

PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
Council Chambers
March 5, 2014; 3:00PM

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
Jack Koach
Gale Messerman
- Absent:** Andy Capelli
- Also Present:** Jennifer Working, Charleston County Planning & Zoning
Joel Evans, Charleston County Planning & Zoning
John Carrillo, Charleston County Planning & Zoning
Dan Pennick, Charleston County Planning & Zoning
Lauren Patch, Council Liaison
- IV. Approval of Minutes:**
- A. Planning Commission meeting minutes of January 8, 2013
- Mr. Prickett motioned to approve the minutes of the January 8, 2014 Planning Commission meeting. The motion was seconded by Mr. Dowdy and the minutes were approved unanimously.*
- V. Old Business:**
- A. Inlet Cove Board of Directors Comments on Riverview Preliminary Plat Approval**

Mr. Peterson stated that he received a request from Ms. Zack, with the Inlet Board of Directors, to be placed on the agenda for this meeting. Ms. Zack's request was to allow for the discussion of concerns that have been raised by residents of Inlet Cove in reference to the Riverview Subdivision. Mr. Peterson referred to the displayed Conceptual Plan that was presented to the Planning Commission in 2013. He noted that the plan called for 23 single family cottages around the perimeter and 24 condominium units in six buildings in the center of the property. The Preliminary Plat was presented and reviewed by staff and then approved by the Planning Commission at our January 8th meeting. The smaller drawing is a model for

an alternate entryway that was presented to the Architectural Review Board (ARB) and is a work-in-progress.

Mr. Dan Pennick, with Charleston Zoning and Planning, began the review of the formal process that is required by Town ordinance by which a subdivision request is processed. If ordinance and Development Agreement requirements are met the preliminary plat is forwarded to the Planning Commission for approval. He noted that the Commission could not put conditions on the plat unless agreed to by the applicant.

Mr. John Carullo, with Charleston Zoning and Planning, reviewed a PowerPoint presentation given to the Planning Commission for the preliminary plat approval. He stated the application was submitted for the owner of the property is Kiawah Riverview Investors, LLC. and that the parcel had proposed 23 single family lots, one condominium regime lot, and a community area with a dock.

Mr. Carullo stated that the parcel is currently zoned R2/Commercial and showed the maps, aerial photographs and the preliminary plat of the proposed subdivision property that Commission members reviewed. He stated that all the lot sizes met with the subdivision requirements and the plat showed the property line and setbacks to the buildings and the proposed infrastructure.

Mr. Carullo noted that planning and engineering staff had reviewed the proposed Preliminary Plat application, and was found to be consistent with *Article 12C, Subdivision Regulations* and is identified within the Development Agreement to allow a total of units 55.

Mr. Carullo stated that prior to final approval the following contingencies must be met:

- 1. Street plans, profiles, and typical sections and a detailed drainage plan with drainage computations are to be submitted to the Director of Public Works for approval.*
- 2. Tie drainage system into a maintained canal or tidal stream of adequate size as required by the Town of Kiawah Island Road Code.*
- 3. Provide and dedicate drainage easements as required by the Town of Kiawah Island Road Code.*
- 4. Construct paved streets and install drainage systems in accordance with the requirements of the Town of Kiawah Island Road Code, Subdivision Regulations, and approved street plans and profiles.*
- 5. Install the necessary drainage ditches and fill where necessary so as to properly drain all lots.*
- 6. Construct stub streets along with other streets in the subdivision.*
- 7. Erect street name signs and required traffic control signs of the approved type. All street name signs must be approved and reserved by the E-911 Section of Charleston County.*
- 8. Approval of this plat does not necessarily give approval to the width of any drainage easements shown.*
- 9. Submission of a Certificate of Title or sworn Affidavit of Ownership of each person or persons dedicating streets and/or easements.*
- 10. Lots must comply with the provisions of the Subdivision Regulations pertaining to final plats and final approval.*
- 11. This Preliminary approval in no way constitutes Final approval of any individual lot in this subdivision.*
- 12. Provide water supply system and sewer collection system per Kiawah Island Zoning Ordinance, Article 112A-401.*

Mr. Pennick stated that the Planning Commission found that the preliminary plat met with the requirements. So it gave its approval of the submitted preliminary plat to allow the project to move forward.

