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DEPARTMENT OF BUILDING, PLANNING AND LICENSING

MEMORANDUM

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TO: Planning Commission members

FROM: Douglas Kerr, Director of Planning 

RE: issues raised in WDCA letter dated November 3, 2022

DATE: November 7, 2022

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I wanted to provide background information and staff responses to the issues raised in the letter from the Wild Dunes Community Association to the Planning Commission dated November 3, 2022 (see attachment 1).

Below are excerpts from that letter that I have numbered according to their order in the letter and provided a staff response to each point.

*1. One of the stated purposes in the proposed Conservation-Recreation district is "to provide for improved public and/or private recreation activities" (Ordinance 2022-08, Section 5-4-40 (I) d.). Does inclusion of the golf courses and tennis facilities in the new zoning district imply public access to these facilities?*

**STAFF RESPONSE:** Ordinance 2022-08 is amending and replacing existing language in the Conservation Overlay (CO) District that already states that the purpose of the district is "to provide for improved public recreation activities". The term "private" has been added to clarify that private recreation facilities are being added to the district. Nothing in the ordinance states or implies that private facilities would become public. The purpose is to protect the existing recreation facilities and not allow them to be converted to a different use, such as dwelling units or inn rooms.

*2. It is the Board's understanding that the golf course properties inside the security gate are defined as Open Spaces in the PRD. Open Space is defined as land free of non-pervious cover in the zoning document. Wouldn't this protect the golf courses from development without a new ordinance? Wouldn't this also preclude*

*development of the courses without first obtaining a special exception from the Board of Zoning Appeals?*

**STAFF RESPONSE:** The existing PDD document specifies that there must be at least 198.5 acres of open space dedicated to parks and recreation (see attachment 2), which includes the golf courses, lagoons, buffers, parks, leisure trails, etc. If roadways with attached leisure trails are included in this calculation, the current acreage of recreation area is over 255 and if roadways are not included in this calculation, the current acreage of recreation area is 205. Additionally, the PDD includes significant flexibility in how the standards are to be met, including a 10% area adjustment allowed for open space (see attachment 3).

This indicates that the open space limit alone is not enough to preclude any development of the golf course.

*3. Were other island properties outside the PRD considered for the conservation-recreation protections that are being proposed for Wild Dunes? Such properties might include the Marina, the IOP Recreation center, Isle of Palms County Park, the Citadel Beach House, the municipal parking lot and the two small City parks.*

**STAFF RESPONSE:** Other properties could be considered for the inclusion of the new district, but as currently drafted, the district standards do not allow for structures and the areas included in the proposed zone are free of structures. Several of the examples provided in the question include commercial structures. So modifications to the text would be necessary to accommodate this concept.

*4. In the public hearings on the proposed ordinances, public comments have included concerns with traffic congestion and travel delays with future development in Wild Dunes. Clearly, traffic is an issue today throughout the municipality. Has the City conducted any traffic studies which would identify and quantify the sources of current traffic issues on the Island and the impacts of future development as allowed under the current zoning?*

**STAFF RESPONSE:** Yes, the City hired a traffic consultant in 2014 and they found that the City's roads were significantly congested at least 45 days out of the year and about 25% of this traffic was going to Wild Dunes (see attachment 4). Since this time, the SCDOT traffic count data shows that the number of trips has increased about 27% (see attachment 5).

As stated in the WDCA letter, the community clearly has concerns with the existing level of traffic congestion. The public comments seem to indicate that the existing traffic is already more than the infrastructure can handle during peak times and the assumption is that additional development would not improve this condition and probably would have a negative impact.

*5. While the Board understands that the proposed ordinance corrects two scrivener's errors in the original ordinance document, we note paragraph 5-4-39 (4) is*

*being deleted. Paragraph 5-4-39(4) states: "Wild Dunes PRD. The existing Wild Dunes PRD development is hereby recognized as a legal nonconforming PDD district under this chapter. Any future modification to the Wild Dunes PRD agreement shall be subject to the requirements of this section." Why is this paragraph being deleted? What is the impact of this deletion on the revised PRD document and zoning regulations for Wild Dunes?*

**STAFF RESPONSE:** The existing wording in Section 5-4-39(4) is redundant, and this deletion has no impact. Any amendment to the Wild Dunes PDD has always and will continue to require adherence to the statutory rezoning process.

*6. Ordinance 2022-12 adds the following paragraph to the legal description of the Original Beach and Racquet Club PRD under Section 1 b ): "Saving and excepting therefrom those areas of water, beaches, marshlands, and pieces of natural and manmade highland areas in the marshlands which contain less than two (2) acres, up to the mean high-water mark or abutting the primary highland, as generally shown on the Official Zoning Map as being within the CR Conservation-Recreation District." What is the meaning and practical implications of this added paragraph?*

**STAFF RESPONSE:** This language has the effect of removing marshland, beaches, and out-islands less than two acres out of the PDD. These areas have been part of the Conservation Overlay (CO) District for many years and therefore been undevelopable.



