

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
May 11, 2016

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on May 11, 2016 at 4:30 p.m. Members attending included Ron Denton, Lewis Gregory, Noel Scott, Vince DiGangi, Richard Ferencz, Bill Mills and Lisa Safford; the Director of Planning Douglas Kerr was present as well. 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 Richard Ferencz called the meeting to order.

PUBLIC COMMENTS

Lisa Roberts, 10 Cruse Alley, Huntsville, AL 35801, explained that she believes that there are restrictions in place that affect the request for subdivision on the agenda for 2301 Waterway Boulevard. She explained that the restriction recorded in the Charleston County RMC office in Book B86 Page 211 states that Block F can be subdivided into no more than three lots and that there are currently already three lots in that block.

She stated that additionally, the applicant for 2301 Waterway Boulevard has submitted a Modification of Restrictions for the property executed by The Beach Company. She stated that it was the opinion of her attorney, Dixon Pearce, that The Beach Company cannot unilaterally modify the restrictions in question because every property owner who benefits from the restrictions would need to consent, which they have not in this case. Ms. Roberts submitted letters from herself and Mr. Pearce reiterating these points for the record.

APPROVAL OF MINUTES

Mr. Ferencz explained that the next item on the agenda was the approval of the April 13th, 2016 minutes. Mr. Mills made a motion to approve the minutes as submitted and Mr. Scott seconded the motion. The vote was unanimous in favor of the motion.

SUBDIVISION- 2301 WATERWAY BOULEVARD

Mr. Kerr explained that this was a request for preliminary approval of a subdivision at 2301 Waterway Boulevard and that preliminary approval is an optional step in the subdivision process that will give the owner assurance that if outstanding issues are satisfied, 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. He stated that prior to being granted final approval, the owner will have to

provide proof of a legal means of handling wastewater; either septic permits or approval to connect to the public sewer system.

Mr. Kerr stated that the property is currently configured as two lots totaling 41,977 square feet and the owner is proposing to subdivide the property into two lots, with the lots measuring 21,100 square feet and 20,877 square feet. He explained that the property is located in the SR1 zoning district, which requires lots be at least 17,500 square feet in area, be at least 70 feet wide at the building line, be at least 110 feet deep, and have at least 60 feet of frontage on the street.

Mr. Kerr explained that the owner plans to serve both properties with public water and sewer. The sewer will either be provided under the grinder pump program or conventional gravity operated sewer service from the Water and Sewer Commission. He stated that the property has multiple Historic Trees, which would have to be preserved in according with the City's tree preservation ordinance. He stated 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 conditions that the issues involving the covenants of the property be satisfied and that proof of sewer service approval is provided prior to final approval.

Mr. Kerr distributed a copy of the SC Code Section 6-29-1145 which addresses what the local planning agencies' requirements pertaining to restrictive covenants. He explained that as he understood the Code, it requires that that the local agency inquires whether there is a restriction prohibiting the subdivision, which was done in this case. He stated that in situations where another property owner provides notice of a restriction that conflicts with the proposed subdivision, the planning agency shall not approve the request until the applicant provides confirmation that the covenant has been released by the appropriate authority. He stated that he did not think the City would be in a position of making a judgement on which covenant or release of a covenant is valid, but rather ensure that the applicant provide a confirmation that the covenant does not apply. He stated that the current request is for preliminary approval, so the Commission could either approve the request with the condition that the issue of covenants be satisfied before final approval, or the Commission could defer action until the issue is resolved.

Ms. Safford stated that she would not be comfortable granting preliminary approval with this issue of the covenant outstanding.

Mr. Denton explained that if there is a restriction that the block not have more than three lots is relevant, it would appear that the subdivision approved at the prior meeting for 2305 Waterway Boulevard would be problematic. He stated that the property at 2301 Waterway Boulevard is already configured as two lots, with one being very skinny, but

because of this the subdivision of 2305 Waterway Boulevard created the fourth lot within the block. He stated that he technically sees the request at 2305 Waterway Boulevard as a property line adjustment and not a subdivision. Mr. Kerr stated that because the adjustment of the line results in an additional buildable lot, he viewed it as a subdivision.

Mr. Gregory stated that he also was not comfortable approving the request with the issue of covenants unresolved and he made a motion to defer action on the request until the applicant is able to address the issue of covenants. Mr. Ferencz seconded the motion and the vote was unanimous in favor of the motion.

