

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
October 14, 2009

The Isle of Palms Planning Commission met in the Building Department conference room, 1301 Palm Boulevard on October 14, 2009, at 4:30PM. Members attending included David Cohen, Ron Denton, Lisa Safford, Sandy Stone, and Dick Watson; also the Director of Planning, Douglas Kerr was present. Pat Campbell and David Stevens were 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 September 9th, 2009 meeting. Mr. Stone made a motion to approve the minutes as written and Ms. Stafford seconded the motion. The vote was unanimous in favor of the motion.

DISCUSSION OF PARKING MANAGEMENT PLAN

Mr. Kerr explained that he and Mr. Stevens had met with a representative from SCDOT, Mark Nesbit, and discussed some of the Planning Commission's ideas regarding Palm Boulevard. He explained that they explained to Mr. Nesbit that the Commission was discussing the possibilities of: requiring perpendicular parking with cars pulling farther off the road, installing parking bumpers, requiring payment to park, installing multi-space parking meters, installing bike and/or pedestrian lanes, restricting parking near intersections and restricting parking on the side streets. Mr. Nesbit indicated that he did not see any glaring issues with the proposals, however to get an official opinion the Planning Commission would need to submit a schematic showing the configuration of parking and a written narrative explaining the changes. He added that the City could not charge any more to park than it would cost to manage and maintain the parking areas. Also he felt that it would probably be a challenge to prohibit parking on the side roads.

Mr. Denton explained that the Commission had received an e-mail from Mr. Noel Scott and that Mr. Scott has asked to add a few comments. Mr. Scott addressed the Commission and explained that in addition to his written comments he wanted to suggest that the Commission consider a time frame of developing a parking management plan of a couple of years, he stated that he thought this was probably the quickest that any RoadWise money would be available. He added that he thought the Commission should look forward at least 10 years when looking at the traffic projections as it would take a long time to get the plan implemented. He also stated that the State's beach management policies

encourage cities to develop a beach access program that preserves existing public access and enhances access to the beach.

The Commission generally discussed the implications of the conversation with SCDOT and Mr. Watson explained that he thought that it sounded as though Mr. Nesbit was relying on a determination by the South Carolina Attorney General regarding prohibiting parking in certain areas, which he said was later overturned by the courts. Mr. Kerr stated that he felt that it was important to consider the Police Department's ability to manage additional parking areas prior to going too far with a plan that may include additional enforcement. The Commission generally agreed to discuss the issue farther when Mr. Stevens was present.

LIMITING FUTURE RENTALS TO AN OCCUPANCY OF 12 PEOPLE

Mr. Kerr explained that the next three items on the agenda are coming from the workshop the Planning Commission had with City Council. He explained that the first issue is the idea of limiting the number of occupants of future rentals to 12 people. He explained that the original idea was to limit the occupancy of newly constructed houses to 12 people, but then an alternate idea was offered of limiting any future rental license to 12 people regardless of when the house was constructed. He explained that Commission spent some time discussing this several months ago, when the idea came up in the workshop the Commission held with the Isle of Palms Neighborhood Association. He explained that at that time, the Commission compiled a list of all current rentals with an occupancy greater than 12. He explained that the list showed that there currently about 240 properties with an occupancy over 12 and of those, about 130 had an occupancy greater than 14.

The Commission generally discussed what happened the last time this issue had been discussed by the group and agreed that the Commission discussed the idea, but decided to move on to other issues. Mr. Cohen explained that he felt that the idea of limiting occupants to 12 people on those properties that already have high occupancy rentals constructed next to them, like Palm and Ocean Boulevards, would be punitive. He suggested a new zoning scheme that would allow higher occupancy rentals in those areas that already have them. Mr. Kerr explained that this idea of reorganizing and adding zoning districts had been discussed, but that it was not favorably received. The Commission agreed to re-evaluate this idea at the next meeting and Mr. Kerr stated that he would re-distribute the plan that had been previously evaluated.

ESTABLISHING REGULATIONS FOR ROOF TOP DECKS

Mr. Kerr explained that this was a topic the Planning Commission spent extensive time on in 2007 and he had distributed the minutes from those meetings. He stated that he felt that in 2007 the Commission felt that this may have just been a trend and they agreed to monitor activity and revisit the issue in the future. He added that from reviewing the discussions of the past he felt that the Commission was working on a fairly complicated formula for determining the appropriate deck and that he would urge the Commission to consider a simpler method; something like: *no decks can be constructed above 30 feet in height*.

