

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
June 12, 2013

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on June 12, 2013 at 4:30 p.m. Members attending included Bev Ballow, Ron Denton, Richard Ferencz, Penny Lewis, Noel Scott and Don Smith. The Director of Planning Douglas Kerr was present as well. Patrick Harrington was absent. 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 Noel Scott called the meeting to order.

APPROVAL OF MINUTES

Mr. Scott explained that the first item on the agenda was the approval of the May 8, 2013 minutes. Mr. Smith made a motion to approve the minutes as written, and Mr. Ferencz seconded the motion. The vote was unanimous in favor of the motion.

DISCUSSION OF TREE ORDINANCE

Mr. Scott explained that, at the last meeting, the group held off on deliberating the issue of protecting pine trees until the group could consult with an arborist. Mr. Kerr explained that he had contacted Mark Arena with Clemson who was unavailable to attend in person or participate by phone. Mr. Kerr stated that he did discuss the issue of protecting smaller pine trees with Mr. Arena, and his impression was that Mr. Arena did not give a clear recommendation either way on the issue.

Ms. Ballow explained that she had also discussed the issue with a tree expert and other people in the community, and she has concluded that the issue is very emotional and not scientific. To include a recommendation of protecting loblolly pine trees might be too controversial or unnecessary. She stated that she would support eliminating protection for loblolly pine trees from the recommendation at this time. She made a motion to amend the recommendation to eliminate protection for pine trees, and Mr. Denton seconded the motion. The vote was unanimous in favor of the motion.

Mr. Kerr explained this settled the last unresolved issue; therefore, the recommendation would be forwarded to the City Attorney for drafting into ordinance form and onto City Council for their consideration.

DISCUSSION OF SIGN ORDINANCE - VEHICLE SIGNS

Mr. Kerr explained that the existing Code prohibits someone from displaying a vehicle with sign in a way that indicates that the primary purpose of the vehicle with a sign is to attract the attention of the public rather than to serve the business of the owner. He explained that there is no differentiation between cars with signs being displayed in

the commercial areas or the residential areas; recently this code caused a business owner aggravation who was displaying his signed vehicle in front of his place of business. He stated that the business owner went before City Council, which had in turn directed the City Attorney to research the issue. The City Attorney had created a draft ordinance that would allow vehicle signs to be displayed on the premises of a business.

Mr. Smith stated that some of the verbiage in the draft ordinance appeared to be clarifying the existing code and some of it appeared to be a departure from the current code. Mr. Kerr explained that, for discussion purposes, the draft could be broken into three parts as follows: the first part being to clarify the existing vehicle sign standards, the second part is a change that would allow businesses to display their vehicle signs, and the third part would be to allow owners of home occupations to display their vehicle signs at their homes.

Mr. Smith stated that, as he understood the second part of the change, it would be giving the on-island businesses an advantage that they do not currently have and this does not bother him.

Mr. Ferencz explained that, as he read the second part of the changes, it would allow a business owner the opportunity to display vehicle signs with no limits on the size or number of signs, which he thought was probably too broad.

Mr. Denton explained that he, generally, did not have an issue with the display of the sign at the old Red and White that began this discussion; he thought the existing code was too strict. He explained that he would have an issue if the vehicles could not move.

Mr. Smith asked what the impetus was for the change to the home occupation section. Mr. Kerr explained that, while Council was discussing the issue of vehicle signs in the commercial area, a Councilmember voiced concern that employees of businesses not based in the home could park vehicles with signs, but that owners of businesses that are based in a home cannot park vehicles with signs. Mr. Ferencz voiced his understanding that, if he had a home occupancy employed his neighbor and both had a truck, his neighbor could park the vehicle in the yard, but he could not park the vehicle in the yard because he owns the business. Mr. Kerr answered that this was correct.

Mr. Smith stated that he wanted to have votes on each of the three parts, and he made a motion to accept the editorial changes in defining vehicle signs. Mr. Scott seconded the motion, and the vote was unanimous in favor of the motion.

Ms. Lewis made a motion to recommend approval of the change that would allow vehicle signs that are on the premises of the business establishment it serves.

Mr. Scott asked if the Simons seafood truck would be affected should the group not accept this language. Mr. Kerr answered yes, if, after the public vetting of this issue, it is decided not to allow commercial vehicles, the Simons Seafood truck would have to be moved or modified. Mr. Smith explained that there was no other space on the site; he felt that the language just voted on would allow this truck to remain. Ms. Lewis explained that one of her primary objections in this issue is that it appears to be unfairly administered since there are real estate agents with brightly colored vehicles that are being allowed to leave their vehicles while this particular vehicle is being forced to move. Mr. Kerr explained that, if the will of the group is to keep the language, some additional enforcement will be necessary.

Ms. Lewis restated her motion to recommend approval of the language that would allow business owners to have onsite vehicle signs; Mr. Denton seconded. The vote was four to two in favor of the motion with Mr. Ferencz and Mr. Smith voting against the motion.

The group moved on to discuss signage at a home occupation. Mr. Kerr stated that the only rationale that he could think of for the code not allowing a business owner to display a vehicle sign, but allowing an employee to display a vehicle sign, is that there would be very little incentive for an employee to aggressively market the business within his/her neighborhood, but there would be an incentive for a business owner to aggressively market his/her business within the neighborhood.

Mr. Denton explained that he understood the purpose of the limitation to be to keep home-based businesses very discrete and that this change could change the nature of these operations.

Mr. Scott explained that, if he lived next to the owner of the large seafood truck, he probably would not want that truck to be parked next to his home.

Ms. Ballow explained that she did not see a real need to change the code. She felt that most of today's businesses were office work that did not need to attract attention.

Mr. Smith made a motion to reject this portion of the amendment and Ms. Ballow seconded the motion. The vote was five to one with Ms. Lewis voting against the motion.

REVIEW OF THE COMPREHENSIVE PLAN - CULTURAL RESOURCES ELEMENT

Mr. Scott explained that the next item on the agenda was the review of the Cultural Resources element of the Comprehensive Plan. Ms. Ballow stated that she felt the offerings at the Recreation Department should be highlighted, and the group generally agreed. Mr. Kerr explained that the section currently includes a mention of the Lowcountry Blues Bash, which he believes is no longer held on the island. Mr. Smith noted that the last sentence of the first paragraph under Events ends in the word "commemorate" and is poorly worded and should be edited. The group agreed with the suggested revisions.

MISCELLANEOUS BUSINESS - BEACH TRAFFIC

Mr. Scott explained that he had asked for the issue of traffic to be put on the agenda for the group to talk about the Memorial Day weekend traffic. He expressed the opinion that there should be some traffic control exercises implemented on these busy weekends that would simulate a hurricane evacuation or the letting out of a major sporting event. He explained that more officers directing traffic and possibly reversing of some traffic lanes might be in order. Mr. Kerr explained that he knew that the Police Department was implementing some changes in managing traffic as a result of that weekend, but he was not clear on the details. He suggested that, between now and the next meeting, he pass along the details of the Police Department changes and see if any more discussion is necessary. The group agreed with this suggestion.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,
Noel Scott, Chairman.