

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
April 14, 2010

The Isle of Palms Planning Commission met in the Building Department conference room, 1301 Palm Boulevard on April 14, 2010, at 4:30PM. Members attending included Bev Ballow, Pat Campbell, Ron Denton, Diane Oltorik, Noel Scott and Dick Watson; also the Director of Planning, Douglas Kerr was present. David Cohen 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 Ron Denton called the meeting to order.

APPROVAL OF MINUTES

The next item on the agenda was the review of the minutes of the March 10th, 2010 meeting. Ms. Ballow suggested changing the wording of the first sentence on the third page from "with the installation of signage" to "by the means of installing new signage" and made a motion to approve the minutes with this amendment. Mr. Scott seconded the motion the vote was unanimous in favor of the motion.

PREVIEW RECOMMENDATION ON ROOF TOP DECKS

Mr. Kerr explained that at the last City Council meeting a public hearing was held on Ordinance 2010-04, which is an amendment that would restrict the size of roof top decks elevated to within ten feet of roof to 10% of the area of the heated footprint of the building. He explained that there were several people that expressed objections to the ordinance and some of the suggestions were to require a roof top deck to be stepped back from the edge of the building, to increase the percentage allowed and to consider buildings with low roof that may only be one story.

Ms. Oltorik stated that she felt it was important for the group to keep in mind that the primary reason for recommending the enactment of such an ordinance was safety. She added that the concerns she heard from Council were also safety related and she thought that the suggestion of adding a setback to roof top decks would be beneficial.

Ms. Ballow explained that one person at the public hearing expressed an interest in having a top floor living area that opened to a rooftop terrace and possibly a living roof. She explained that she did not want to prohibit creative ideas like this. Mr. Kerr explained that the wording of the ordinance would allow this configuration as long as the top of the roof of the living area was more than ten feet from the deck, which he thought it would almost have to be.

Mr. Denton showed a sketch of how the idea of stepping in the deck from the edge of the structure might look. He explained that he did feel that there could be some safety benefit to having a landing area if someone to go over the guard rail, but the required guard rail is all that is required by the building code, which he thought was adequate. Mr. Campbell explained that he did have an aesthetic objection to the roof top decks that cover the entire roof.

Mr. Watson explained that the Planning Commission worked on this ordinance solely because members of City Council expressed an interest in the idea at the joint workshop held between City Council and the Planning Commission in the fall of last year. He explained that he was dismayed at Council's reaction when they received the amendment, as they appeared to not recollect asking the Commission to work on the issue. He stated that he would therefore like to make a recommendation that the City Council deny the ordinance, as they originally asked for it, but they now appear to have misgivings about the idea. Mr. Scott seconded the motion. The vote was unanimous against the motion.

Mr. Watson explained that if the Commission feels that the proposed amendment will be beneficial, he would make a motion to recommend that the Council adopt the ordinance as written and amended by Council to specify that it only applies to residential districts. Ms. Oltorik seconded the motion and the vote was unanimous in favor of the motion.

REVIEW RECOMMENDATION ON DAYTIME OCCUPANCY

Mr. Kerr explained that this amendment was developed by the Planning Commission, it was forwarded to City Council, it has had first reading, a public hearing and at second reading the Council decided to send it back to the Planning Commission for further review based on the comments and concerns that had been raised. He explained that the primary objection that he was aware of was an example that a property owner gave of a small house on a large waterfront property that routinely had family events during the day with many people, but at night only one smaller family stays at the house. The owner that made this objection suggested making the daytime occupancy limit dependent on the size of the property instead of the size of the house. Mr. Kerr added that during the Planning Commission's development of this ordinance, Mr. Stone was supportive of the idea based on the example of 40 people being allowed in a Seacabin unit, but that he has stated that he has changed his feelings on the issue based on what he has heard from the public's input.

The Planning Commission generally discussed the challenges that would be associated with establishing the lot size as a new criterion regulating short term rentals and generally agreed that it would be burdensome to administer. Ms. Oltorik explained that she felt that the ordinance was a generally a good idea, but it needed some work and the Commission should table it to give time to develop solutions. Mr. Kerr stated that if members of the Planning Commission wanted to continue working on this issue, he suggested tabling the issue rather than recommending denial of the ordinance. Ms. Oltorik made a motion to recommend that it be tabled to allow the Commission time to work on a solution. The motion died because of a lack of a second.

Mr. Campbell stated that he felt that the objections that had been voiced were legitimate concerns and if Councilman Stone did not support the effort, he felt that there was little reason to pursue the amendment Mr. Watson agreed and stated that he saw little need to move forward if Councilman Stone would no longer support the effort. Ms. Oltorik stated that when the Planning Commission made the recommendation for Council to adopt this provision it was a unanimous decision and she did not feel that one person's change of opinion warranted abandoning the idea. Mr. Campbell made a motion to recommend that City Council deny the amendment. Ms. Ballow seconded the motion. The vote was five to one in favor of the motion, with Ms. Oltorik voting against the motion.

