

**PLANNING COMMISSION MEETING
DECEMBER 7, 2011; 3:00PM
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS**

MINUTES

I. Call to Order

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
Peter Trees
Ron Tedesco
Lauren Patch
Andy Capelli
Larry Iwan
John Strauch

IV. Approval of Minutes:

A. Minutes of August 3, 2011

Mr. Capelli motioned to approve the minutes of the August 3, 2011 Planning Commission meeting. The motion was seconded by Mr. Iwan, and the minutes of August 3, 2011 were approved unanimously as amended.

B. Minutes of October 5, 2011

Mr. Capelli motioned to approve the minutes of the October 5, 2011 Planning Commission meeting. The motion was seconded by Mr. Tedesco, and the minutes of October 5, 2011 were approved unanimously as amended.

C. Minutes of November 2, 2011

Mr. Patch motioned to approve the minutes of the November 2, 2011 Planning Commission meeting. The motion was seconded by Mr. Strauch. The minutes of November 2, 2011 were approved unanimously as amended.

V. Subdivision Request:

None

VI. Old Business:

None

VII. New Business:

**A. #SBMA-7497-F1 Lands of Indigo Park, LLC Final Approval, Indigo Park
A portion of Parcel 23 Lots 1 thru 16 with a Park and Residual**

John Carullo stated that the Planning Department recommends final approval of the Indigo Park Subdivision. He noted that this portion of Parcel 23 Lots 1 thru 16 also

includes a park and Residual “A”. Two Irrevocable Letters of Credit are being returned, and the roads and drainage have been constructed to the Town of Kiawah Island Road Code standards. Mr. Carullo also noted that the preliminary subdivision request for parcel 23 was in the ownership of Dyal Compass, LLC and Kiawah Development Partners. The request is for 31 proposed lots on a 15.342 acre parcel. He stated that since the preliminary plat approval, Dyal Compass has changed ownership and the name of the subdivision to Indigo Park, and recognized the four trees at the edge of the road.

Mr. Iwan questioned the purpose of the residual area. Mr. Carullo explained that this area left over and will not be recognized as a lot at this time. Dyal Compass will retain ownership of this area, which is still at the conditional plat level.

Mr. Iwan motioned to approve the final plat for the Indigo Park Subdivision. The motion was seconded by Mr. Capelli.

Mr. Trees noted that the Planning Commission is responsible for the approval of street names, and suggested that the street name, Halona Lane, be made explicit as part of the final plat approval. Mr. Pennick explained that the street name is approved as part of the final plat approval.

Following discussion, the motion was approved unanimously.

B. Setback Exception for HVAC Equipment

Mr. Trees explained that the Planning Commission received letters last month from Mayor Urban and BZA Chairman Ron Ritchie requesting that the Commission consider amending the Zoning Ordinance to allow limited encroachment within the setbacks when replacing HVAC units. The BZA heard a case on September 19th which exemplified the problem with relocating an HVAC unit in Night Heron Cottages, and it is expected that many more R-2 units will face the same problem. The units in these areas were built during a time when setbacks allowed them to be underneath the homes, and they did not have to be above flood level. The current Residential Building Code requires that replacement HVAC units must be elevated substantially in order to comply with existing FEMA zoning requirements. Mr. Trees stated that there are approximately 300 homes within the areas of Night Heron Subdivision, Inlet Cove and Sparrow Pond that fit these conditions. The Town and BZA have requested a change to the Zoning Ordinance to allow for administrative approval rather than individual variance reviews by the BZA.

Mr. Pennick stated that some property owners in these areas have been able to reengineer the HVAC system so that it fits tightly within the setbacks; however, there are quite a few homes that have very minimal setback between the property line and the structures. He recommends the following change to the Zoning Ordinance which provides an exception to the setback:

- Heating, Ventilation and Air Conditioning (HVAC) equipment and associated HVAC stands may extend up to five feet into required side or rear setbacks in all zoning districts only when all of the following conditions are met:
 - a. The HVAC equipment, and associated stand, are replacing existing HVAC equipment that was originally placed below an

existing structure which now requires elevating the HVAC equipment to meet Federal Emergency Management Agency (FEMA) and the Town of Kiawah Island Building Code requirements; and

- b. All HVAC equipment and stand shall be screened to minimize noise.
- c. A Zoning Permit Application is approved by the Planning Director.

Mr. Pennick stated that there are instances when property owners replace the existing HVAC unit without the proper permits, and he suggests that this issue also be addressed.

Mr. Strauch stated that the draft does not require that the property owner have no other option but to invade the otherwise applicable zoning regulations for setbacks. He suggested adding a condition which states that the HVAC equipment cannot be accommodated by placing it within the setback required by the otherwise applicable zoning regulation.

Mr. Pennick explained that if the property meets the setback requirement there would be no need to request an exception, and the Planning Director would deny the zoning permit application if the exception is not needed. Mr. Strauch questioned how the Planning Director would use his authority to deny approval of a request for setback exception. Mr. Pennick stated that a zoning permit could not be issued unless conditions “a” and “b” of the proposed setback exception are met. Mr. Strauch suggested that an additional condition be included to provide the Planning Director basis to act upon when denying a permit.