Mr. Peterson introduced the President of the HOA of Inlet Cove, Linda Leffler, who had requested to make comments.

Ms. Leffler stated that she was accompanied by the HOA's secretary/treasurer and concerned residents of Inlet Cove. She stated that the regime is one of the oldest on the Island being established in 1978 with 108 units. Ms. Leffler noted that the regime is undergoing renovation along with the substantial private renovation of the cottages.

Ms. Leffler stated that it was not their intention to try to stop the development but rather to open a line of communication that would be mutually beneficial to both communities.

Ms. Leffler called attention to a letter sent to the Commission Members by Ms. Zack, another property owner. Ms. Leffler called attention to the close proximity of the development to several existing cottages. She indicated that the closeness of proposed new roadways would be intrusive and reduce the owner's ability to enjoy their cottages as well as have a detrimental effect on their property values. Ms. Leffler suggested to modify or move the proposed roadways and to provide for substantial buffer of trees, bushes, mounds and/or fencing along common property lines to mitigate the effects of lights and noise.

Ms. Leffler noted that at the last Planning Commission meeting there was concern as to the ability of fire department apparatus to navigate the entrance of the development as were an access to the structures. She stated that it was her hope that the St. John's Fire District would be consulted in the entrance modification. Ms. Leffler also suggested that in the modification that consideration be given to possibly moving the entrance further away from the mutual property lines.

Ms. Leffler stated that she hoped that any proposed construction of any dock would be studied to reduce any environmental impact on the marsh area that it would have to traverse.

Mr. Peterson commented that referring to the minutes of the meeting will show that all the issues brought forth at this meeting were discussed with the exception of the dock. He stated that the Key Locations ordinance allows the development to have a dock. He noted that the proposed dock is well within the 600 foot length limit and that all dock applications are reviewed by the Department of Health and Environmental Control before a permit is issued.

Mr. Peterson also stated that the entranceway had already been addressed by the Fire District and modified to meet their requirements. He indicated that the buffer issue had been addressed the Architectural Review Board and a workable plan developed. Mr. Peterson stated that the entranceway had been looked at, but the need for adequate drainage and the close proximity to the existing real estate office prevented relocation. He stated that he believed the Commission reviewed the preliminary plat very carefully to make sure that all the requirements were met before making its decision for approval.

Ms. Mole, with the Kiawah Island Architectural Review Board (ARB), discussed that the ARB had recognized that the concerns that the close proximity of the roadway to the Inlet Cove properties. She indicated that after reviewing some preliminary schematics of landscaping designs, the ARB had requested an increased amount of buffer in that area as the developer moves forward with additional planning plans. She noted that the revised entranceway would also provide less paving and more planting. Mr. Peterson added that at the January meeting the applicant gave its commitment to provide an adequate buffer.

VI. New Business:

A. Workshop on history and status of Key Locations, of docks, and the permitting required.

Mr. Peterson stated that dock Key Locations was developed to alleviate the possible proliferation of docks on the Island. He noted that Mayor Lipuma, as a Planning Commission member, one of the original developers of the Key Locations, was in attendance at the meeting today.

Mr. Pennick distributed copies of Ordinance 91-2 which originally established the Key Locations and listed the locations. He also distributed the subsequent amendment to the original ordinance, Ordinance 92-1 and in an attempt to give a clearer understanding, a review of the Key Locations was done in 2003. Mr. Pennick noted that the Key Locations are part of the Development Agreement and in the Town's Zoning ordinance.

