

PLANNING COMMISSION
December 14, 2022

The public may view the public meeting at:
www.youtube.com/user/cityofisleofpalms

Public Comment: Citizens may provide public comment here:
<https://www.iop.net/public-comment-form>

AGENDA

The Isle of Palms Planning Commission will hold its regular meeting on Wednesday, December 14, 2022, at **4:30 p.m.** in Council Chambers of City Hall, 1207 Palm Boulevard.

- A. Call to order and acknowledgment that the press and the public were duly notified in accordance with state law
- B. Approval of minutes November 9, 2022
- C. Old business Discuss Resiliency Element of
Comprehensive Plan update

Update on short term rental
recommendations of implementing cap
- D. Miscellaneous business
- E. Adjourn



Planning Commission Meeting
4:30pm, Wednesday, November 9d, 2022
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to Order

Present: Steve Corney, Sue Nagelski, Sandy Stone, Marty Brown, Ron Denton, Jeffrey Rubin, David Cohen, Matt Sims, Zoning Administrator and Douglas Kerr, Director of Planning

Also present: Administrator Fragoso, City Attorney Halversen, Cheryl Shoun, Nicole Scott

2. Approval of minutes

Mr. Stone made a motion to approve the minutes of the October 12, 2022 regular meeting. Mr. Corney seconded the motion.

Mr. Stone noted that the name of the Zoning Administrator should be Simms and not Kerr at the bottom of the first page.

A vote was taken and the minutes were passed as amended.

3. New Business – Recommendations on Wild Dunes PRD Amendments

Director Kerr briefly reviewed the purpose of the ordinances which includes reducing the number of developable units within Wild Dunes to current levels and creating a conservation/recreation overlay district. He did note that the codes allow for any existing lots that have already been subdivided to be built upon. These ordinances address future subdivisions or hotel rooms. He also clarified that the tennis courts are part of the conservation/recreation district as an allowable use. He also said the golf course property outside the gates is included in the new district.

Director Kerr reviewed what has happened to date procedurally starting with City Council passing the First Reading of the ordinances at their September meeting followed by Public Hearings on October 18 and November 1. The Planning Commission has 30 days to give a recommendation to City Council with no recommendation being considered a recommendation. The 30 days starts today. More information can be provided to the Planning Commission and a Special Meeting can be scheduled within those 30 days, if needed. He did share that the Planning Commission is expected to react within those 30 days.

Director Kerr shared that no plans to develop the parcels in question have been submitted by Wild Dunes and with the passing of First Reading and the implementation of the Pending Ordinance Doctrine, the Building Department is unable to approve any submitted plans that are in contrast to the ordinances.

Mr. Stone expressed concern that City Council has not been in any kind of negotiation with the developers. He feels these ordinances have been “fast tracked” and forced on the Planning Commission. He asked if the City understood all the implications of the ordinances and suggested allowing time for the City and the developers to speak.

Director Kerr said the 1975 PRD has historically been viewed as a loose set of rules that gave the developers a lot of flexibility. He said the developers can petition the City for amendments to the ordinances should the ordinances pass.

Mr. Denton expressed concern about the additional traffic any further development would create. He also expressed concern about “trying to find some legal or more legal teeth to sink into as a way of enforcing this ordinance for the opportunity with the lawyers come out.” He said that rezoning will create opportunity for the developers to negotiate with the City.

Director Kerr urged the Commissioners to look at these ordinances along technical lines, noting that City Council makes the ultimate decision, and therefore the legal ramifications lie with them.

Ms. Nagelski said that the ordinances are inline with the objectives and goals of the Comprehensive Plan.

Discussion ensued about the inclusion of the out islands in the ordinances. Director Kerr said that legal counsel has been notified to increase the number of units in the ordinances by 3 to include what could be built on the out islands.

Mr. Cohen expressed concern about a current structure being demolished and being rebuilt with higher density.

Mr. Stone asked if these ordinances would affect the tax rates on those particular parcels. Director Kerr said that there are currently no plans to put any of those properties into a conservation easement, so the tax rate should not be affected. He said the developers are required to keep a certain amount of open space.

