

MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
October 8, 2008

The Isle of Palms Planning Commission met in the Building Department Conference Room, 1301 Palm Boulevard on October 8, 2008, at 4:30PM. Members attending included Barbara Bergwerf, Pat Campbell, Ron Denton, Sandy Stone, David Stevens and Dick Watson; also the Director of Planning, Douglas Kerr was present. The press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

Chairman Denton called the meeting to order.

#### APPROVAL OF MINUTES

The next item on the agenda was the review of the minutes of the September 10<sup>th</sup>, 2008 meeting. Mr. Stone made a motion to approve the minutes and Mr. Campbell seconded the motion; the vote was unanimous in favor of the motion.

#### REVIEW OF SUBDIVISION: 2400 PALM BOULEVARD

Mr. Kerr explained that this was a request for preliminary approval of a subdivision at 2400 Palm Boulevard. He explained that this request was on the agenda at the August meeting, but that prior to the meeting he became aware of a deed restriction that appeared to prohibit the subdivision. He explained that the original deed restriction had been imposed by the Beach Company and he has received a letter from the Beach Company explaining that, as the authors of the deed restriction, it was their intention to prohibit the subdivision of lots on the seaward side of the original lot line, which was 130 feet back from Palm Boulevard and that is was not the intent of the restriction to prohibit subdivisions of lots that had adequate lot area and width on the landward side of the original lot line, such as this request.

He explained that the property was originally configured as three lots, but in the past the owners abandoned a lot and it is currently configured as two lots and the owner is proposing to reestablish the property as three lots. He explained that this request was for preliminary approval, which is an optional step in the subdivision process that will give the owner assurance that if the houses are removed the property will be able to be subdivided. Preliminary approval would not give the owner the right to individually sell the properties or begin construction on the properties. Prior to being granted final approval, the houses would have to be removed or otherwise brought into compliance with the setback requirements.

Mr. Kerr explained that all three properties would be served by public water and private on-site septic systems and that permits had been issued from DHEC for each of the three proposed lots. The property is located in the SR1 zoning district and the Preservation Overlay district. He added that the properties have two Historic Trees (29" and 32" Live Oak trees) and two Significant Trees (15" Live Oak and 17" Pecan), which are protected by ordinance and will have to be preserved in accordance with the Tree Ordinance. He explained that the City's staff has reviewed the plat and believes that request complies with the requirements of the ordinances and therefore recommends the plat be approved with the condition that a note be added to the plat that states all trees must be preserved in accordance with the Article 3- Tree Removal Regulations.

Mr. Watson explained that receiving a letter clarifying the original intent of the deed restriction does not have the effect of lifting the deed restriction. Mr. Kerr answered that State statute specifies that the applicant should provide the City with confirmation from the appropriate authority that the covenants do not apply. He added that the City was involved in a suit over a fence in this same area that involved the same restrictive covenants and the courts ruled that the Beach Company's interpretation of the covenants should be the interpretation used.

The Commission generally discussed the plat and Mr. Stevens made a motion to approve the request with the condition that the recommended note be added to the plat. Mr. Stone seconded that motion and the vote was unanimous in favor of the motion.

#### DISCUSSION OF COMPREHENSIVE PLAN

Mr. Kerr explained that he had amended the draft by: adding a synopsis of the parking congestion in the summer months, moving goals and strategies dealing with traffic and parking from the Community Facilities element to the Transportation element, adding a strategy to develop a parking management plan, adding a recommendation to increase pedestrian and cyclists paths to the Priority Investment element and added goals and strategies to the Priority Investment element.

Mr. Denton explained that Mr. Watson had distributed a list of good points for consideration and the Commission agreed to go through the list. Based on the review of his list, the Commission agreed to make the following amendments: add strategy 1.2.3 which would state: "the City should continuously monitor and keep records of the effect of seasonal visitors on the quality of life of the permanent residents; this should include, but not be limited to the issues of

parking, noise, trash, and general livability”; add an explanation of the millage rate on page 17; to have Mr. Watson work on reworking the section that describes the various plans associated with the beach on page 23; to rewrite Strategy 3.1.1 to reflect always striving to improve the City’s CRS rating on page 25; to include an explanation of EMS response time on page 29; to add the two lots behind Public Works in the list of City owned property; to amend Goal 6.1 to read “the City should continuously monitor the effect of development upon the quality of life of the existing permanent residents”; to delete the references to the discrepancies in the PRD on page 50; and to change the chart showing traffic counts on page 53 to reflect the more recent information in the Appendix.

Mr. Denton explained that these changes would be incorporated into a clean copy for the next meeting and the Commission can consider recommending the reviewed plan for City Council’s approval.

#### MISCELLANEOUS BUSINESS

Mr. Kerr explained that at the last meeting of City Council they requested that the Planning Commission look into the issues of: the short-term rental ordinances and a review of their effectiveness since their passage, the lot coverage and house sizes limits as they effect the residential quality of the island, and the maximum size of houses being set at 7,000 square feet. Mr. Kerr explained that the review of the size of new construction is something that the Planning Commission typically did annually and that with the new short term rental program, the City had better data that differentiated short term rentals from long term data and the Police Department had data on livability complaints, which will be useful in the review.

#### ADJOURNMENT

There being no more business, the meeting was adjourned at 5:45 p.m..  
Respectfully submitted, Ron Denton, Chairman.