Mayor Lipuma stated that his experience dates back to the original standards for the Town that was incorporated into the current planning documents. He explained that as then chairman of the Planning Commission, he and Mr. Kingsley physically documented every dock located on the Island in the existing Key Locations. Concerns were raised about the proliferation and size of docks in certain locations. Along with Mr. Permar, decisions were made and an ordinance developed as to the location and the construction criteria for future floating and fixed docks.

Mr. Pennick gave a PowerPoint of the difference areas of the current Key Locations (attached as part of the minutes). He discussed in depth with Commission Members the dock Key Locations, definitions of the structures and the requirements and/or restrictions in the dock approval process.

Mr. Pennick indicated that in area (2) which included Salthouse Lane, Old Dock Lane and Ruddy Turnstone, some of the old plats show this creek bed as a drainage easement towards the Kiawah River. It was noted that that even though there were docks constructed in this tidal creek area, at low tide there was very little water.

Mr. Pennick referred to the chart that was included with the ordinance. He explained the difference between floating and fixed dock definitions, and showed in the presentation where those docks were allowed and restrictions that were designated to the docks. Mr. Carullo noted that there were a total of 121 existing docks on the Island.

Mr. Pennick stated that in the past the Town's Zoning Ordinance did not require a permitting for building a dock, only an ordinance compliance review was required prior to submittal to OCRM (Ocean and Coastal Resource Management) for approval. Mr. Pennick noted that OCRM approval specified the approval was contingent on the dock meeting all local laws, ordinances and zoning requirements. He and Mr. Carullo discussed that the lack of a permitting requirement resulted in the unapproved modification of docks to include the addition of boat lifts to fixed docks. Mr. Carullo stated that now new applicants were requesting the approval of similar modifications. Mr. Pennick suggested that the Commission review the zoning ordinance to include "docks" in the verbiage, review the permitting process for docks and to review the guidelines for the distance between docks.

VII. Correspondence/Staff Comments:

Mr. Peterson stated that the Commission received several emails and letters in response to the Riverview Preliminary Plat approval from the Inlet Cove property owners. He noted that they were copied and forwarded to the ARB and the developer to make them aware of the concerns.

VIII. Council Liaison Comments:

None

IX. Public Comments:

✚ Louis and Diane Matagrano - 87 Salthouse Lane

Mr. Matagrano indicated that upon returning to his home he noted two new docks jutting out into the marsh. He stated that he was concerned by not only their obtrusiveness but also their nearness to the docks on the other side of the creek. Mr. Matagrano stated that he empathized with the owners of the docks and their current situation. He noted that had their docks met the regulations they would not be asked to remove them. Mr. Matagrano stated that even if the docks are modified, the inlet is too small to accommodate all the docks and requested that the docks be removed.

✚ Mr. Rob Legasey – Inlet Cove Property Owner

Mr. Legasey stated that at the last meeting the Fire Chief expressed concern with fire apparatus access to the Riverview Development. He expressed his concern that it did not seem to be an issue to the Planning Commission.

Mr. Legasey expressed his concern with the amount of vehicles that will be accessing the development. He also stated the dock application that was submitted to the Corps of Engineers for the development that included a kayak launch and expressed concern that there was no storage facility for the kayaks.

Mr. Legasey thanked the ARB for providing that the developer be responsible for a proper buffer.

✚ **Ms. Margaret Sheikh - 57 Inlet Cove**

Ms. Sheikh stated her home is the one most impacted by the new development project. She indicated that she has no problem with growth, but there is only 15'10" between the corner of her house and the property line. Ms. Sheikh expressed her concern that it was not an adequate buffer and would influence not only the esthetics but value of her home. She requested a modification of the location of the entrance to provide a larger buffer.