Mr. Brown, addressing the question from Wild Dunes Community Association, asked if their point about the consideration of island properties outside the PRD and the equal treatment of properties across the island. Director Kerr said the examples given by WDCA all have structures currently on them. He also said that if such a district were to be developed, the Planning Commission would need to develop standards for setbacks and lot coverage. He said the ordinances in question did not contemplate anything being built on them.

Mr. Stone asked if the new waste water treatment plant is being built to include the extra rooms in the 1975 PRD, and Director Kerr said it is not. He said that when the new plant is completed,

the old plant will be used for storage and a pump station will be put on the property. The lake will also remain intact.

In response to Mr. Stone's suggestion that the City take time to negotiate with the developers, Mr. Corney said that it is the job of the Planning Commission to make a recommendation to City Council about whether or not to move forward with the ordinances.

Director Kerr stated that the ordinances have been drafted by the City's legal counsel. Mr. Denton noted that all public comments received by the Commission have been in support of the ordinances being passed. Dr. Rubin noted the only information the Planning Commission is missing is anything from the developer, noting they won't likely receive any of that information.

Ms. Nicole Scott, as a member of legal counsel for the City, said of the role of the Planning Commission, "Your role correctly as has been stated is to review this in light of the Comp Plan, whether it is consistent with the Comp Plan and other zoning ordinances that the City has adopted, and so it is a very limited role, and it is recommendation, right, you are not a decision-making authority. Therefore, there are no concerns about liability and action that the Planning Commission may take."

MOTION: Mr. Corney made a motion to recommend to City Council to proceed with Second Reading of Ordinances 2022-08, 2022-09, 2022-10, 2022-11, and 2022-12 and move forward with approval. Dr. Rubin seconded the motion. The motion passed unanimously.

4. **Old Business -- none**

5. **Adjournment**

Mr. Corney made a motion to adjourn, and Mr. Denton seconded the motion. The meeting was adjourned at approximately 5:30pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

RESILIENCY

Existing Conditions

The topography of the island is relatively low and flat, with average ground elevations of 7 to 10 feet above mean sea level (MSL). There are several areas as high as 17 feet above MSL along a ridge on the ocean side of the island.

The tide range, low tide to high tide, is 5.2 feet with the spring tide range increasing to 6.1 feet.

Because of low ground elevations, most of the island lies within a Special Flood Hazard Area of the National Flood Insurance Program. The most common flood zone designations on the island are AE and VE zones, which delineate the statistical threat of flooding from a “100-year storm,” for which there is a one percent probability of occurring in any given year. Low elevations, coupled with storm drainage that is significantly influenced by the ebb and flow of the tides, are causes for serious accumulations of storm water, whether generated by heavy rainfall or storm surge.

During severe storm events water levels can be much higher, with the potential for reaching an elevation of 12 feet MSL and wave crests up to 18 feet MSL. In 1989 the storm surge from Hurricane Hugo covered most of the island with peak water levels ranging between 15.5 feet above MSL along the beach and 12.5 feet above MSL along the back of the island.

The City’s drainage system is comprised of portions owned and maintained the South Carolina Department of Transportation (SCDOT), the City, Charleston County, and private owners. Some drainage infrastructure is 70 years old, undersized and deteriorating, but other sections are newly constructed and well-functioning.

Considering the City’s vulnerability to natural hazards and the increasing severity of flooding events over the past several years, it has become readily apparent that the City must plan and identify strategies to make the community more resilient. Specifically, the city must devise a resiliency plan to address the impacts of flooding, beach erosion, and sea level rise on public infrastructure, businesses, and the community. For the purposes of

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this element of the comprehensive plan, resilience is defined as the community’s capacity to withstand, recover, and adapt to natural disasters and long-term changes as a result of sea level rise.

Flooding

To minimize the potential for property damage due to flood conditions, the City adopted a comprehensive set of regulations in 1983. The City is in compliance with the requirements of the National Flood Insurance Program (NFIP) which allows its citizens to secure federally backed flood insurance policies. Furthermore, the City participates in the Community Rating System (CRS), which is a program that rewards communities that are doing more than meeting the minimum requirements of the NFIP. The City is presently designated as a “Class 5” CRS community, which entitles its citizens to a 30% discount on flood insurance rates. The goal of the CRS is to reduce the loss of life and property in the event of a flood and to protect the natural and beneficial functions of the floodplain.

