

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

October 8, 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
Andy Capelli
Jack Koach
Dan Prickett
Gale Messerman

 - Absent:** Bill Dowdy

 - Also Present:** Lauren Patch, Council Liaison
Dan Pennick, Charleston County Planning & Zoning
Joel Evans, Charleston County Planning & Zoning
Amanda Mole, Kiawah Island Architectural Review Board
Heidi Hoepfner, Land Development Project Manager, Bennett Hofford Construction - Charleston

- IV. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of July 2, 2014

Mr. Iwan motioned to approve the minutes of the July 2, 2014 Special Planning Commission meeting. The motion was seconded by Mrs. Messerman.

Mr. Peterson and Commission members discussed edits that had been made to the revised draft of the minutes and additional proposed edits. Mr. Capelli commented since he was not at the last meeting the language of some of the paragraphs of the minutes needed further clarification. Mr. Peterson offered to work with the Town Clerk to revise the areas that were in question.

Following further discussion the motion was unanimously passed.

V. Old Business:

A. Update regarding Condominium Units at Riverview

Ms. Heidi Hoepfner with Bennett Hofford Construction reported that work progress can be seen as you pass by the Riverview project. She indicated that they are working towards pulling the first vertical building permits as well as working with the ARB and Town staff on the center condo lot design. Ms. Hoepfner presented exhibits to Commission members that showed conceptual lot coverage and open space. Also included were the proposed designs for the condo space. She indicated that the design of the condos has strived to complement Kiawah as well as conform to all requirements. She discussed that exhibits showing conceptual images for the exterior design of four buildings with six units in each building. The layout of entrance and exit from the condos with parking that would be underneath the buildings would allow for more green space and landscaping.

Ms. Hoepfner answered various member questions with regard to the presentation materials. She discussed the bullet points that were provided on the progress and refinements that were occurring with the project and:

- *All have now seen that significant land disturbance has occurred and installation of infrastructure is underway. The current schedule has this work complete by mid-December '14. Recent rains have certainly dampened more than the leaves, but our efforts to remain on schedule are a top priority.*
- *The initial construction plans for the project remain to include not only the infrastructure, but also the pool pavilion amenities, and the desire to start construction on two of the single family homes.*
- *A building permit has been issued for the construction of the first cottage called 'The Saw Palm' for Lot 107 fronting the river.*
- *We have Final ARB approval of the Pool Pavilion on Lot 111, and are finalizing the Site Plan Review with Planning Department in order to obtain a building permit and start construction on this feature as soon as possible. The dock is almost complete.*
- *To allow vertical construction to occur, the task to record a Conditional Subdivision Plat is imminent.*
- *An exhibit provided demonstrates the project conceptually meets the Maximum Coverage allowed per the 2013 Amended and Restated Development Agreement.*
- *The architecture and site design of the center Condo area is critical to the success of the neighborhood, and have to be refined together to obtain the correct balance of function and aesthetic. The building configuration and planning shown is the result of many layers of ideas, design parameters and revisions, and will be the final direction of our efforts to complete the design of this component.*
- *The ARB is pleased with this direction and supports how the center green between the buildings will be effective and enjoyable on the pedestrian scale. This design along with the ability to save a significant amount of existing trees will allow the resulting landscape plan to compliment the natural vegetation and keeps the project in the context of Kiawah.*
- *Both the ARB and Fire Chief Ghi support the need of an additional curb cut in the condo area for proper vehicular access. Chief Ghi also continues to be very pleased with our efforts to include him and his department in considerations that affect the*

safety of life and property.

- *The Condo area will continue to go through the ARB and Site Plan Review processes. We remain dedicated to keeping the Planning Commission informed and will present refinements as they occur.*

Ms. Hoepfner indicated that the pavilion would be the next vertical construction following the cottage and discussed the revisions that were done since the original renderings were presented to the Commission.

Mr. Peterson thank Ms. Hoepfner for her open communication with the Planning Commission.