Mr. Iwan referenced the September 19th BZA meeting transcript and commented on concerns from regimes regarding which side of the property an HVAC unit should be located so that it does not disturb neighbors. He asked if the impact on neighbors could be considered when approving the location of a setback exception, as well as, how the equipment would fit within the entire neighborhood.

Mr. Strauch suggested language that states all HVAC units and stands shall be screened from public view, as well as to minimize noise. The screening would be subject to the approval of the Planning Director.

Mr. Tedesco questioned who would protect the neighbors from noise impact. Mr. Pennick stated that language could be added requiring that the equipment be placed on the side with the least adverse noise impact to the adjacent neighbor. It was suggested that language be added to require screening and baffling of noise. It was also suggested that the setback exception apply to the entire Island, not just the current 3 areas of concern.

Following discussion, the Planning Staff agreed to revise the draft setback exception and to address the issue at the next Commission meeting.

C. Annual Comprehensive Plan Report Card Update

Mrs. Rucker presented the Annual Comprehensive Plan Report Card (see attached), and highlighted sections of each element as follows:

Population Element

- The 2010 Census Report indicated a population increase
- Actively monitoring deputy coverage on the Island
- New agreement with Charleston County Sheriff's Department requiring 24/7 deputy coverage
- Assessed rental versus permanent properties on Island – currently 1,275 rental units

Economic Development Element

- Little to no activity in this area
- Continues to refer to Development Agreement

Natural Resources Element

- Environmental Committee sponsored an Island-wide Invasive Plant Study
- Continuous wildlife research projects
 - Bobcat GPS research
 - Bird banding
 - Piping plover monitoring required by Beach Restoration Project
- Native Plant Demonstration Garden at Municipal Center

Cultural Element

- Recommended a kiosk in Town Hall lobby to display Kiawah historical facts
- Arts Council received \$75,000 funding for the current fiscal year events
 - Concert series will be held to benefit non-residents
- Considering an additional communications tool for the Town

Community Facilities Element

- Town working on ADA improvements to the Municipal Center
- Kiawah Island Utility Task Force appointed to study potential Kiawah Island Utility Acquisition
 - Public information meetings held
 - Successful referendum vote
 - Town made offer to purchase KIU
- Emergency preparedness
 - Annual Disaster Manual prepared
 - Kiawah Island Emergency Committee convened in July
 - Emergency Debris Monitoring contract renewed
 - 2 debris reduction sites secured
 - Continuous emergency training
 - Council members completed required training

Housing Element

- Continued support for affordable housing near Kiawah

- Town donated \$45,000 to Sea Island Habitat for Humanity to fund a home on Joeva Court
- Town volunteers participated in “Kiawah Build Day”

Transportation Element

- Collection of traffic count and roadway data
 - Re-engineering of current traffic counters
 - New road counters installed on Parkway
 - Staff working with Dr. Paul Roberts to evaluate roadway data
- Town Council contributed \$25,000 to KICA for a Road Consultant in support of the Sea Island Greenway
- Actively participating on the Charleston Area Transportation Study (CHATS) Board
- Attend Council of Governments monthly meetings
- Installed 3-way stop at intersection of Beachwalker Drive and the Parkway

Priority Investments

- Town established Capital Improvement Plan
- Seek bond rating for potential Water/Sewer Acquisition
 - Advertised for a Financial Advisor
- Fixed Asset Schedule for asset replace
 - Purchased new Town server
- Identification and rating of underground infrastructure for improved GIS capability
- Water/Sewer Utility Acquisition
- Beach erosion monitoring
- Conduct feasibility study to provide island-wide Wi-Fi and cellphone service

Mr. Trees questioned the Town’s fixed asset schedule which is reviewed during the annual audit. He commented that KICA has an extensive process for maintaining their fixed assets and suggested that the Town allow them to assist in this area. Mrs. Rucker explained that GASB 34 requires local governments to begin appreciating assets. She also stated that it would present a conflict of interest if another entity maintains and records the Town’s fixed assets.

The Commission reviewed the proposed 2012 Planning Commission meeting schedule and agreed to reschedule the January and September meeting dates to follow the Town Council meeting schedule.

Mr. Capelli motioned to approve the 2012 Planning Commission meeting schedule as amended. The motion was seconded by Mr. Tedesco, and carried unanimously.

VIII. Correspondence:

A. Staff Comments

Mr. Pennick commented on the meeting of the PGA AT&T Committee meeting. Mr. Peterson stated that 3 temporary sites are being considered to expand cellular service during the PGA Championship.

IX. Council Liaison Comments:

Mr. Burnaford stated that the Town has made an offer to purchase the Kiawah Island Utility Company and is awaiting acceptance.

X. Public Comments:

None

XI. Commissioner Comments:

Mr. Capelli commented on the Rental Regulations and stated that he will review some historical information regarding previous actions on this item by Council and the Planning Commission.

Mr. Strauch commented on the excellent Comprehensive Plan report by Mrs. Rucker.

XII. Adjournment:

Mr. Strauch motioned to adjourn the meeting at 4:34 pm. The motion was seconded by Mr. Tedesco and approved unanimously.

Submitted by,

Lakesha Y. Shannon, Town Clerk

Approved by,

Fred Peterson, Chairman

Date