RECOMMENDATION ON ORDINANCE 2010-08- LIMITING FUTURE RENTALS TO A MAXIMUM OVERNIGHT OCCUPANCY OF 12 PEOPLE

Mr. Kerr explained that this amendment was proposed by City Council after their discussion of the Planning Commission's recommendation to implement a new zoning scheme. He explained that the ordinance would limit the occupancy of properties acquiring a rental license after the ratification of the ordinance to a maximum of 12 overnight occupants. He explained that the amendment would not affect the maximum occupancy of any properties already holding a rental license with an occupancy over 12, as long as the rental license does not lapse; or properties that have an occupancy higher than 12 that are sold, as long as the new owner acquires a new rental license within 60 days of closing on the property. He explained that this ordinance has had first reading and is scheduled for a public hearing, but that prior to ratifying any zoning ordinance, the Council must refer the amendment to the Planning Commission for a recommendation.

Ms. Ballow stated that on a grammatical point, when counting the term "fewer" should be used not "less". Mr. Denton explained that comments that he heard

during the discussion were: to increase the minimum age from two years old to something higher, to create an overlay district exempting ocean front properties, doing an economic impact study and to have a referendum.

Mr. Campbell explained that he saw real issues with making a huge portion of the island's properties non-conforming and he saw many problems associated with properties changing hands and being held up in estate settlements as they often are and losing their legal nonconforming status. He stated that he thought that this may also be considered spot zoning, which is illegal. Additionally, he stated that he was unclear what impact such an amendment could have on the tax base of the island. He explained that he did not know whether the value of a house, and thereby the amount of property taxes paid, will be diminished by such an amendment.

Ms. Oltorik stated that she thought this ordinance would protect the island going into the future and she felt that this issue has been pretty well decided by Council and she did not think it was wise to be adversarial towards that effort.

The Commission generally discussed the time frame of when a recommendation must be made. Mr. Kerr explained that the ordinance gives the Planning Commission 30 days, unless extended by Council, from the date of referral to make a recommendation and failure to do so within that time frame would be deemed a recommendation of approval.

Mr. Denton explained that he felt that the Planning Commission spent a lot of time developing the previous zoning scheme and he felt that there had not been much time to discuss and understand the impacts of this ordinance and he therefore had reservations about making a recommendation to approve such an amendment.

Mr. Watson explained that he felt that the Commission had clearly rejected the notion of a one size fits all occupancy limit and he still believed that this conclusion was correct. He stated that he felt the number 12 was arbitrary and he did not see any basis that supports the number.

Ms. Oltorik made a motion to recommend approval of the ordinance as written and amended to include 12 people. Ms. Ballow seconded the motion and the

vote was three in favor (Oltorik, Ballow and Scott) and three opposed (Denton, Watson and Campbell).

Mr. Kerr explained that the motion failed and therefore the Planning Commission had failed to make a recommendation, which would be deemed as a recommendation to approve the amendment after the expiration of the 30 day limit. He added that the group could hold a special meeting prior to the expiration of the 30 day limit to come up with a recommendation.

DISCUSSION OF PARKING MANAGEMENT PROGRAM

Mr. Kerr explained that at the last meeting the Commission agreed to move forward with developing a sketch, which Mr. Denton has done, showing no parking on the ocean side and additional bike paths. He explained that he was still working on identifying the existing conditions and developing the written description of how the program would work.

Ms. Oltorik explained that she had discussed the situation with David Stevens and she has come around to agreeing with the group that parking would be better on the waterway side of the street and preserving the ocean side of Palm Boulevard for additional path ways. She added that Mr. Stevens seemed very agreeable to continuing to help the group.

Mr. Scott explained that he also had talked to Mr. Stevens and he felt that the group should move towards getting SCDOT to approve the plan. He explained that the group had a good starting point. He explained that at some point there would be a need to charge to park to pay for the physical improvements that the roadway needs, but that this will be in the future. He added that as it currently is configured cars are too close to the intersections and the edge of the pavement. Mr. Kerr added that the City Administrator and the Mayor are working with the SCDOT to have signs installed at intersections that would improve visibility at the intersections. Mr. Scott mentioned the RoadWise project and other sources of funding that may be available.

Mr. Denton showed his sketch to the group and after generally discussing the issues, the Commission agreed that they would continue working on details in terms of drawings and documentation to present to City Council to get a feeling for the level of support such a plan would receive.

ADJOURNMENT

There being no more business, the meeting was adjourned at 6:45PM.
Respectfully submitted, Ron Denton, Chairman.