✚ **Ms. Lois Singleton – 88 Belmeade Hall, Inlet Cove**

Ms. Singleton questioned if the dock application submitted by the developer had been approved. She explained that as one of the original residents of Inlet Cove, many years ago, they had been declined by the Corps of Engineers when applying for a dock permit. Ms. Singleton indicated that the Corps stated that a dock would interrupt the oyster beds and other habitat. She was informed that there had not been an approval as of yet. Ms. Singleton then questioned if there was any information or reason for a change in that policy. Mr. Pennick responded by stating that there had been a change of jurisdiction of the state's principal permitting agency. He indicated that it was not the Corps of Engineers but the Department of Health and Environmental Control through the office of the Ocean and Coastal Resource Management (DEHC/OCRM) along with the Town.

✚ **Mr. Norm Feldman – 23 Inlet Cove**

Mr. Feldman stated he wanted to bring to the attention of the Commission, his concern that the introduction of a new development will also bring the element of intruders into Inlet Cove. He requested that extra precautions be taken to prevent this from happening. Mr. Feldman also stated that he was in agreement with discussion of the close proximity of the development.

X. Commissioner Comments:

Mrs. Messerman expressed that the Commission was sensitive to the comments that were brought before the Commission and she was confident that the ARB will do their best to provide for the proper buffers.

Mr. Iwan requested clarification of the 15' that was discussed in Ms. Sheikh's concerns was from the edge of a building or the road. Mr. Patch clarified that it was 15' from the 60' right-of-way that included 40' for the road. Mr. Iwan felt that Ms. Sheikh needed the clarification of that point to make sure that she was aware of the misconception that it would be 15' from a home.

Mr. Iwan also indicated that concerns had been raised by the Mayor and a Fire Department Captain at the last meeting in reference to accessibility issues in the new development. He

questioned if there was such an issue and if there had been any resolution. Mr. Peterson stated that the Mayor's comment was that it was not under the purview of the Planning Commission but that members should be aware of the accessibility issue. He further stated that the Fire Department had not yet evaluated the plans but their review was part of the approval process. He stated that the engineer had assured the Commission that fire vehicles could access every point in the development.


Mr. Iwan stated that there had been previous discussion of moving the entrance of driveway. He questioned the validity of the comment made that the driveway could not be moved due to zoning, the close proximity to the real estate office and drainage. Mr. Peterson responded by stating that it was his understanding that the driveway could not be moved because the retention pond was a requirement.

Mr. Peterson stated that he along with Mr. Prickett and Mr. Dowdy attended the South Carolina Chapter of the American Planning Association (SCAPA) Continuing Education Winter Conference hosted by the College of Charleston. He remarked that it was very informative conference and new avenues for the dissemination of public information were presented that should be explored.

XI. Adjournment:

Mr. Prickett made a motion to adjourn the meeting 4:27 pm. The motion was seconded by Mr. Dowdy and passed unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



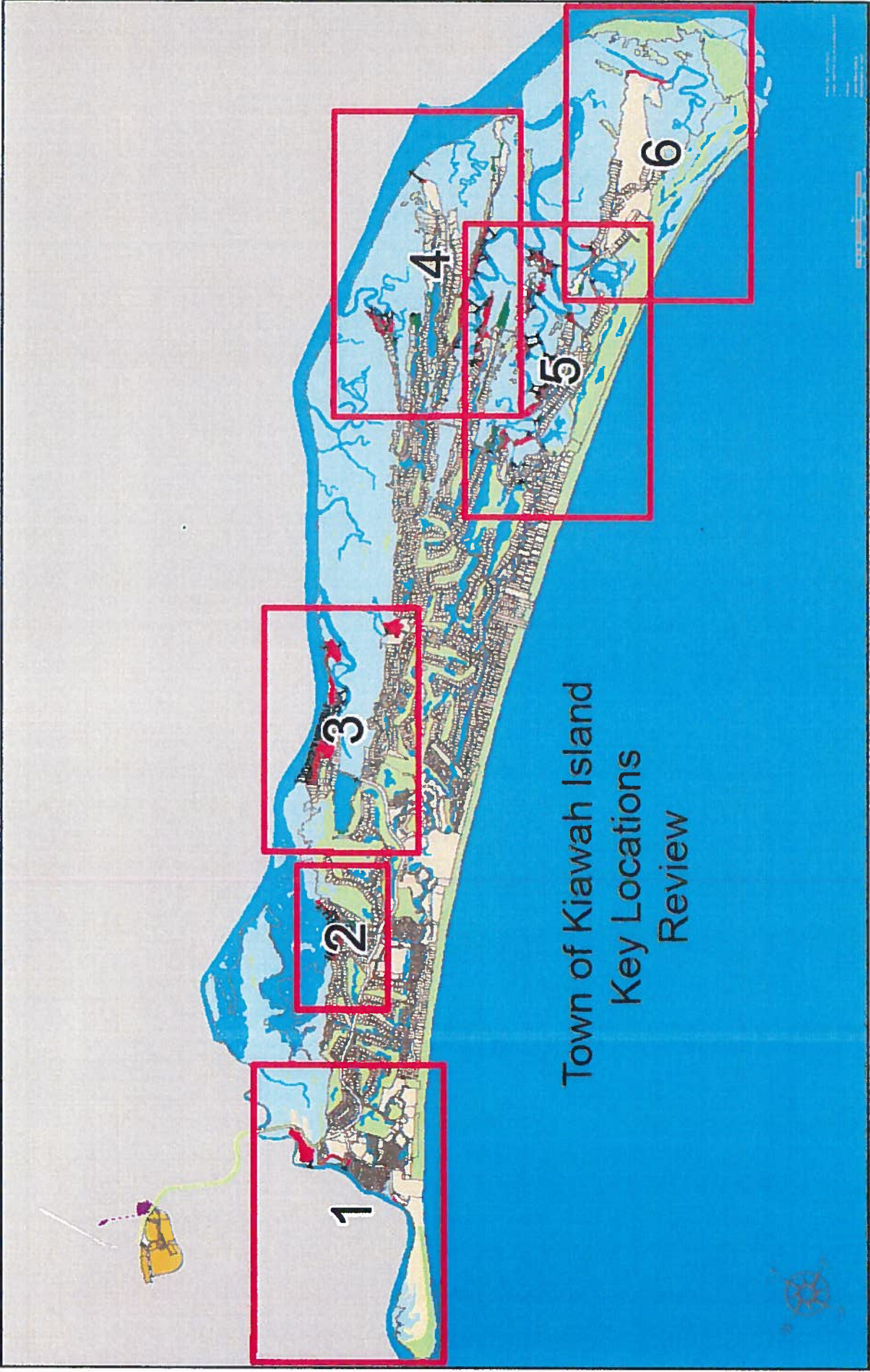
Fred M. Peterson, Chairman

6-26-2014
Date

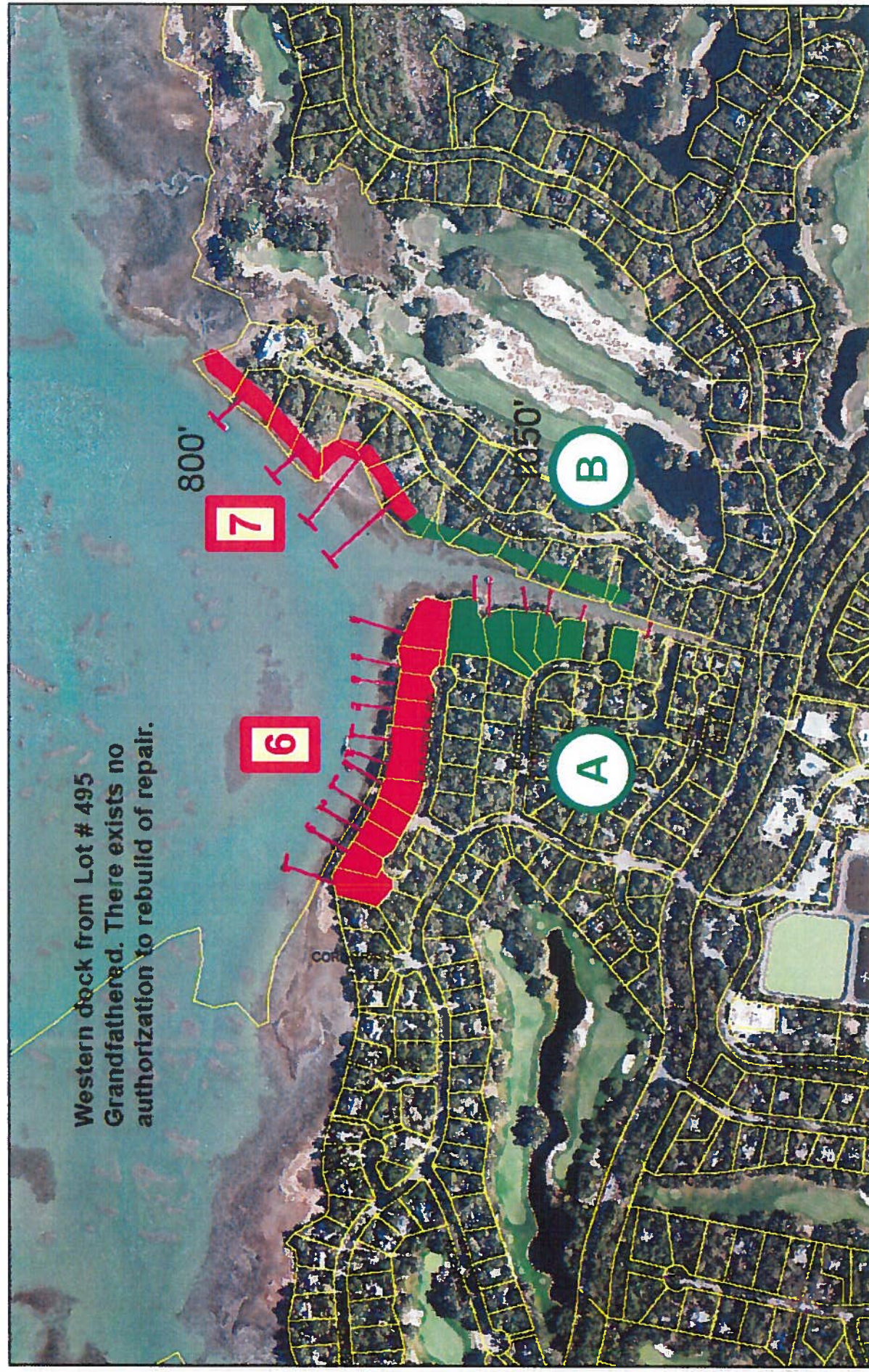
AGENDA

TOWN OF KIAWAH ISLAND
PLANNING COMMISSION

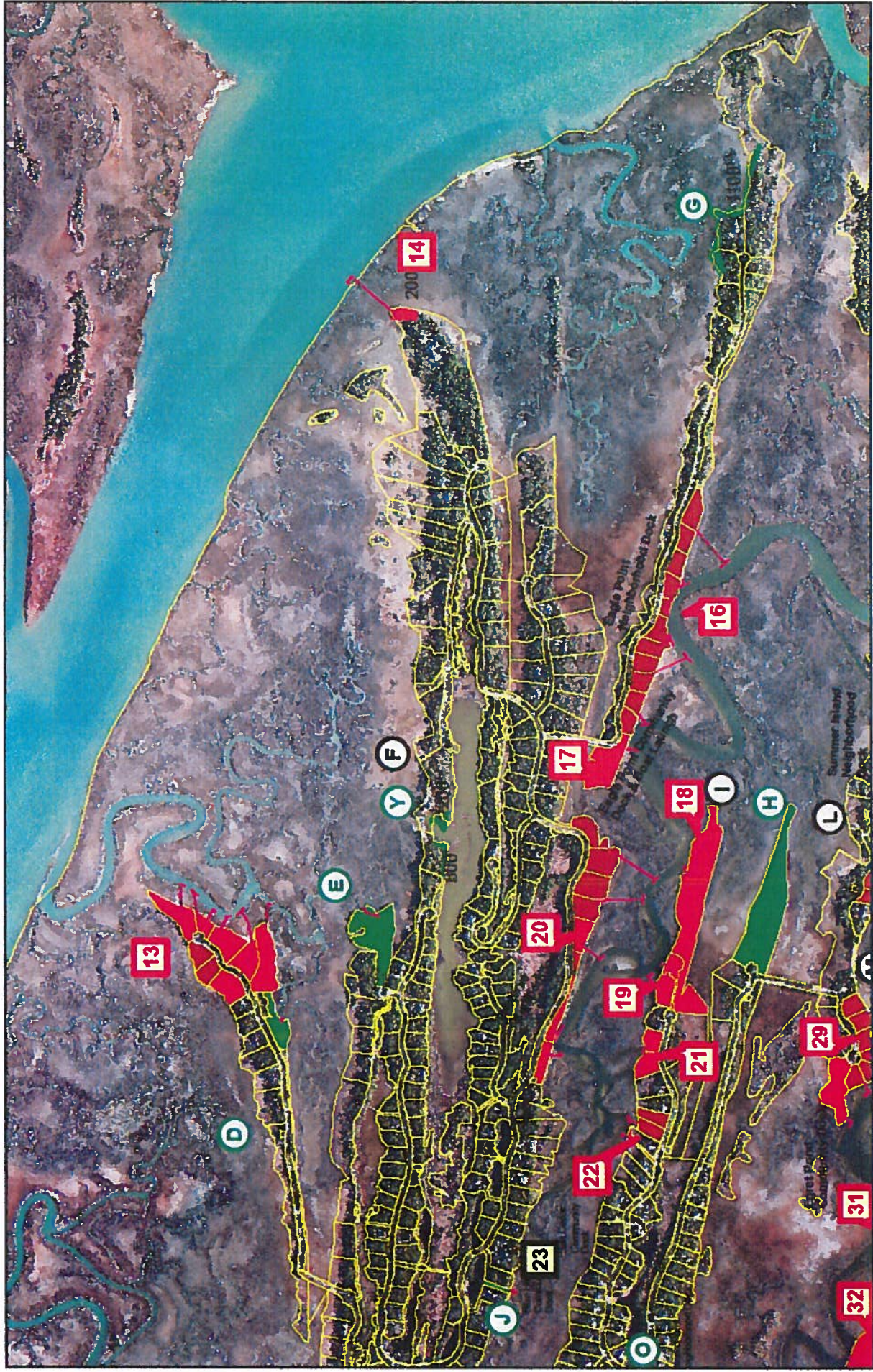
March 5, 2014



Town of Kiawah Island
Key Locations
Review



Area 2 Key Location