The City adopted more stringent standards than the minimum flood elevations required by the Flood Insurance Rate Maps (FIRMs) that require the lowest floor of any new structures to be elevated to at least 13 feet above mean sea level.

Since 2010, the City has completed several large-scale drainage projects between 29th and 57th Avenues to reduce the likelihood of flood damage. The City began a major project in 2022 to improve the outfalls between 30th and 41st Avenues to allow water to flow off the island quicker and to seal the tidal waters out of the system.

In 2021 the City engaged Davis and Floyd Engineering to develop a drainage masterplan to identify the areas of need and create a capital improvement program to allow the City to prioritize future drainage projects.

Beach Erosion

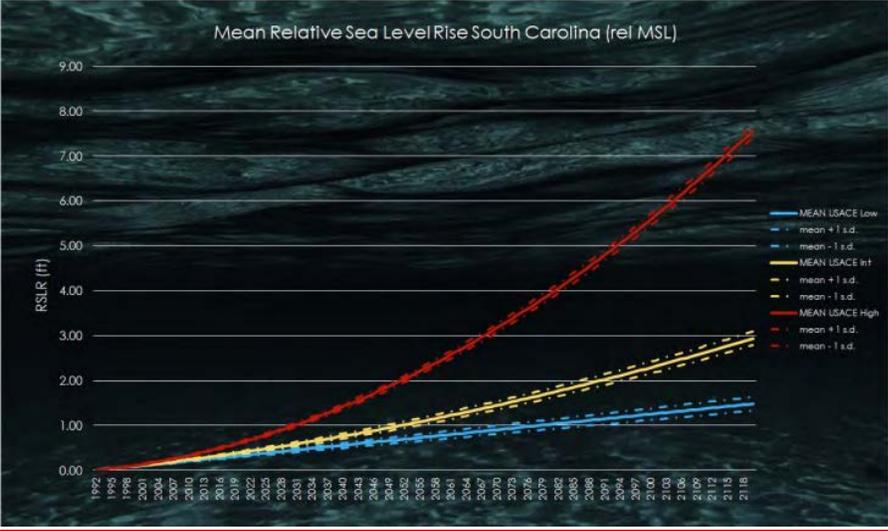
The dune system of the beach creates the first natural barrier against storm surge, flooding, and rising tides. The Isle of Palms shoreline is healthy and generally accreting, but the shoreline has cyclical erosional episodes particularly around the unstable inlet zones on the two ends of the island.

As a result of erosion on the northeastern end of the island near Dewees Inlet, a \$10M beach restoration project was undertaken in 2008 and a \$14M project was undertaken in 2018. These projects consisted of an offshore dredge pumping sand onto the shore and subsequent monitoring. The projects were funded by private and public funds. The City continues to monitor erosion on the entire shoreline and occasionally undertakes projects to address affected areas. It is expected that the City will need to facilitate a major restoration project on a 10-year cycle.

Sea Level Rise

Sea level rise poses a significant threat to homes, private property, public infrastructure and services, natural resources, and ultimately, public safety and welfare. ~~Sea level around Charleston, South Carolina has increased~~In Charleston, the sea level has risen 10 inches since 1950, and is now accelerating at a rate of 1 inch every 2 years. Further, based on data from three South Carolina three compliant gauges, the Army Corp of Engineers South Atlantic Coastal Study (SASC) estimated that mean relative sea level rise will increase anywhere from 1.39 to 7.47 feet by 2120.