VI. New Business:

A. DRAFT Lot Coverage and Setback Amendments

A PowerPoint was presented to Commission Members for discussion of the proposed amendments to Lot Coverage and Setbacks regulations, in a workshop format The amendments would better clarify and align the requirements of the Town and the Architectural Review Board (ARB).

Ms. Mole, along with Mr. Evans engaged in an in-depth discussion of each definition change and answered member questions or concerns to the proposed changes. Commission members recommended additional changes to be incorporated into the draft document.

The following is a draft of the zoning ordinances and the proposed amendments that were reviewed:

Sec. 12-63. Description of zoning districts and regulations.

The purpose and intent of this section specifies zoning categories and standards for all classes of use, e.g., residential, resort, commercial, etc. Standards include permitted density, lot size and coverage, and supplemental regulations.

(1)

Any property previously zoned special development shall fall under the PD zoning district.

(2)

In determining the maximum number of dwelling units or hotel rooms per acre, all water bodies and all land below mean high-water level on the original or "Grassroots" site are to be excluded. This requirement serves to reduce overcrowding and over-development of residential, resort, commercial and other sites. Maximum density/intensity is a limit on development rights, and not a grant of vested rights.

(3)

~~*Lot coverage is defined as the total percentage of lot area that is impervious to stormwater. Included are buildings, decks and raised planters three feet above existing grade, impervious and pervious driveways and impervious walkways, and all paved areas.*~~

Lot coverage is defined as the total percentage of lot area that is impervious to stormwater including buildings, decks, walls, driveways, front walkways, and other impervious surfaces. Maximum percentage lot coverage is specified for each zoning district however the following items shall be excluded from lot coverage as determined by the Planning Director:

1. *At grade boardwalks and landscape retaining walls below 3 feet in height or;*

2. The access drive located on the "throat or "pole" of a flag lot as defined by this ordinance.

Allowable Increase for Residential Districts

The maximum lot coverage for the R1, R2, and R3 districts may be increased for specific pervious elements as follows:

Maximum Lot Coverage as shown in the Residential District	Allowable Increase as percentage of the Maximum Lot Coverage
33 percent	20 percent
40 percent	15 percent
50 percent	10 percent

Items that qualify for the allowable increase in maximum lot coverage as determined by the Planning Director include:

1. Driveways not defined by this ordinance that utilize pervious materials.
2. Pervious walks and patios.
3. Raised courtyards and planters created by walls 3 feet or less above the adjacent grade.

(4)

Where an OCRM critical line is located on the property, the setback and buffer requirements of the waterfront development standards, section 12-76 shall apply.

(5)

The following apply to the residential zoning districts:

a.

For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.

b.

The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course, lagoon, marsh, and/or open area.

c.

Height of single-family detached homes is measured from the Federal Emergency Management Agency's base flood elevation determined for the individual home site.

(6)

The following apply to the nonresidential zoning districts:

a.

For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line.

b.

Nonresidential structures may have the height in stories shown in the corresponding zoning district lot standards table, provided that the highest roof ridge of the building does not exceed the height shown from the Federal Emergency Management Agency's base flood elevation determined for that individual structure.

c.

Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.

(Code 1993, § 12A-202, Ord. No. 2005-08, § 12A-202, 10-12-2005)

Sec. 12-64. Setbacks.

Setback means a required minimum distance from a lot line, or street right-of-way, or OCRM Critical Line that establishes an area within which a structure shall not be erected.

(a)

Contextual setbacks. Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.

(b)

Setbacks on corner and double-frontage lots. On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.

(c)

Exception to setbacks.

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection:

Driveways and walkways may be located within any required setback.

Uncovered stairs or stair landings to building entrances may extend up to five feet into any required setback.

Uncovered, at-grade patios may extend up to ten feet into any required setback.

Uncovered decks may extend up to five feet into any required rear yard setback.

Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.

