

**Planning Commission Meeting  
August 4, 2010 at 3:00PM  
Kiawah Island Municipal Center**

**MINUTES**

- I. Call to Order: Mr. Peterson called the meeting to order at 3:00pm.**
- 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. Agenda Amendment:**  
**Mr. Peterson amended the agenda so that the New Business Item A, “Development Agreement Presentation” will take place directly after the roll call.**
- IV. Roll Call:**  
**Present:** Fred Peterson, Chair  
Andy Capelli, Vice Chair  
Ed Dittmeier  
Ron Tedesco
- Also Present:** William G. Wert, Mayor  
Tumiko Rucker, Town Administrator  
Catherine Wilson, Town Clerk
- Absent:** Larry Iwan  
John Strauch  
Pete Trees
- V. Development Agreement Presentation:**  
Mayor Wert gave the Committee a presentation on the proposed Development Agreement between the Town and the Kiawah Island Golf Resort. He explained that the Planning Commission must examine the Development Agreement and provide Town Council with a recommendation.
- A Development Agreement Subcommittee was formed with Mr. Peterson, Mr. Capelli and Mr. Tedesco volunteering to serve on the Committee.
- VI. Approval of Minutes:**  
**Mr. Dittmeier motioned to approve the minutes of June 2, 2010. Mr. Tedesco seconded the motion. The motion carried unanimously.**
- VII. Subdivision Requests:**  
None

## **VIII. Old Business:**

### **A. Comprehensive Plan**

Mr. Peterson explained that the Planning Commission is in the midst of the five-year update from the 2005 Comprehensive Plan. A Comprehensive Plan Subcommittee was formed and members include Mr. Trees and Mr. Dittmeier along with members of Town staff and Charleston County Planning staff. He stated that the Subcommittee met with entities throughout the Island before submitting the draft Plan to the Planning Commission. The Planning Commission has had a chance to review the draft Plan and submit written comments. Responses to those comments are presented to the Planning Commission for today's meeting. After review, the Subcommittee will incorporate the agreed upon suggestions into the draft Comprehensive Plan and make the plan available to the public during the August 18 and 23 scheduled Public Information Sessions.

Mr. Capelli questioned who will be responsible during the Public Information sessions. Mr. Peterson explained that members of Charleston County staff and the Subcommittee will be present to answer questions during the Public Information sessions. Mr. Capelli stated that the Planning Commission must review the edited document prior to taking responsibility for it.

Mr. Capelli also asked how the decision was made to go beyond the requirements of the law by completing a rewrite instead of a review. He explained that there are substantive changes to the document. He stated that procedurally, it is the role of the Planning Commission to direct their Subcommittees and staff and the Planning Commission did not direct a rewrite of the Plan. He explained that state law requires the Planning Commission to determine if and what changes should be made during a five-year review. He stated that he feels the Subcommittee has asked that the Planning Commission approve major changes that are not required and to go through with those changes although they are unidentified. Mr. Peterson stated that it was the intent of the Subcommittee to meet the requirements of the 2007 law. Mr. Capelli responded that he thinks the document fails to meet the law.

Mr. Capelli disagreed with the "Introduction" section edits and stated that the vision statement was clouded. He explained that the "Introduction" should be written as an executive summary.

The placement of "accomplishments" in the document was also questioned with Mr. Capelli stating that he would like to know: where they came from, why they are there and why they are necessary. He stated accomplishments are included in the foreword and additional placement is redundant. Mr.

Peterson stated that perhaps the accomplishments do not need to be repeated in each section.

Mr. Tedesco stated that there is too much information in a lot of the elements. He suggested that the document reflect the distinction of the gate as a boundary between the Town and KICA. He also expressed concerns with the document and the lack of explanation of federal emergency funds allowed use behind the gate. Mr. Tedesco will discuss his questions with a member of the Subcommittee.

Mr. Capelli stated that the Future Land use map should be edited to be consistent with the proposed development agreement.

After discussion, it was decided that based upon the absence of several members of the Planning Commission, it would be best if the document is revised by the Taskforce to reflect edits suggested by the Planning Commission. The Taskforce will also decide how best to present the edited document.

**IX. New Business:**  
Addressed above.

**X. Correspondence**  
None

**XI. Public Comment**

**A. Charlie Lipuma, 201 Horned Grebe Court**

Mr. Lipuma stated that the zoning map that is in effect is the zoning map that was current in 1994. There were updates in 2005 but a pending lawsuit, because of the changes not being published properly; the map reverted back to the 1994 map. He suggested that during the update, they review the work that was completed for the 2005 map update because a lot of good work was done. He requested that the R2 (DA) and R3 (DA) be shown on the zoning map but that the tables not be incorporated in the text, but just referenced as part of the Development Agreement.

Mr. Peterson stated that the Zoning Map was adopted February 3, 2009. The Town followed statutory guidelines required to adopt the zoning map. Mr. Lipuma stated that Willet Island is zoned as Park on the map and he recalls that parcel was one of the areas of debate during the lawsuit. He explained that when the Planning Commission reviews the proposed Development Agreement that they inspect the Zoning Map along with it.

**B. Wendy Kulick, 38 Marsh Edge Lane**

Mrs. Kulick asked if the Comprehensive Plan would be available to the public prior to the August 18th Public Information session. Mr. Peterson stated that

based on the Subcommittee's response to changes, the meeting on the 18<sup>th</sup> may not happen. She also asked if the Committee has any other date than December 31, 2010 as a deadline for completing the review. Mr. Peterson stated that the Planning Commission will continue working on the Plan trying to finish as fast as possible while insuring that it is a complete document that all can be satisfied with. She asked if there are any statutory constraints that would prevent the delay of the Public Information sessions. Mrs. Kulick stated that if extending the timeframe would be helpful, then she suggests slowing the process down for further review.

She asked for the Planning Commission to review a comparison between what current zoning requirements the Resort has to meet with the requirements of the proposed Development Agreement. She explained that at a Development Agreement Public Information session, