

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
March 14, 2007

The Isle of Palms Planning Commission met in the Building Department on March 14, 2007, at 4:30PM. Members attending included Barbara Bergwerf, Pat Campbell, Ron Denton, Michael Loftus and Andrew Roskill; 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.

EXECUTIVE SESSION

The Commission went into an executive session to receive their annual briefing by the City Attorney. Upon coming out of the session, Mr. Loftus explained that the Commission had discussed legal issues and that no actions were taken.

APPROVAL OF MINUTES

The next item on the agenda was the review of the minutes of the February 28th 2007 meeting. A motion was made and seconded to approve the minutes as written and the vote was unanimous in favor of the motion.

RECOMMENDATION ON ORDINANCES 2007-5, 2007-6 AND 2007-8

Mr. Kerr explained that these ordinances had been created as a result of the City hiring a coastal engineer to create a beach management plan. He explained that the ordinances were primarily to add clarification and update terms and correct section numbers in the code. He explained that the ordinance dealing with CO district boundary, 2007-8, did include substantial changes. He explained that the original district boundary specified that all areas considered by OCRM to be "critical areas" were in the CO district. He explained that OCRM changed their definition of critical areas to include all areas seaward of their 40 year setback line; which inadvertently placed some neighborhoods into the CO district, which was not the intent of the original code. He explained the proposed amendment would specify that the CO district boundary would stop at the "primary highland", which he interprets to be the dune line on the ocean side of the island.

Mr. Kerr explained that another significant change was the inclusion of a term that specified that pieces of highland in the marsh that are less than two acres would be in the CO district. He explained that this would place several outlying islands on the back side of Wild Dunes into the CO district. He explained that this change was to give clarification to the existing district boundary.

Mr. Stevens explained that because of a personal conflict concerning the islands on the back side of Wild Dunes, he should not be present for the discussion of this ordinance and he left the meeting.

The Commission generally discussed the impacts of ordinance 2007-8 and requested to see a map that showed the islands and their sizes. Mr. Kerr explained that the tax maps gave a general representation of the area, but the information shown was over 30 years old, but it was the best information available. The Commission members noted that there were several islands shown that were between one acre and two acres. The Commission generally agreed that an island that was over an acre in size could be useful to the owners of property and that it was not their intent to take away the owner's use of these areas, but that the islands smaller than an acre were too small to be reasonably used for uses other than those allowed by the CO district.

Mr. Roskill made a motion to recommend approved of Ordinances 2007-5 and 2007-6 as written and Mr. Hooper seconded the motion. The vote was unanimous in favor of the motion.

Mr. Hooper made a motion to recommend approval of Ordinance 2007-8, with the amendment of the size requirement being reduced from two acres to one acre. Mr. Denton seconded the motion. The vote was unanimous in favor of the motion.

REVIEW OF TREE ORDINANCE

Mr. Loftus explained that the next item on the agenda was the discussion of the Tree Ordinance and he asked Mr. Roskill to explain the changes his group had developed. Mr. Roskill explained that generally they were proposing the requirement for a certified arborist to be involved, including the development of a tree preservation plan, anytime development would infringe into a tree protection zone. He explained that the tree protection zone would be defined as an area with a diameter of one foot for each inch of diameter of the tree. Additionally he explained that they were proposing that a tree removed illegally should be required to be replaced in the same location as the tree removed, which would eliminate the incentive an owner might have to remove a tree to enlarge the size of the building envelope of a property.

The group generally discussed the requirements outlined in the handout distributed in the packet. Mr. Kerr explained that he was concerned about the level of detail that was included in the requirements for a tree preservation plan. He explained that ordinances gave no flexibility if an owner came up with a

suitable alternative method, which could be problematic. The group generally agreed that all of the requirements included in the proposed plan should be minimum requirements and a motion was made to send the document to the City Attorney to be put into ordinance form for the Commission's future consideration. The vote was unanimous in favor of the motion.

DISCUSSION OF DEVELOPMENT STANDARDS

Mr. Loftus explained that the subcommittee was still meeting, but still had not been able to come to any firm conclusions. He explained that at the direction of the City Attorney, the subcommittee would no longer be meeting, but that the entire Commission would be holding special meetings to continue discussions on the issues of building size, shape, and compatibility with neighboring properties. A special meeting was set for the following Monday, March 19th, at 4pm to continue these discussions.

DISCUSSION OF SHORT TERM RENTAL CAP

Mr. Loftus explained that the City Council had requested that the Planning Commission review the issue implementing a cap on the number of short term rentals and make a recommendation on the issue. Mr. Hooper explained that he felt that the City had already established a Livability Court and was in the process of adopting regulations to address the effects of short term rentals and that he thought that those two tools should be able to be put into effect to see if they improve the situation before a cap is implemented. Mr. Denton explained that he felt that it would difficult to implement a cap that does not result in an arbitrary number of rentals. Mr. Campbell stated that he felt that it was inequitable to deny certain owners of the same privileges of ownership that other owners have. He added that the percentage of 4% properties versus 6% properties has not shifted considerably and he did not perceive there to be a problem in the balance of rentals. Mr. Roskill explained that there are two programs recently developed and the Commission is working on development standards, so there are three different things in progress that have not been able to have any effects. Additionally he stated that he felt confident that a cap would not be legally upheld.

Mr. Hooper made a motion to recommend that the City Council not implement a cap at this time. Mr. Campbell seconded the motion and the vote was unanimous in favor of the motion.

MISCELLANEOUS BUSINESS

Mr. Hooper explained that he was disappointed that the Commission had not acted on the issues of the commercial district. He volunteered to present a refresher discussion for the next meeting and the group generally agreed to resume discussions on the issue at the next meeting.

ADJOURNMENT

There being no more business, the meeting was adjourned at 7:00pm.
Respectfully submitted, Michael Loftus, Chairman.