In all zoning districts heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands may extend up to five feet into required side or rear setbacks only when all of the following conditions are met:

- (1)

The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure and/or which HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Kiawah Island Building Code;
- (2)

Such HVAC equipment cannot reasonably be accommodated within the setback required by otherwise applicable zoning requirements;
- (3)

~~All such HVAC equipment and stand are screened from public view and screened and buffered to minimize noise, and the adequacy and appropriateness of such screening and buffering have been approved by the Planning Director;~~
- (3)

~~All such HVAC equipment is so placed that it will have the least adverse impact on affected property owners in the area, and the Planning Director has so determined;~~
- (3)

The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified all the affected adjacent property owner(s) that are adjacent to the property line where the proposed HVAC equipment will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified all the affected adjacent property owner(s) and providing each name and address to which such notice was sent; and
- (4)

A Zoning Permit is approved by the Planning Director.

(Code 1993, § 12A-204, Ord. No. 2005-08, § 12A-204, 10-12-2005, Ord. No. 2012-03, § 2, 4-3-2012)

B. DRAFT Town of Kiawah Island Definitions

Mr. Evans stated that Planning and ARB staff met to review the requirements for lot coverage and discussed any inconsistency that existed between the ordinance and the ARB requirements. He presented a PowerPoint to discuss with Commission Members the proposed changes to the definitions to better clarify and align the requirements of the Town and the ARB. The presented tables showed the language of definitions as they exist in the ordinance, the Development Agreement and ARB language that has historically been used as part of their guidelines and the proposed changes to be adopted.

Mr. Evans, along with Ms. Mole, engaged in an in-depth discussion of each definition change and answered member questions or concerns to the proposed changes. Commission members recommended additional changes to be incorporated into the draft document.

The following are the tables that were presented:

Term	TOKI Ordinance	DA/ARB	Proposed Definition
Base Flood Elevation	N/A	Designing with Nature: Height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum in the Flood Insurance Study Report, or average depth of the base flood above ground surface.	The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. <i>U.S. Department of Homeland Security (FEMA)</i>
Driveway	Driveway means a paved or unpaved area used for ingress or egress of vehicles from a street to a building, garage or other structure or facility.	N/A	Driveway: A minimum 10 wide vehicular travel way of any surface treatment (pervious or impervious) from the property line to the garage. This includes guest parking and required backup and turnaround areas required for safe vehicular movement as determined by the Planning Director.
Flag Lot	N/A	N/A	See Lot Flag
Ground Floor Level	Ground floor level means the natural ground or the lowest floor elevation for structures as set forth in the Town's floodplain management ordinance, whichever is higher provided, however, that ground floor level shall not exceed 14 feet above natural ground. This definition shall not be construed to prevent an owner from constructing a first floor higher than ground floor level, provided, however, that height is measured from ground floor level.	Development Agreement: "Ground Floor Level" means Natural Ground or the lowest floor elevation for structures as set forth in the Town of Kiawah's floodplain management ordinance, (as found in Section 14-101 of the Municipal Code), as amended, whichever is higher provided, however, that Ground Floor Level shall not exceed 14 feet above natural Ground. This definition shall not be construed to prevent an owner from constructing his first finished floor higher than Ground Floor Level, provided, however, Height is measured from Ground Floor Level. Designing with Nature: Natural Ground or the lowest floor elevation for structures as set forth in the Town of Kiawah's floodplain management ordinance, as amended, whichever is higher, provided, however, that Ground Floor Level shall not exceed 14 feet above Natural Ground. This definition shall not be construed to prevent an owner from constructing his first finished floor higher than Ground Floor Level, provided, however, Height is measured from Ground Floor Level.	Ground floor level means the natural ground or the lowest floor elevation for structures as set forth in the Town's floodplain management ordinance, whichever is higher provided, however, that ground floor level for structures shall not exceed 14 feet above natural ground. This definition shall not be construed to prevent an owner from constructing a first floor higher than ground floor level, provided, however, that height is measured from ground floor level or Base Flood Elevation (BFE) when located within a flood zone.

