

# PLANNING COMMISSION MEETING

Kiawah Island Municipal Center  
via Video Conferencing  
January 6, 2021; 3:00 PM

## Minutes

I. **Call to Order:** *Mr. Peterson called the meeting to order at 3:00 pm.*

II. **Roll Call:**

**Present:**

Fred Peterson, *Chairman*  
Brit Stenson, *Vice Chairman*  
Andy Capelli  
Larry Iwan  
Bill Dowdy

**Absent:**

Gale Messerman

**Also Present:**

John Taylor, Jr., *Planning Director*  
Bruce Spicher, *Community Services Director*  
John Moffitt, *Council Liaison*  
Petra Reynolds, *Town Clerk*

Mr. Peterson thanked both Mr. Capelli and Mr. Dowdy for agreeing to serve on the Planning Commission for an additional four-year term. He noted there were two openings on the Commission, with Mr. Moffitt becoming the Council Liaison and Ms. Messerman leaving.

III. **Approval of Minutes:**

A. **Planning Commission Meeting Minutes of November 4, 2020**

*Mr. Capelli made a motion to approve the minutes of the November 4, 2020 Planning Commission Meeting as amended. The motion was seconded by Mr. Stenson.*

*Following a suggested edit by Mr. Capelli, the minutes were unanimously approved as amended.*

IV. **Old Business:**

None

V. **New Business:**

A. **Elect 2021 Planning Commission Officers**

*Mr. Capelli made a motion to approve the nomination of Mr. Peterson to serve as the 2021 Chairman of the Planning Commission. The motion was seconded and was unanimously passed.*

*Mr. Peterson made a motion to approve the nomination of Mr. Stenson to serve as the 2021 Vice Chairman of the Planning Commission. The motion was seconded by Mr. Capelli and was unanimously passed.*

B. **2021 Rules of Procedure Approval**

*Mr. Capelli made a motion to accept and approve the 2021 Rules of Procedure. The motion was seconded by Mr. Iwan and was unanimously passed.*

## C. Zoning Ordinance and Map Amendment Applications:

### 1) Zoning Ordinance Text Amendment Request

**#AZO20-000001:** Request a text amendment to create a new term “*Base Building Height Elevation*” and redefine “*Building Height*” within Section 12-374. Definitions.

Mr. Peterson stated that the zoning text amendment request was made because of the new FIRM (Flood Insurance Rate Map) maps that will be coming into effect on January 29<sup>th</sup> which would have lower the base flood elevations throughout the island.

Mr. Taylor stated the staff recommendation for the text amendment results from the new flood maps coming into effect. There have been unintended consequences brought to the Town’s attention by the ARB (Architectural Review Board), several design teams including architects and contractors. To address the issues and concerns that arose, a solution is being recommended by staff in the form of a zoning amendment.

Mr. Taylor reviewed the text component of the amendment stating the request was to create a new term “*Base Building Height Elevation*” and redefine “*Building Height*” within Section 12-374. Definitions. The intention was to provide relief to maintain existing building heights due to FEMA’s new flood insurance rate maps reduction to base flood elevations. This recommendation provides relief to the development process timeline and to planning staff and Board of Zoning Appeals in preventing the requirement of design teams and homeowners requesting site-specific height variances for new construction with desires to maintain consistency to existing neighborhood roof lines and the ability to park underneath the structure.

Mr. Taylor explained the term *Base Building Height Elevation (BBHE)* would be created and added into the definitions with the ordinance and would essentially utilize the datum from the 2004 maps with respect to the elevation component. The actual flood zone classification would remain with the adoption of the new flood maps, and only the number value will be retained as far as the interpretation of height.

Mr. Taylor reviewed the definition of *Base Building Height Elevation (BBHE)* and its inclusion in the revised term:

**New term:** *Base Building Height Elevation (BBHE)* means the elevation using the NGVD29 Datum as shown on the Charleston County, South Carolina Flood Insurance Rate Map with an effective date of November 17, 2004. Such elevations will be determined without respect to the flood zone classification and shall only rely on those numerals expressed within the parenthesis found on the Flood Insurance Rate Maps dated November 17, 2004.

