

**PLANNING COMMISSION MEETING**  
**Kiawah Island Municipal Center**  
**Council Chambers**  
**July 2, 2014; 3:00 PM**

**MINUTES**

- I. Call to Order:** *Mr. Peterson called the meeting to order at 3:00 pm.*
- 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  
Dan Prickett  
Gale Messerman
- Absent:** Andy Capelli  
Jack Koach
- Also Present:** Lauren Patch, Council Liaison  
Dan Pennick, Charleston County Planning & Zoning  
Joel Evans, Charleston County Planning & Zoning  
Jennifer Werking, Charleston County Planning & Zoning
- IV. Approval of Minutes:**
- A. Planning Commission Meeting Minutes of May 7, 2014
- Mr. Prickett motioned to approve the minutes of the May 7, 2014 Planning Commission meeting. The motion was seconded by Mr. Dowdy and the minutes were unanimously approved as amended.*
- B. Planning Commission Special Meeting Minutes of June 17, 2014
- Mr. Iwan motioned to approve the minutes of the June 17, 2014 Special Planning Commission meeting. The motion was seconded by Mr. Dowdy and the minutes were unanimously approved.*
- V. Old Business:**  
None
- VI. New Business:**
- A. Exempt Plat SBE-18553, Realignment of a Setback Line
- Mr. Peterson indicated that the division of the parcel into two lots was approved by the Planning Commission in the past year.

Mr. Evans stated that the request was submitted by SW+A Surveying. The owner of the property on Flyway Drive is Gullane, LLC, and consists of two existing lots of record. He stated the parcel is approximately 7.851 acres and is zoned R-1.

Commission members viewed zoning maps and aerial photographs of the proposed property.

Mr. Evans indicated that the existing two (2) parcels were previously approved by the Planning Commission on April 3, 2013, application # 15600-F. The document identified a Building Setback Line that was previously created by Plat Book BH Page 124, approved April 15, 1986. It is the intention of the current property owner(s) to relocate the Building Setback Line closer to the beach. Mr. Evans presented a plat showing the previous building setback line and the proposed relocation of building setback, moving closer toward the beach. The new building setback line would also intersect with the two adjacent parcels only moving within the two lots. He noted that after discussion with attorneys, owners and Town staff, it is the staff's opinion that Kiawah Island Architectural Review Board (KIARB) has the authority to approve the relocation but wanted to give the Planning Commission the opportunity to make the decision since they had approved the division of the parcel.

Mr. Mark Permar, representing the Company, along with Ms. Mole with the KIARB stated that the building setback relocation adjustment was a rarity and gave a brief history of the parcel stating that it was one of seven that was retained by the Royal family when Kiawah Island was conveyed to the Kuwaitis. He indicated that after the approval of the division of the parcel the owners requested reconsideration of the KIARB building setback line along the ocean. Mr. Permar noted that the vegetation line is determined by the KIARB as a transition from dune field vegetation to maritime forest and differs on every parcel. He indicated the KIARB was comfortable with the approval of the relocation since the actual line is further seaward. Mr. Permar discussed the thought process of the proposed relocation; it would maintain the connection to the building setback of the Turtle Beach parcel and meets the building setback line of the Jackstay parcel and would honor the original idea of the beach front setback line along the beach.

Commission members, Mr. Permar, Ms. Mole and staff engaged in discussion of the development of the parcels, clarification of the standards for the relocation of setback lines, other adjustment made to building setbacks, and the proposed relocation of the building setback for the Flyway properties.

Mr. Peterson reported that the relocation request was due to the applicant requesting a building permit. During the site plan review process it was discovered that part of the house was over the original setback and could not be permitted. He noted that there was support for the relocation of the building setback on this parcel.