Term	TOKI Ordinance	DA/ARB	Proposed Definition
Height	Height means the elevation from ground floor level as measured in feet and stones. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Building height means the vertical distance between the base flood elevation, or ground level if the structure is not in a flood hazard area as defined by the Federal Emergency Management Agency (FEMA), and: (1) The average height level between the eaves and ridge line of a gable, hip or gambrel roof; (2) The highest point of a mansard roof; or (3) The highest point of the coping of a flat roof.	Development Agreement: "Height" means elevation from Ground Floor Level as measured in feet and stones. Building height does not include chimneys, antennae or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story. Designing with Nature: Elevation from Ground Floor Level as measured in feet and stones. Building height does not include chimneys, antennae or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story.	Combine Existing TOKI Definitions of Height and Building Height into one definition as follows: Building Height - The vertical distance between the base flood elevation (BFE), or ground level if the structure is not in a flood hazard area as defined by the Federal Emergency Management Agency (FEMA) and is measured in feet and stones. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. Unless otherwise stated in this ordinance, height in feet means (1) The average height level between the eaves and ridge line of a gable, hip or gambrel roof; (2) The highest point of a mansard roof; or (3) The highest point of the coping of a flat roof. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires and parapet walls not exceeding four feet in height.
Impervious	Impervious surface means any material which prevents, impedes or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation bearing soils, including buildings, asphalt, concrete, gravel and other surfaces.	N/A	Impervious surface means any material which prevents, impedes or slows infiltration or absorption of stormwater 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.

Term	TOKI Ordinance	DA/ARB	Proposed Definition								
Lot Coverage	<p><i>In Definition Section:</i> Lot coverage means the total percentage of lot area that is impervious including buildings, and pervious driveways and walkways, and other pervious paved areas and including pervious decks and porches.</p> <p><i>In Sec. 12-63 (3)</i> Lot coverage is defined as the total percentage of lot area that is impervious to stormwater. Included are buildings, decks and raised planters three feet above existing grade, impervious and pervious driveways and impervious walkways, and all paved areas.</p>	N/A	<p><i>In Definition Section:</i> Lot Coverage means the total percentage of lot area that is impervious to stormwater, including buildings, decks, walls, driveways, front walkways, and other impervious surfaces as defined by this ordinance and determined by the Planning Director.</p> <p><i>In Sec. 12-63 (3)</i> Lot Coverage Lot coverage is defined as the total percentage of lot area that is impervious to stormwater, including buildings, decks, walls, driveways, front walkways, and other impervious surfaces. Maximum percentage lot coverage is specified for each zoning district however the following items shall be excluded from lot coverage as determined by the Planning Director:</p> <ol style="list-style-type: none"> At grade boardwalks and landscape retaining walls below 3 feet in height or The access drive located on the "throat or pole" of a flag lot as defined by this ordinance. <p>Allowable Increase for Residential Districts The maximum lot coverage for the R1, R2, and R3 districts may be increased for specific pervious elements as follows:</p> <table border="1"> <thead> <tr> <th>Maximum Lot Coverage as shown in the Residential District</th> <th>Allowable Increase as percentage of the Maximum Lot Coverage</th> </tr> </thead> <tbody> <tr> <td>33 percent</td> <td>20 percent</td> </tr> <tr> <td>40 percent</td> <td>15 percent</td> </tr> <tr> <td>50 percent</td> <td>10 percent</td> </tr> </tbody> </table> <p>Items that qualify for the allowable increase in maximum lot coverage as determined by the Planning Director include:</p> <ol style="list-style-type: none"> Driveways not defined by this ordinance that utilize pervious materials, Pervious walks and patios, Raised courtyards and planters created by walls 3 feet or less above the adjacent grade, 	Maximum Lot Coverage as shown in the Residential District	Allowable Increase as percentage of the Maximum Lot Coverage	33 percent	20 percent	40 percent	15 percent	50 percent	10 percent
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Term	TOKI Ordinance	DA/ARB	Proposed Definition
Lot, Flag	Lot Flag means a lot having no frontage or access to a street or place except by a narrow strip or easement.	N/A Development Agreement Designing with Nature: In the case of flag lots, the entry access or "the pole" of the flag site is not calculated as part of the lot coverage percentage.	Lot Flag means a legally platted lot that is designed specifically to make a portion of a building the flag area, and a portion that surrounds the throat or pole area that is used solely for access to the building.
Pervious	N/A	Development Agreement: "Pervious Cover" means land which permits the absorption of stormwater into the ground. This may include walkways and driveways which are pervious to stormwater. Designing with Nature: Land which permits the absorption of stormwater into the ground. This may include walkways and driveways which are pervious to stormwater.	Pervious Surface means an unimproved portion of land maintained in its natural condition or an improved portion of land covered by a material that permits infiltration or percolation of storm water into the ground as determined by the Planning Director.
Story	Story means that part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above that part of the building which is above the surface of the highest floor of the building. Story first means the first habitable interior floor of a structure above the required flood elevation.	Development Agreement: "Height" means elevation from Ground Floor Level as measured in feet and stories. Building height does not include chimneys, antennae or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story. Designing with Nature: Height - Elevation from Ground Floor Level as measured in feet and stories. Building height does not include chimneys, antennae or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story.	<i>Leave definition of Story and Story first and add new definition for Story one-half</i> Story one-half means a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story.