**Revised Term:** *Building Height* means the vertical distance between the ~~base flood elevation (BFE)~~ *Base Building Height Elevation (BBHE)*, 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 stories. 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 ridgeline 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 measure 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.”

Mr. Spicher presented a graphic depicting the impact on residents, property owners, and design teams. He explained that the adverse effect is caused by the new flood maps basically has to do with how roof heights are determined. Currently, it is a measurement taken from the base flood elevation for a given property up to a maximum height of 40 feet. The reduction of Base Flood Elevations (BFE) across the island had an adverse effect on reducing roof heights proportionately. He reviewed the graphic of a property with the current flood map designation, the designation under the new flood map, and demonstrated the impacts of the reduction.

Commission members engaged in an in-depth discussion of the graphic and the use of the new base flood elevation term. Also addressed were concerns on the effect of future flood map elevation changes on the new term, the perceived inconsistency of the effects on new construction and remodeling, and the need for the new definition to void the need for site-specific variances.

***Mr. Iwan made a motion to recommend to Town Council to approve the zoning ordinance text amendment. The motion was seconded by Mr. Stenson. The motion was unanimously approved by a roll call vote:***

<b><i>Bill Dowdy</i></b>	<b><i>Yes</i></b>
<b><i>Brit Stenson</i></b>	<b><i>Yes</i></b>
<b><i>Andy Capelli</i></b>	<b><i>Yes</i></b>
<b><i>Larry Iwan</i></b>	<b><i>Yes</i></b>
<b><i>Fred Peterson</i></b>	<b><i>Yes</i></b>

#### **VI. Correspondence/Staff Comments:**

Mr. Taylor indicated he would be preparing a 2020 end-of-year report for the 2021 Council Retreat. The focus would be on the completion and adoption of the updated Comprehensive Plan. He reviewed his January report:

##### **TOKI Comprehensive Plan**

The Town will commence its five-year review of the Comprehensive Plan. The State provided an extension due to COVID-19. In 2020 the Town also consulted to complete a Housing Market Study that will benefit future planning.

##### **Construction Projects**

Planning Staff has reengaged with the East West Partners design team for the development of Parcel 13. Anticipate submission of construction drawings in March of 2021.

The cottages at the Ocean Course are nearing completion and are anticipated to be on schedule for completion in February.

The Resort is still engaging in studies for the development of West Beach and Night Heron Park.

The St. Johns Fire District Station 4 construction is progressing quickly.

##### **Vacancies**

Mr. Taylor reported there were two vacancies on the Planning Commission as well as the Board of Zoning Appeals that will hopefully be filled by the end of the month.

Mr. Capelli questioned which of the discussed project plans revenues were included in the proposed budget for this year. Mr. Spicher was unsure, so the suggestion was made to research which projects were included and report back to the Commission.

**VII. Council Liaison Comments:**

Mr. Moffitt reported on the Zoom meeting with Berkeley Electric Coop. (BEC) regarding the power outage experienced on Kiawah on December 26<sup>th</sup>. BEC explained what happened as an overload due to the construction project at the Legareville power station and the anticipated measures to be taken to prevent a future occurrence. The technical explanation did not address why they were surprised by the power load requirement on a morning when the temperature was below 30 degrees.

Mr. Taylor provided an update on Mr. Capelli's earlier question by stating there were no special project revenues included in this year's budget, only normal residential construction.

**VIII. Public Comments:**

None


**IX. Commissioner Comments:**

Mr. Iwan commented that it was his opinion that the Town's communications on the power outage a little thin. Mr. Moffitt stated that communication was discussed as part of the meeting, and it was general agreement that communication was not as good as it should have been. BEC felt they communicated very well, but the Town's position was that given the vehicles the Town has, it being a weekend, and without the Community Association, there was no one to communicate to the rest of the island. He noted that BEC, on their Facebook page, does a thorough job providing minute-by-minute updates as opposed to insufficient phone updates.

**X. Adjournment:**

*Mr. Dowdy made a motion to adjourn the meeting at 3:57 pm. The motion was seconded by Mr. Iwan and was unanimously passed.*

Submitted by,

  
\_\_\_\_\_  
Petra S. Reynolds, Town Clerk

Approved by,

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

6.30.2021  
Date