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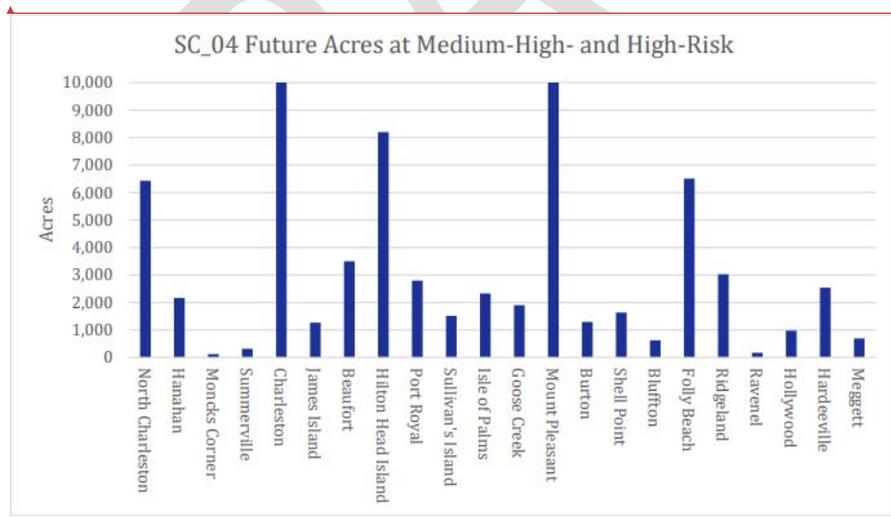
While the extent and severity of the influence sea level rise will have on the island remains relatively under-examined, due to the low-lying nature of the island and the proximity to the ocean and marshlands, the City of Isle of Palms is extremely vulnerable to the impacts of rising seas. In particular, sea level rise has and will likely continue to exacerbate flooding from storm surge, high tides, and stormwater. According to the Army Corp of Engineers' SACS that identified risks and vulnerabilities of coastal areas to increased hurricane and storm damage as a result of sea level rise, the primarily impact to the Isle of Palms will likely be structural and infrastructural damage. Additionally, the SACS's future sea level rise modeling found that over 2,000 acres of Isle of Palms are at medium-high risk of exposure and probability of hazard occurrence, more than half of acreage currently at medium-high risk. While the scale of the impact sea level rise will have on the island remains unclear speculative The chart below shows the growing observed incidences of nuisance flooding and NOAA's predicted change over the several decades including a projection that the Charleston area will flood up to 180 days per year by 2045. Additionally, long range scientific predictions indicate that "sea level may rise two (2) to seven (7) feet in the next 100 years."

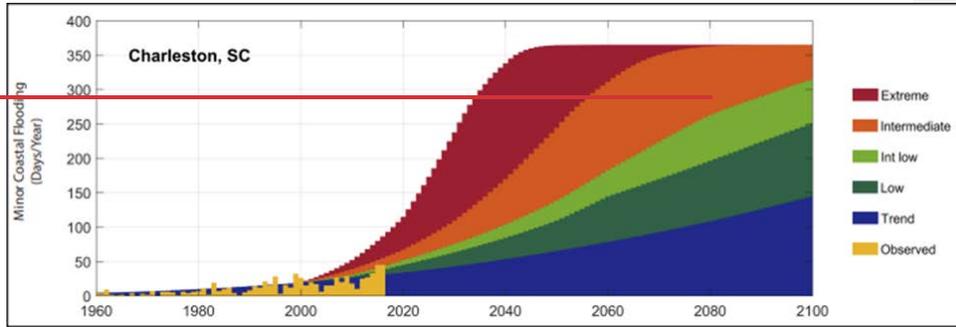
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Recent major weather events like Hurricane Matthew and Hurricane Irma serve as harsh reminders of the City’s susceptibility to sea level rise. Thus, a proactive and multipronged approach to sea level rise is critical to protect residents and make the community more resilient.

In 2022 the City requested grant funding to construct an elevated berm on the backside of the island to prevent minor storm surges from being able to inundate the neighborhoods on the inland side of Waterway Boulevard. These neighborhoods are some of the lowest on the island and most susceptible to the increased sunny day flooding associated with sea level rise.

Key Issues

- Maintain healthy beach and shorelineBuild dunes
- Encourage elevation of low existing structures
- Work with utility providers to improve resilience of infrastructure
- Seal tidal canals
- Support renourishment
- Healthy disaster recovery account
- Budget for large scale drainage improvements identified in the Davis and Floyd masterplan

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Goals and Implementation Strategies TO BE WRITTEN

Goal 4.1: Build Dunes and Restore Beach.

Strategy 4.1.1: Support beach renourishment projects—~~To be~~
~~written~~

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Strategy 4.1.2: Encourage private dune restoration projects

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Goal 4.2: Seal

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Strategy 4.2.1: Support OCRM in administering measures that protect
marshes on the backside of the island

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Goal 4.6: Continue to work closely with state, federal, and local partners and
coordinate resiliency efforts

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Goal 4.7 Work with utility providers to ensure infrastructure is resilient

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