Mr. Peterson thanked the Planning and ARB staff for the hard work that had been completed and for the upcoming revisions based upon members' comments and concerns.

VII. Correspondence/Staff Comments:

None

VIII. Council Liaison Comments:

None

IX. Public Comments

Mr. Art Morgenstern – 164 Marsh Island Drive

Mr. Morgenstern questioned if the Commission would have any overview of the additional waterline that is going to be constructed on the Island by the Kiawah Island Utility. He stated that he lives in the area that will be impacted by the line and he and his neighbors are interested in the techniques that will be used, and are concerned by the potential damages to homes and landscape.

Mr. Morgenstern stated that he questioned the Public Service Commission if they had overview. He indicated that he was told that they did not and was referred to the County. He stated that in speaking to County Council he was referred to Mr. Pennick and then to Mr. Peterson. He indicated that he is still not sure if the Commission holds this responsibility but is trying to find the local government entity that does and can provide information to residents.

Mayor Charles R. Lipuma – 201 Horned Grebe Court

Mayor Lipuma stated that in his observation of the discussion of decks, stairs and other features that are allowed to exceed setbacks lines, he warned that the setback spaces are to provide for trees, shrubs and landscape. He cautioned that care be taken to not to push back so far as to lose landscape cover.

X. Commissioner Comments:

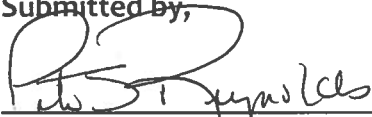
Mr. Capelli indicated that he feels that there is a need for an amendment to the Town's construction ordinance. He stated there are inconsistencies between Section 9 of the ordinance that relates to work that is exempt from permitting and the brochure that was published by the ARB and the Town. He stated that clarification of permitting and approval of interior should be addressed along with the limitation of the cost of work that has to be permitted that is now set at \$200.

Mr. Peterson stated that Councilman, Commission Liaison, former Commission member, Mr. Lauren Patch, was not going to be running for reelection. He thanked Mr. Patch for his work with the Commission and the subcommittee that worked through the annexation issues.

XI. Adjournment:

Mr. Prickett made a motion to adjourn the meeting 4:35 pm. The motion was seconded by Mrs. Messerman.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Fred M. Peterson, Chairman

11/5/14

Date