested that it should be determined whether this proposal would be the best solution.

Mr. Brimmer suggested that there is merit in the request and that it should be considered on its own merit and that it would not set a precedent.

Mr. O'Rourke suggested that the issue is that the closure would not save travel time. Mr. Brimmer suggested that unless you have experienced the problem, you cannot appreciate the full extent of the issue. He suggested that it is a situation that has been created by the Town, with the residents having to bear the brunt of the problem.

Ms. Whitley suggested that this should be discussed at the Transportation Committee. Mr. Brimmer stated that the Transportation Committee was not meeting this month, so the issue was put on the Planning Committee for discussion. He suggested that he should request this be discussed with Town Council at its next meeting.

Mr. Bustos asked if it is predominantly high school traffic that is causing the issue. He suggested that once the new high school is open, the traffic might not be as intense. Mr. Brimmer suggested that it is not only school traffic that is causing the issue, but commute traffic as well.

Ms. Whitley asked if speed humps could be installed to help resolve the issue. Mr. Brimmer answered that it is a matter of having to reduce the volume of traffic not just slow the traffic down.

Mr. Bustos suggested that a solution should be considered town-wide to ensure that all areas are fairly dealt with. He suggested that it might be prudent to have a traffic study conducted not only for this area, but town-wide to determine the best solution.

Mr. O'Rourke expressed concern that this would set a precedent and suggested that this should not be approved.

Mr. Brimmer stated that he would request this be discussed at the next Town Council meeting.

There being no further business, the meeting adjourned at 12:18 pm.

Submitted by,

L. Lynes

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