Area 4 Key Location



Area 6 Key Location

Town of Kiawah Island Key Locations Map

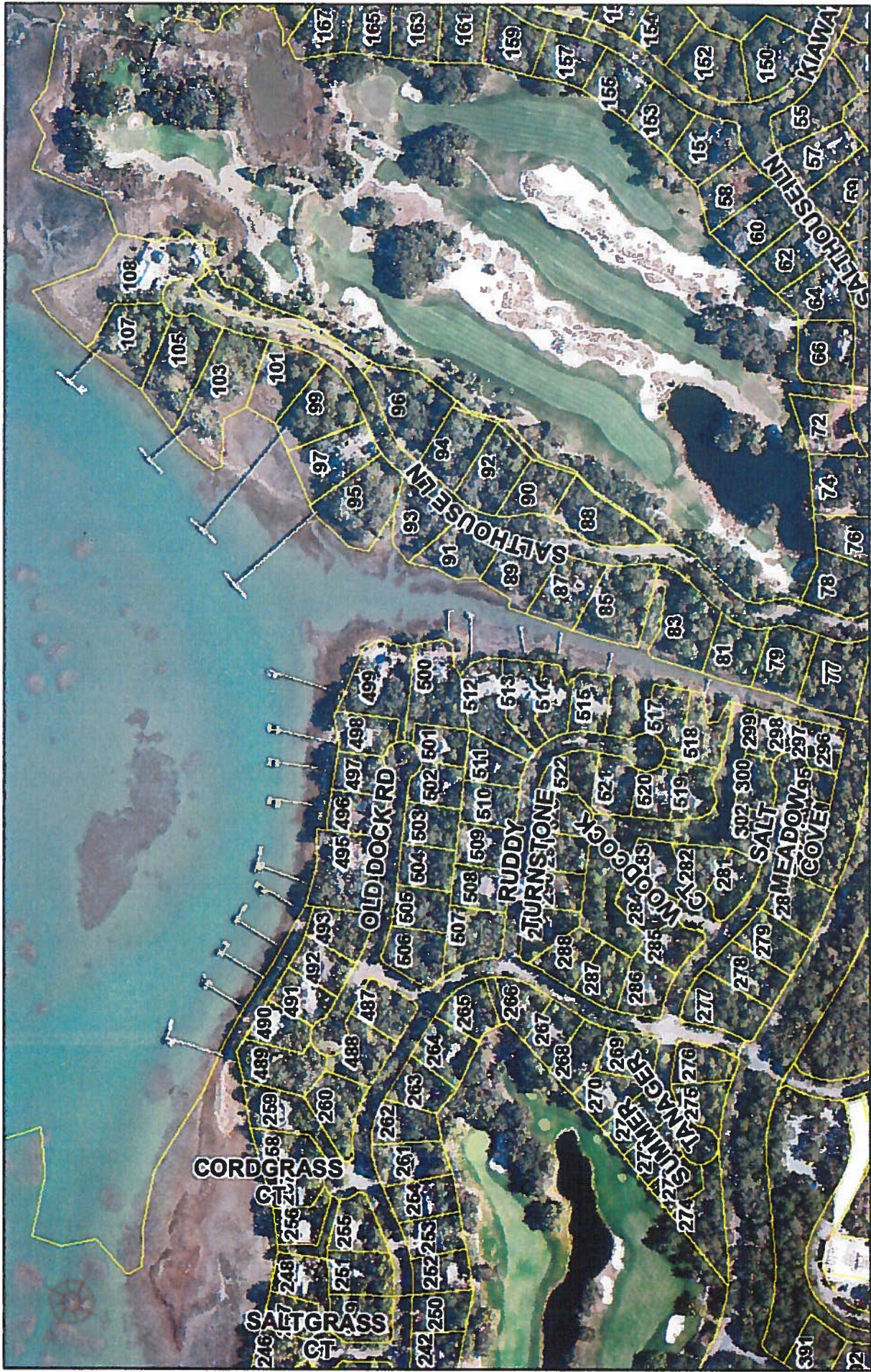


Existing Definitions

- Dock, Fixed: A structure that can either be a portion of a dock that does not float, but is fixed, i.e. the walkway and pier head, or it is the fixed pier head which is the deck area at the end of a walkway.
- Dock, Floating: A structure that is part of a pier or dock that floats and provides easy access to moored boats.

Existing Definitions

- **Dry Stack Storage for Watercraft:** A facility for storing boats out of water. This is principally a land operation, where boats are dry stored or “stacked” until such time as they are transferred to the water for use.
- **Pier:** A structure that accesses water for any number of uses that consists of walkway, pier head and floating dock.
- **Rack:** A storage slip for a boat in a dry stack storage facility.



Area 2 Key Location

