

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
January 10, 2007

The Isle of Palms Planning Commission met in the Building Department on January 10, 2007, at 4:30PM. Members attending included Barbara Bergwerf, Pat Campbell, Ron Denton, Bob Hooper, Michael Loftus, David Stevens and; also the Director of Planning, Douglas Kerr was present. Andrew Roskill 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.

NOMINATION AND ELECTION OF OFFICERS

Mr. Hooper asked for nominations for Chairman. Mr. Loftus and Mr. Denton were nominated and the nominations were seconded. Mr. Hooper asked for a vote on Mr. Loftus and the vote passed with a vote of three in favor and two against.

Mr. Loftus assumed the role of Chairman and asked for nominations for Vice Chairman. Mr. Roskill and Mr. Denton were nominated and the nominations were seconded. The vote for Mr. Denton passed unanimously.

APPROVAL OF MINUTES

The next item on the agenda was the review of the minutes of the December 13th 2006 meeting. Mr. Hooper pointed out that at the end of the minutes it stated that Andrew Roskill submitted the minutes, but that he was present so the minutes should be amended to read submitted by Bob Hooper. A motion was made and seconded to approve the minutes as amended and the vote was unanimous in favor of the motion.

EXECUTIVE SESSION

Mr. Loftus explained that the next item on the agenda was to go into executive session to receive legal advice on the issues related to the plat submitted for 3300 Hartnett Boulevard.

PLAT REVIEW- 3300 HARTNETT BOULEVARD

Mr. Loftus explained that the next item on the agenda was the review of a preliminary subdivision plat for 3300 Hartnett Boulevard and explained that because legal representatives were present from both sides of the issue on approving the subdivision, he would allow each attorney to present a presentation of their clients' position on the issue.

Ms. Frances Cantwell explained that she had been retained by the Zeiglers, who have the property under contract. She explained that her clients had submitted a preliminary plat that met all of requirements of the City's code at the time it was submitted. She explained that she felt that her clients were protected under the rights of the law in existence at the time of submittal and that they are entitled to approval under that law.

Next Ms. Sammy Arnold addressed the Commission explained that she had been retained to represent a group of neighbors in the area who would be impacted by the subdivision. She explained that the City's ordinance explained that an owner had a vested right once an owner acquired a permit and that in this case, the owner does not have a permit and therefore does not have a vested right to continue under the new pending ordinance. She explained that she was concerned about the fact that the request did not specify what protection would be given to the trees that existed on the property. She added that a packet had been distributed with an opinion from a biology professor from the College of Charleston that indicated that the trees will be impacted by the development of the properties. She explained that her clients were not proposing that the property not be developed with a new house, but that the lot simply not be allowed to be divided. She explained that two new larger structures would change the character of the neighborhood.

Mr. Hooper made a motion to approve the plat as submitted and Mr. Campbell seconded the motion. Ms. Bergwerf explained that she felt that there were still many issues unanswered about the trees, so she would like to discuss the issue with the professional from the College of Charleston. She added that short term rentals on this street would certainly increase the traffic and therefore change the character of the street.

Mr. Denton explained that in either event the old house would be removed and that the letter stated that any construction would damage the tree, so it appeared that either way the tree would be impacted according to the professional's opinion. Mr. Stevens explained that this may be indicating that a change to the tree protection ordinance may be necessary. Mr. Campbell asked Mr. Kerr if a tree had died on the island due to construction traffic. Mr. Kerr answered that his staff constantly battles contractors who stack materials within the barricades, but that he was unaware of a tree that had died.

The vote on the motion to approve the request was four in favor and two (Bergwerf and Loftus) opposed.

RECOMMENDATION ON ORDINANCE 2007-1 (SR2 LOT SIZE)

Mr. Kerr explained that this ordinance would increase the minimum lot size requirement for the SR2 zoning district from 8,000 square feet to 12,000 square feet. He explained that if this were to pass the effect would be to keep any future subdivisions from happening in the SR2 zoning district. He explained that one of the unintended consequences of this ordinance is that it would make a large portion of the lots in SR2 non-conforming. He explained that the only real consequence of being nonconforming would be a reduction in front and rear setback distance from 25 feet to 20 feet.

He added that in his opinion this ordinance makes every lot in SR2 unable to be subdivided. Therefore if the lot size requirement for these lots is 12,000 square feet, it might as well be 17,500 square feet. He added that the only substantial difference between SR1 and SR2 is the lot size requirement and therefore it no longer makes sense to have two different residential zoning districts. He explained that he would therefore suggest eliminating one of the districts and just having one residential district with at 17,500 square foot lot size requirement. He did explained that to do this, it would complicate the amendment process, because the zoning district change would have to be posted throughout the neighborhoods, but that ultimately the zoning would be simpler.

Mr. Denton explained that he ultimately sees that there should be more residential districts, not less. He explained that he thought each separate neighborhood might ultimately have its own zoning requirements. The Commission generally agreed that in the long range, they envisioned more districts being created. There was concern expressed about the owners that are impacted by the zoning amendment not being notified of the change as they would have if the property were being rezoned. Mr. Campbell made a motion to recommend that City Council approve the amendment with the provision that the notice process for the amendment be handled as though it were a rezoning, with signs physically posted in the neighborhoods. Mr. Hooper seconded the motion and the vote was unanimous in favor of the motion.

BUILDING SIZE DISCUSSION

Mr. Denton explained that Mr. Loftus, Mr. Campbell and he had discussed issues such as building size, reducing the mass of houses, reducing the footprint of houses, eliminating flat roofs, discouraging elevated pool decks, including porches and decks into the FAR, reducing third floors and setting different criterion in different neighborhoods. He explained that the group felt that

because the issues were so encompassing that the Commission may want to consider a moratorium on new construction until new regulations can be created.

Mr. Kerr explained that the City Attorney has repeatedly reiterated that moratoriums are not legal, so he would discourage the Commission from pursuing that avenue. He added that he saw the one of the primary objectives that Mr. Denton laid out as creating a new district for the back side of the island and that he would recommend coming up with criteria and district limits for this district and putting forward a simplistic ordinance change. He explained that he would not want to see a long drawn out process resulting in a cumbersome set of rules that could be met with opposition. Mr. Loftus asked if there is any way to shut the flood gates quickly. Mr. Kerr answered that getting an ordinance under consideration would be the quickest way.

Mr. Loftus explained that he saw including the porches and decks in the FAR as a critical first step and asked if the Commission would support a quick action on this issue. The Commission generally agreed and decided to attempt to hold a special meeting in the near future to consider such a change.

The Commission generally agreed that three members should meet to discuss amending the tree protection ordinance. The Commission directed Ms. Bergwerf, Mr. Roskill and Mr. Stevens to meet and discuss the issue and report back to the Commission

ADJOURNMENT

There being no more business, the meeting was adjourned at 6:00pm.
Respectfully submitted, Michael Loftus, Chairman.