***Mr. Iwan made a motion to accept the modified plat submitted by SW+A Surveying submitted representing tract A and Tract 1-A, TMS #264-15-00-060 and 114 dated May 19, 2014. The motion was seconded by Mr. Prickett.***

***Following further discussion, the motion was unanimously passed.***

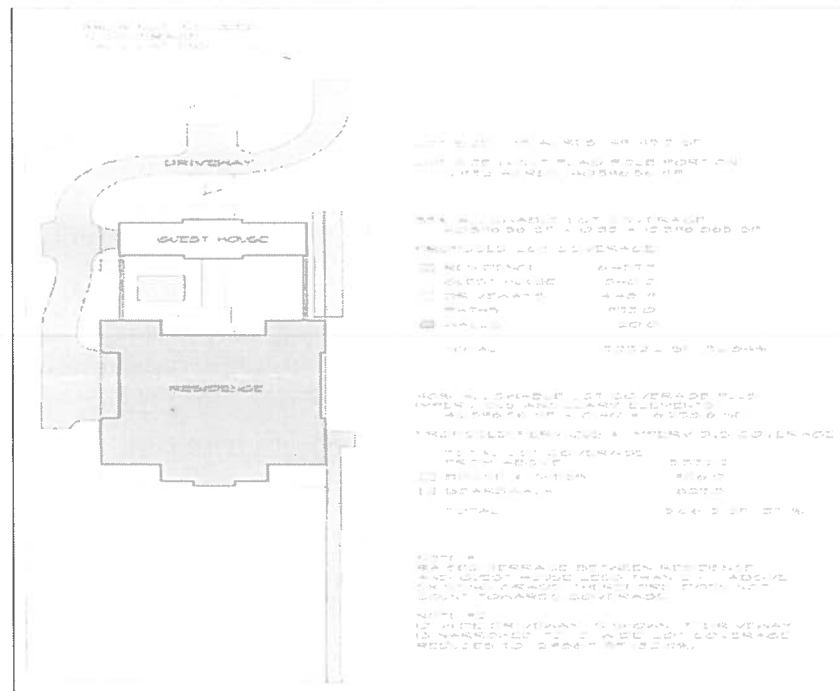
**B. Lot Coverage Discussion**

Mr. Evans stated that it had come to the attention of staff that there had been an ongoing conflict between the Town of Kiawah Island (TOKI) and the KIARB in the implementation of lot coverage ordinance and regulations. The purpose of the presentation was to clarify and align the regulations. He requested, if the Planning Commission felt the recommendations were valid, they would support the drafting of an ordinance required to make the changes.

Ms. Amanda Mole with the KIARB stated that ordinances and guidelines are meant to preserve the intent of lot coverage regulations. The goal is to limit the foot print on property but to still allow landscape design without over-developing the site and to promote, not restrict, storm water mitigation measures.

Ms. Mole indicated that KIARB regulations and Town ordinances have differences that could become a potential problem to an applicant if extra care is not taken. The alignment of the guidelines and clarification of the intent of key phrases and definitions would provide for easier applicant use.

Ms. Mole discussed with members the use of a graphic drawing with a color coded legend that had recently been added as part of the KIARB's review process. A graphic insures that the ARB and applicant would both understand what is and is not counted as part of lot coverage and suggested a graphic of some kind could be used by Town staff.



Ms. Mole and Mr. Evans presented at PowerPoint which included examples of current ordinances and guidelines, proposed base standards, proposed additional allowances and proposed changes. They conducted an explanation and discussion of the differences in the Town's Ordinances and KIARB Regulations in regard to pervious and impervious lot coverage percentages. Staff then engaged in an in-depth discussion with Commission Members in which questions were answered and recommended changes along with next steps to be taken were discussed.

## Current Ordinances and Guidelines

### Current TOKI Ordinance Parameters

- Lot coverage is defined as the total percentage of lot area that is impervious to storm water. Included are:
  - Buildings
  - Decks
  - Raked Planters 3 feet above existing grade
  - Impervious and Paved Drives
  - Impervious walkways
  - All Paved Areas
  - Any item with a footing

### KIARB Guidelines As Practiced

- 33% Max. includes ALL impervious elements, such as:
  - Home, patio, deck, and HVAC
  - Driveway – required elements, whether pervious or impervious
  - Guest Parking – 2 Spaces
  - Front Walkway
  - Planter Walls
  - Inside area of planter walls if over 3' from existing grade
  - Pier
- 40% Max. also includes pervious elements, such as:
  - Boardwalk
  - Non-required pervious driveway element
  - Secondary walkway
  - Retaining walls
  - Courtyard and patio

The ARB does not currently address additional coverage for pervious elements when the lot coverage is higher due to lot size. The entry access portion of flag lots is not included in calculation.

