

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

December 3, 2014; 4:00 PM

AGENDA

- I. **Call to Order:** *Mr. Peterson called the meeting to order at 4:00 pm.*

Mr. Peterson requested to amend the agenda to address Mr. Capelli's proposed resolution to amend the Town's building ordinance. The Item would be for discussion only with a vote to be taken at the January 2015 meeting after the Building Services staff and the Town Attorney have had a chance to review the proposed resolution.

With no objection from Commission Members, Mr. Peterson modified the agenda with the addition of item (C) *Recommended Changes to the Town's Building Code to Section VI – New Business.*

- II. **FOIA:** Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island

- III. **Roll Call:**

Present:
 Fred Peterson, Chairman
 Larry Iwan, Vice Chairman
 Bill Dowdy
 Andy Capelli
 Dan Prickett

Absent:
 Jack Koach
 Gale Messerman

Also Present:
 Dan Pennick, Charleston County Planning & Zoning
 Joel Evans, Charleston County Planning & Zoning
 John Carullo, Charleston County Planning & Zoning

- IV. **Approval of Minutes:**

- A. Planning Commission Meeting Minutes of November 5, 2014

Mr. Iwan motioned to approve the minutes of the November 5, 2014 Special Planning Commission meeting. The motion was seconded by Mr. Prickett and unanimously passed.

- V. **Old Business:**

Mr. John Carullo with Charleston County Planning & Zoning presented a PowerPoint for Commission members to view zoning maps, plats, aerial photographs and staff recommendations of the subdivision request properties and proposed amendments to lot coverage and setbacks before individual discussions began.

A. SUBDIVISION REQUESTS:

1. #SBMi-19208

Lands of William & Kelly Frye
Lot 560 Ruddy Duck Court

Mr. Carullo stated the applicant for the request is A. H. Schwacke & Associates, Inc., and the owners of the property are William & Kelly Frye. The parcel of property is .89 acres and the property owners wish to subdivide the parcel creating two lots.

Mr. Carullo stated the Planning Department recommended Final Approval of the minor subdivision into two lots. Both parcels would meet the requirements of the R-1 Zoning District.

Mr. Carullo indicated when the request was presented to the Commission at the previous meeting it was questioned if this kind of subdivision had been approved in the past and provided examples of existing lots that were further subdivided. He also stated that on the Island there are 223 vacant R-2 lots of which 189 were greater than 12,000 sq. ft. and 663 vacant R-1 lots of which 463 were greater than 16,000 sq.ft. These lots are over the minimum size that could potentially qualify to be subdivided.

Mr. Peterson stated that the request was tabled at the last Commission meeting due to concerns expressed that the division of the property would change the character of the neighborhood.

Mr. Capelli moved that the request to approve the subdivision of the lot at 560 Ruddy Duck Court to create two lots. The motion was seconded by Mr. Iwan.

Mr. Prickett expressed his concern that the subdivision of the lot damages the rights of the neighboring property owners, does not fit the area, and would change the character of the neighborhood.

Mr. Iwan questioned what right the Commission has to disapprove the request if it meets the zoning regulations requirements and there are no covenants or restrictions in place that would prohibit the request.

Mr. Peterson indicated that the Commission's charge to keep in mind the total welfare of the entire community and to have the right for approval or disapproval of any plat even though it meets certain criteria. He pointed out that when the original site plan was done it was obvious that it was the intention of the developer and the land planner to make the large cul-de-sac entrance lots.

Mr. Peterson further stated he has requested that Mr. Evans begin work on potential language to change the ordinance and prohibit this kind of action in developed areas.

Mr. Capelli expressed his concern that if the Commission does not approve the request,

and has no basis for denial, is the Commission depriving the landowner of his right to realize the value of his property.

Commission members each expressed their concerns and opinions with approval or disapproval of the subdivision request, the Commission's responsibilities, and the protection of the existing homeowners.