DISCUSS MARINA MASTER PLAN PROJECT

Mr. Ferencz asked Mr. Mills to summarize what transpired at the most recent Real Property Committee meeting. Mr. Mills stated that at the meeting Brian Berrigan and representatives of Tidal Wave Watersports raised concerns about the currently favored plan. He stated that specifically they had concerns about the permitting involved with moving the boat ramp and they were concerned about reducing the number of boat lanes from three to two. He stated they requested that the City consider funding an additional plan that would address these concerns.

Mr. Ferencz stated that there were a number of repairs necessary in the near future and he would want those repairs and improvements to be consistent with the long range plan for the property.

Mr. Mills stated that the issue of drystack was raised again by the tenants. Mr. Ferencz stated that he has heard from individuals that they believe there may be interest from residents in drystack, but he has not seen any facts or data that support the idea that there is significant demand from residents. He added that on the prior Sunday, there were cars and trailers parked almost to 35th Avenue for the marina.

Mr. Scott stated that in response to the concern of reducing the number of ramps from three to two, he cannot recall ever seeing three boats backed down the ramp at the same time. He said it seemed that there was almost always a kayak launching or some other activity that has the effect of limiting the number of usable ramps to two. Additionally he stated that he thought the plan from ATM would improve the efficiency of launching and boat retrieval, so that two ramp lanes could accommodate the same activity as three less efficient lanes. He added that he had trust in ATM as designers to determine what configuration will work for the site.

Mr. Ferencz stated that he felt that there was a strong consensus at the workshop with City Council that drystack was off the table for consideration. He added that he did

appreciate the fact that the tenants have not had a lot of opportunities to address the most recent plan and he felt that their concerns would need heard and addressed.

Mr. Mills asked if the Planning Commission should still be playing an active role in the project or if the Real Property Committee of City Council should take the project over from this point forward. He asked Administrator Tucker, who was in the audience what her opinion was of the Planning Commission's role going forward.

Administrator Tucker responded that she felt that the Real Property Committee would be actively working on the project from this point forward and she felt that there was not a need to duplicate efforts.

Mr. Mills added that the issues of dealing with tenants with long term leases and gaining their approval for the project was best left up to the Real Property Committee. Ms. Safford made a motion to close the Planning Commission's discussion of the issue and officially pass the project onto the Real Property Committee. The motion was seconded and unanimously approved.

DISCUSS MARINA MASTER PLAN PROJECT'S CONSISTENCY WITH THE COMPREHENSIVE PLAN

Mr. Kerr stated that the last remaining issue was that the Planning Commission needed to make a judgement on whether or not the plan was consistent with the City's Comprehensive Plan. He stated that he had distributed the pertinent sections of the Comprehensive Plan and he did not see anything inconsistent, but the Commission should make a judgement.

Mr. DiGangi indicated that he had read the Comprehensive Plan and he did not see any inconsistencies with the most recent marina plan.

Mr. Ferencz stated that he also did not see anything inconsistencies, but he would want it to be clear that this judgement is being made on the most recent plan that the Planning Commission suggested. He stated that the correspondence should clearly indicate which scenario the Planning Commission is referencing. The Commission generally agreed that the most recent Planning Commission Scenario is consistent with the City's Comprehensive Plan.

DISCUSS SEPTIC TANKS ON THE ISLAND

Mr. Kerr explained that he was still awaiting information from the Isle of Palms Water and Sewer Commission (IOPWSC) regarding how they would propose to approach the

goal for providing public sewer for all properties on the island. He stated that he would try to impress on the IOPWSC that the issue of the marina has been passed on from the Planning Commission and they would like to begin focusing more on this initiative. The Commission agreed to write a letter formally requesting their assistance to hopefully push for more progress on this issue.

Mr. Kerr stated that Ross Nelson, the scientist who handled the original non-point source study, had provided a strategy for evaluating the pollutants making their way into the waterways around the island. He stated that his proposal was to take a total of approximately 15 samples over the course of a few months and at various locations around the island. He stated that the cost of testing the samples was a broad range, between \$250 and \$1000 per sample, so he was trying to get this narrowed down to provide a cost of the project and this should be available before the next meeting.

Mr. Kerr added that in the current budget funding had been added to the professional services line to cover this expense, if the City chose to proceed with the project.

ADJOURNMENT

With there being no further business, the meeting was adjourned at 5:25 p.m.

Respectfully submitted, Richard Ferencz, Chairman