## Proposed Base Standards

### Suggested TOKI Ordinance Parameters

- Lot Coverage is defined as the total percentage of lot area that is impervious to storm water. Included are:
  - Buildings
  - Decks
  - Planters/ Courtyard Walls
  - Driveways
  - Front Walkways
  - All Other Impervious Surfaces
- Driveways are defined as vehicular travel way from the property line to the garage. Also Included are:
  - Garage Backup
  - Turnaround
  - Guest Parking
- Lot coverage calculations do not include boardwalks, landscape retaining walls, regardless of footings, landscape steps, or the entry access portion of flag lots.

### KIARB Proposed Guideline Practice

- Maximum allowable lot coverage would include ALL impervious elements, such as:
  - Home, patio, deck, HVAC stand
  - Driveway – Required Elements, whether pervious or impervious:
    - From property line to garage
    - Garage Backup
    - Turnaround
    - Guest Parking
  - Front walkway
  - Planters/ Courtyard Walls
  - Pier
- Lot coverage calculations do not include boardwalks, landscape retaining walls, landscape steps, or the entry access portion of flag lots.

# Proposed Additional Allowances

## Suggested TOKI Ordinance Parameters

- The following may total up to an additional percentage of the maximum allowable lot coverage:
  - Pervious non-defined driveway elements
  - Pervious walks and patios
  - Interior area of raised courtyards and planters when enclosing walls are 3' or more above existing grade
- Additional lot coverage allowance percentages:
  - 10% for properties with 50% max. (55% total)
  - 15% for properties with 40% max. (46% Total)
  - 20% for properties with 33% max. (40% total)

## Proposed KIARB Guideline Practice

- Supplemental pervious elements may total up to an additional percentage of the maximum allowable lot coverage, such as:
  - Non-required driveway elements
  - Interior area of raised courtyards and planters when enclosing walls are 3' or more above existing grade
  - At-grade Patios
  - Secondary walkways
- Additional lot coverage allowance percentages:
  - 10% for properties with 50% max. (55% total)
  - 15% for properties with 40% max. (46% total)
  - 20% for properties with 33% max. (40% total)

## Next Steps to Take

- Adjust TOKI definitions to ensure intent is met, such as “pervious surfaces” and “impervious surfaces”
- Develop TOKI definitions to ensure intent is being met, such as “guest parking” and “Landscape retaining wall”
- Adjust KIARB definitions for clarity, such as “boardwalk width maximum”
- Develop and refine KIARB definitions for pervious and impervious elements
- Craft language for TOKI ordinance
- Craft language for KIARB guidelines

## Current TOKI Definitions

- Impervious surface – 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.
- Pervious surface – any material that permits full or partial absorption of storm water into previously unimproved land. This may include walkways and driveways which are pervious to storm water.

## Current KIARB Definitions

- Pervious Cover – Land which permits the absorption of stormwater into the ground. This may include walkways and driveways which are pervious to stormwater.

VII. Correspondence/Staff Comments:  
None

**VIII. Council Liaison Comments:**

None

**IX. Public Comments**

None

**X. Commissioner Comments:**

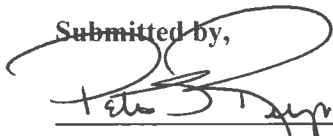
Mr. Peterson reported that on July 17<sup>th</sup> the new St. John's Fire District Headquarters will have an open house from 4 to 6 pm.

Mr. Peterson reported that the South Carolina Chapter of the American Planning Association (SCAPA) will hold their summer meeting in Rock Hill, SC on June 15<sup>th</sup> and 16<sup>th</sup>.

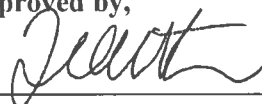
**XI. Adjournment:**

*Mrs. Messerman made a motion to adjourn the meeting 4:10 pm. The motion was seconded by Mr. Prickett and passed unanimously.*

Submitted by,

  
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Petra S. Reynolds, Town Clerk

Approved by,

  
\_\_\_\_\_  
Fred M. Peterson, Chairman

11/4/14  
\_\_\_\_\_

Date