After the discussion Mr. Peterson called the question of the approval of the subdivision of the lot at 560 Ruddy Duck Court to create two lots. Commission members voted 2 to 3 thereby not approving the request, Iwan and Capelli voted aye and Peterson, Dowdy, and Prickett voted nay.

B. Proposed amendments to Lot Coverage (Sec. 12-63) and Setbacks (Sec. 12-64)

Mr. Evans stated that Planning Commission, at the October meeting, reviewed the requirements for lot coverage and discussed any inconsistency that existed between the ordinance and the ARB requirements. He presented for Commission review a redline document outlining the proposed changes that were suggested in the discussion at the October meeting.

Members discussed the changes to provide further clarifications.

Mr. Capelli made a motion to recommend to Town Council the proposed changes to the proposed amendments to Lot Coverage (Sec. 12-63) and Setbacks (Sec. 12-64). Mr. Prickett seconded the motion.

Following further clarification and discussion the motion was unanimously passed.

C. Proposed definitions for Chapter 12 Land use Planning and Zoning

Mr. Evans presented a redline document to Commission Members outlining the proposed changes that were suggested in the discussion at the October meeting.

Mr. Evans reviewed the changes and discussed the requested changes that had been made since the Commission review;

- Mr. Spicher, the Town's Building Official, suggested a change to the Base Flood Elevation definition to read;

The computed elevation to which floodwaters are anticipated to equal or exceed a 100 year storm event in any given year. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

U.S Department of Homeland Security (FEMA)

Mr. Pennick stated that the reference to U.S Department of Homeland Security (FEMA)

be removed and in September 2014 FEMA rewrote the definition of the Base Flood Elevation and suggested that it be used;

Base Flood Elevation (BFE)--The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1- A30, AR/AH, AR/AO, V1-V30 and VE.

Commission Members agreed to the recommendations made by Mr. Pennick.

- Ms. Mole with the ARB has asked for clarification of the use of *impervious surface*. Commission Members agreed to amend the definition to read;

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including buildings, asphalt, concrete, gravel and other surfaces as determined by the Planning Director.

Mr. Prickett made a motion to recommend to Town Council the proposed changes to the definitions for Chapter 12 Land use Planning and Zoning. Mr. Capelli seconded the motion.

Following further clarifications and corrections made by Mr. Capelli the motion was unanimously passed.

VI. New Business:

A. SUBDIVISION REQUESTS:

1. **#SBMa-16941-F** **Lands of Kiawah Resort Associates, LP**
Final Approval of Ocean Park Phase 4
9 Lots

Mr. Carullo stated the application is submitted by SW & A Surveying, LLC, and the owner of the property is Kiawah Resort Associates, LP. Mr. Carullo stated that Ocean Park Phase 4 parcel is currently zoned R2. The parcel is approximately 9.016 acres with a proposed 9 lots.

Mr. Carullo stated the Planning Department recommended final approval of this subdivision. The roads and drainage have been constructed to the Town of Kiawah Island Road Code Standards.

Mr. Capelli made a motion for the final approval of Ocean Park Phase 4. The motion was seconded by Mr. Dowdy and the motion was unanimously passed

2. **#SBMi-19598** **Lands of Kiawah Development Partners, LLC**
Realignment of Ocean Course Drive

Mr. Carullo stated the application is submitted by SW & A Surveying, LLC, and the owner of the property is Kiawah Development Partners, LLC. Mr. Carullo stated the Realignment of Ocean Course Drive Ocean Park parcel is currently zoned R2. The parcel is approximately 4.538 acres with a proposed 2 lots.

Mr. Carullo indicated the Planning Department recommends FINAL APPROVAL of this minor subdivision of two (2) Lots. The property owner(s) are realigning Ocean Course Drive and creating the potential for a cut-through from Ocean Course Drive to Pete Dye Lane and making adjustments to increase the right-of-way. Mr. Permar gave Commission Members a detailed explanation of the proposed realignment. He stated that the purpose of the subdivision would not make a cut-through but rather a cul-de-sac to better serve the home sites in the area. Members engaged in an in-depth discussion to clarify any questions.