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www.wilddunesowners.org

November 3, 2022

Dear Planning Commission Member:

Under the Planned Residential District zoning for the Wild Dunes development, the Wild Dunes Community Association (successor to Isle of Palms Beach and Racquet Club Community Association) was created to own and maintain common properties in the Community, and to provide certain services as outlined in the governing documents of the Association. All property owners are Members of WDCA, and the Membership is comprised of:

- owners of single-family residences (full-time, second homes and rentals);
- multi-family (condo and townhome) unit owners;
- remaining undeveloped lot owners; and
- the owners of public or commercial sites (currently Wild Dunes, LLC)

The WDCA Board of Directors, duly elected by the Members, is charged with the governance of the Community Association.

At the October 11, 2022 City of Isle of Palms Public Hearing, the President of the WDCA Board stated that the Board needed additional information and time to review the proposed zoning ordinance amendments. The Board acknowledges the important role of the Planning Commission in this re-zoning process, and respectfully requests the following information and clarifications on the proposed ordinances.

**Access and Open Space Considerations:**

One of the stated purposes in the proposed Conservation-Recreation district is “to provide for improved public and/or private recreation activities” (Ordinance 2022-08, Section 5-4-40 (1) d.). Does inclusion of the golf courses and tennis facilities in the new zoning district imply public access to these facilities?

It is the Board’s understanding that the golf course properties inside the security gate are defined as Open Spaces in the PRD. Open Space is defined as land free of non-pervious cover in the zoning document. Wouldn’t this protect the golf courses from development without a new ordinance? Wouldn’t this also preclude development of the courses without first obtaining a special exception from the Board of Zoning Appeals?

Were other island properties outside the PRD considered for the conservation-recreation protections that are being proposed for Wild Dunes? Such properties might include the Marina, the IOP Recreation center, Isle of Palms County Park, the Citadel Beach House, the municipal parking lot and the two small City parks.

**ATTACHMENT 1**

**Traffic Congestion:**

In the public hearings on the proposed ordinances, public comments have included concerns with traffic congestion and travel delays with future development in Wild Dunes. Clearly, traffic is an issue today throughout the municipality. Has the City conducted any traffic studies which would identify and quantify the sources of current traffic issues on the Island and the impacts of future development as allowed under the current zoning?

**Proposed Ordinance 2022-11:**

While the Board understands that the proposed ordinance corrects two scrivener's errors in the original ordinance document, we note paragraph 5-4-39 (4) is being deleted. Paragraph 5-4-39(4) states:

“Wild Dunes PRD. The existing Wild Dunes PRD development is hereby recognized as a legal nonconforming PDD district under this chapter. Any future modification to the Wild Dunes PRD agreement shall be subject to the requirements of this section.”

Why is this paragraph being deleted? What is the impact of this deletion on the revised PRD document and zoning regulations for Wild Dunes?

**Proposed Ordinance 2022-12:**

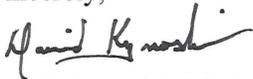
Ordinance 2022-12 adds the following paragraph to the legal description of the Original Beach and Racquet Club PRD under Section 1 b):

“Saving and excepting therefrom those areas of water, beaches, marshlands, and pieces of natural and manmade highland areas in the marshlands which contain less than two (2) acres, up to the mean high-water mark or abutting the primary highland, as generally shown on the Official Zoning Map as being within the CR Conservation-Recreation District.”

What is the meaning and practical implications of this added paragraph?

Thank you for your work on this important zoning consideration. Please contact me at 843-886-8847 or [davek@wilddunesowners.org](mailto:davek@wilddunesowners.org), for further clarification if needed.

Sincerely,



David Kynoski, PCAM  
Chief Operating Officer  
For the Wild Dunes Community Association Board of Directors

Copy: Douglas Kerr  
Matt Simms  
Desiree Fragoso, City Administrator  
City of Isle of Palms Mayor and City Council

TABLE 1

PRINCIPLE LAND USE ALLOCATIONS  
(as per Master Land Use Plan)

USE	<i>Units</i>	ACRES	% TOTAL
<u>PLANNED DEVELOPMENT USES</u>			
4 or less units/acre	133	143.4	14% 15%
8 or less units/acre	115	157.7	12% 17%
8 or more units/acre	195	183.5	20% 19%
Village and support*	73	77.7	8% 8%
<u>PLANNED DEVELOPMENT USES TOTAL</u>	516 (+146)	562.3	54% 59%
<u>PLANNED OPEN SPACE USES</u>			
Preservation & Conservation (Dunes, Marsh Islands, High Marsh, etc.)	141 (+54)	195.2	15% 20%
Parks & Recreation (Lagoons, golf course, buffers, parks, leisure trails, etc.)	299 (-101)	198.5	31% 21%
<u>PLANNED OPEN SPACES TOTAL</u>	440 (-47)	393.7	46% 41%
TOTAL LAND AREA ABOVE 2.7' MSL (mean high tide)		956.0	100%

\*Village and Support uses are commercial (including Inns), residential, marina, recreation, necessary utilities, maintenance support, community facility and service elements and open space (see Exhibit C).

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While the total of the individual sub-districts listed in Table 2 exceed the total dwelling units permitted in Table 3, Table 3 shall be the overall control total for the project.