Mr. Stone explained that he felt it was important to determine if this issue should be addressed as a safety issue, an aesthetic issue or a noise issue; as this will give direction to discussions. He stated that he personally felt that there was no data to support it being a noise issue, so he thought it should be looked at as a safety and aesthetic issue.

The group generally agreed that setting a simple height limit on decks would not address the situation of a single story house or low two story house putting a flat roof/deck on top of the house, which would be undesirable. Mr. Denton added that he felt that a small deck giving glimpses of the ocean would sometimes be desirable to an owner and would not be unsafe or unattractive. The Commission generally discussed creating a limit that is a percentage of the overall footprint of the house, like 10% (i.e. a house with a 1500 square foot footprint could have a rooftop deck of 150 square feet).

Mr. Cohen suggested that instead of measuring up from the ground, the limit could be written so that the measurement be taken down from the highest point of the roof (i.e. *no deck can be within 8' in height to the top of the roof*). The Commission generally discussed the challenges of an owner trying to work around a provision by constructing a small roof just for the purposes of establishing the highest roof. The group generally agreed that a provision would have to be created that could identify the primary roof. Mr. Kerr explained that he and Mr. Denton would work on creating some language that would cover all of these concerns for discussion at the next meeting.

RECOMMENDATION ON ORDINANCE 2009-14 REGARDING THE PLACEMENT OF RENTAL PLACARDS

Mr. Denton explained that if there were no objections, he would like to alter the order of the agenda to discuss the ordinance regarding placard placement at this

point. Mr. Kerr explained that this ordinance had originated with City Council and that it would provide direction on where the placards for short term rentals are posted. He explained that the existing ordinance required that the placards be “conspicuously” posted and that this amendment would expand that to include that it be conspicuously posted within 15 feet of the main entrance. He explained that it also included language that made it unlawful for someone to destroy, hide or remove the notice.

Mr. Stone explained that he felt that this was a good change, as it would give guidance to the owners, the rental companies and the Livability Officer as to where the placard should be placed. He explained that without this there could be some debate as to what constitutes conspicuous posting. He acknowledged that there will be some instances where the main entrance may not be the entrance typically used by a guest and it therefore is not perfect, but he felt it was an improvement. Mr. Stone made a motion to recommend approval of the ordinance and Mr. Cohen seconded the motion. The vote was unanimous in favor of the motion.

ESTABLISHING MINIMUM REQUIREMENT FOR NATURAL VEGETATION

Mr. Kerr explained that this is a suggestion that the Commission recommended back in 2003, when the minimum lot coverage and floor-to-area ratio were created. He explained that at that time City Council removed the requirement and he thought that their basis for removing it was that dirt or pine straw would qualify as natural and it was no more desirable from an aesthetic or drainage perspective than a pervious material such as gravel.

Ms. Stafford explained that she felt that the City should require some type of landscaping plan for new projects. She explained that she had a neighbor who had a dirt yard for years before planting anything and it was an eyesore. Mr. Cohen explained that he felt that the City would be overreaching if it were to begin regulating landscaping and the appearance of yards. The Commission agreed that they would look at what was suggested in 2003 at a future meeting.

DISCUSSION OF ALLOWING MULTIPLE HOME OCCUPATIONS IN A HOME

Mr. Kerr explained that this was a suggestion of the Mayor and City Council. He explained that the City’s code had multiple regulations governing how a home occupancy could operate including: no exterior evidence of a business, no traffic coming and going beyond what was normal, no signs and no more than 750 square feet or 25% of the floor area be used. He explained that one of these

provisions was that no more than one could operate at a home and that the suggestion was that the City consider removing this provision and allow multiple home occupations at a home. He explained that he thought that the limit of one home occupation pre-dated the era of computer and office work being a prevalent as it is today and that multiple computer-based businesses running out of one home would not have any negative impact and it could have benefits including reducing the need for trips out of the home and increasing business license revenue. The Commission generally agreed that there would be no harm in deleting the regulation and directed Mr. Kerr to draft an ordinance to accomplish this to be considered at the next meeting.

MISCELLANEOUS BUSINESS

Mr. Kerr explained that between now and the end of the year all Commission members need to meet their State education requirements.

ADJOURNMENT

There being no more business, the meeting was adjourned at 6:35PM.

Respectfully submitted, Ron Denton, Chairman.