Mr. Iwan made a motion to approve this minor subdivision. The motion was seconded by Mr. Dowdy and unanimously passed.

B. Zoning Recommendations for TMS #204-00-00-013

Mr. Peterson stated that the Town purchased property in November and subsequently began the process of annexation. The motion for annexation was amended to provide the property with the zoning of *Community Support* until the Planning Commission submits its recommendation.

C. Recommended Changes to the Town's Building Code

Mr. Peterson stated the recommendation that will be presented by Mr. Capelli is for information purposes only. He indicated that it will require further review by Commission Members and allow staff to provide more background information.

Mr. Capelli stated that during the past year there had been a number of discussions on the Building Ordinance that was adopted by the Town. He stated that in the past the Planning Commission along with the Town and the ARB were involved in the development of a pamphlet that was prepared by the ARB to clarify requirements when building or repairing homes. Before the release of the pamphlet the new Building Ordinance was approved and revisions had to be made.

Mr. Capelli stated that in draft form, the pamphlet indicated that repairs and maintenance would not require permitting until the total cost exceeded \$1000.00. The new Building Ordinance now requires that permits be issued for any work over \$200.00. He presented to members copies of the Building Ordinance that pertained to Trade Permits and work that is exempt from permitting that again reference the \$200.00 threshold. Mr. Capelli pointed out that realistically a homeowner can not get a service provided on Kiawah for that amount and puts an unfair permitting burden on the homeowner.

Mr. Capelli resolution recommendation to Town Council;

WHEREAS, the Planning Commission has reviewed and discussed certain provisions of the building code of the Town of Kiawah Island; and

WHEREAS, it appears in the judgment of the Planning Commission that Sections 9-182 and 9-185 need to be amended to relieve undue financial burdens and hardships placed upon property owners of Kiawah Island; it is:

Resolved, that the Building Code of the Town of Kiawah Island be amended so that the dollar amount set forth in the first sentence of Section 9-182 be amended from \$200.00 to \$1,000.00 and further that the dollar amount set forth in the first sentence of Section 9-185 be amended from \$200.00 to \$1,000.00

In witness whereof, the Planning Commission of the Town of Kiawah Island hereby acknowledge and agree to the above resolution on this 3rd day of December, 2014.

The Planning Commission took no action on the proposed resolution.

VII. Correspondence/Staff Comments:
None

Mr. Peterson noted that Mr. Patch realized that the Development Agreement with Kiawah Partners was left with language that included Cassique's annexation should they petition the Town within a short time period. Since the decision was made not to request annexation, the Commission will recommend to Town Council for the removal of the language.

Mr. Pennick added that the 3 hour Continuing Education training session will be on Kiawah this Friday from 12:00 to 3:00. Mr. Barry Nocks, from Clemson University will be conducting the class.

VIII. Council Liaison Comments:
None

IX. Public Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick stated that since it was the last Planning Commission meeting of the year she made the observation that being one of the residents that attend most of the Town's meeting, she is continuously impressed with the working that the Commission does in terms of not just looking at meeting requirements but at the greater impact of its decisions on the Community. She commended the members on the effort put into work that they do and for going above and beyond just the words on paper.

X. Commissioner Comments:

Mr. Capelli – No additional comments

Mr. Prickett – No additional comments

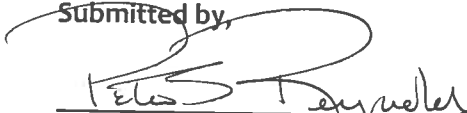
Mr. Iwan – Mr. Iwan stated that the issue of lots that can be subdivided is something that needed to be addressed by the Commission as quickly as possible.

Mr. Dowdy – No additional comments

XI. Adjournment:

Mr. Prickett made a motion to adjourn the meeting at 5:20 pm. The motion was seconded by Mr. Dowdy and was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Fred M. Peterson, Chairman

1/26/15
Date