**DWELLING UNIT TRANSFER** - Any transfer of dwelling units between sub-districts shall be controlled by the regulations set forth above in Tables 1, 2 and 3 and in the bulk and use regulations set forth herein.

**AREA ADJUSTMENT** - The total units in sub-district residential uses as noted in Tables 1 and 2 may be increased by 10% provided that:

- See  
Amendments  
1, 2, 3, 4
1. Total acres for residential purposes (as delineated in Table 1) is not increased by more than 50 acres.
  2. Open space (as delineated in Table 1) is not decreased by more than 10%.

**BOUNDARY ADJUSTMENT** - Furthermore, any sub-district boundary may be adjusted to any new configuration or shape provided that:

1. The concepts of the Master Land Use Plan as they relate to the general location of types of land uses, general arrangement of open space and circulation patterns are adhered to.
2. Overall open space allocation within sub-districts will remain constant to a tolerance of  $\pm$  5 percent.
3. Bulk exceptions and regulations as contained herein shall be adhered to.
4. The stipulations in Tables 1, 2, and 3 are adhered to except as otherwise herein provided.

#### CRITERIA FOR RESIDENTIAL "A" SUB-DISTRICT

The following criteria for the Planned Residential Development Districts shall supercede and replace similarly applicable regulations and standards in the Isle of Palms Zoning Ordinance:

1. **USES PERMITTED:** In Residential Development Sub-District a use (or accessory thereto) shown in Exhibit A shall be permitted. Residential units may occur in a variety of building forms including, but not limited to, detached units, zero lot line units, duplexes, garage apartments, townhouses or row houses (attached and/or detached), walkups, flats, low-rise and mid-rise, and may be sold on a fee simple basis, as a condominium or cooperative, or may be rented.

# Traffic/Parking Data Collection & Study

## Conclusions

- Congestion for Peak **45** Days of the Year
- Peak **8,566** vehicles arriving onto the island
- 1,247 lot parking
- 1,044 on-street parking

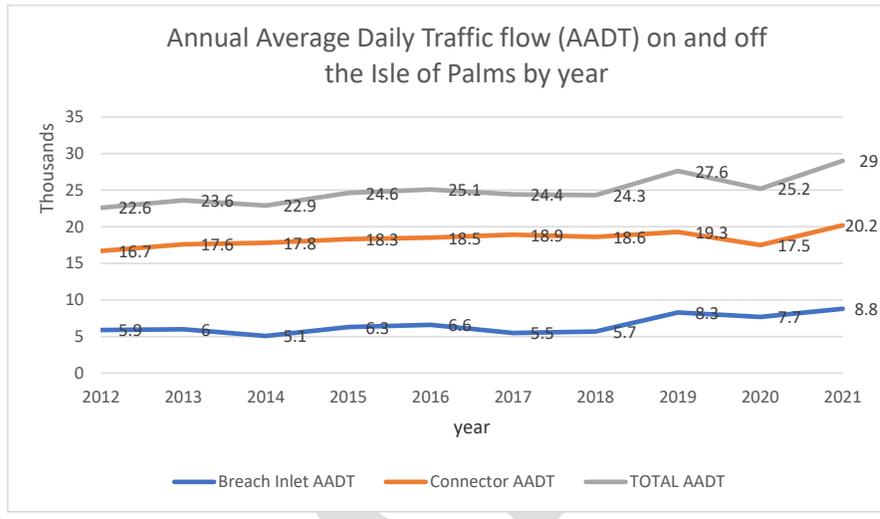
## Estimate of Traffic Destinations

- ~**25%** to/from the beach
- ~25% to/from Wild Dunes
- ~20% to/from Marina & Homes in NE part of island
- ~15% to/from Homes on west part of island
- ~15% to/from Homes on SE part of island

ATTACHMENT 4

# Estimate of Traffic Destinations





Field Code Changed

The total length of roads on the island is estimated to be 35 miles. Most roads outside Wild Dunes are under the jurisdiction of the SCDOT. The total miles of state roads on the island is estimated to be 21.75 miles. A few roads or sections of roads have been accepted by the City. Some roads, however, have never been formally accepted by any government jurisdiction. Roads within the Wild Dunes gates total 12 miles and are privately owned and maintained.

Maintenance for roads within the State system is provided through an agreement between Charleston County and the SCDOT. The City is responsible for Ocean Boulevard between 10<sup>th</sup> and 14<sup>th</sup> Avenues, 18<sup>th</sup> Avenue, part of Hartnett Boulevard, most of Forest Trail, the cul-de-sac on Pavilion Boulevard, and 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup> Avenues between Hartnett and Waterway Boulevards.

Currently, bikeways and sidewalks are provided in only a few areas outside Wild Dunes. These existing bikeway/sidewalk facilities are not interconnected and some are in need of repair. There is a recognized need to fund bikeways and sidewalks to facilitate non-vehicular traffic on the island to reduce vehicular/pedestrian/bike conflicts. Various projects have recently been undertaken ~~are underway~~ in the Charleston area including the Battery-