



**Planning Commission Meeting  
4:30pm, Wednesday, November 9, 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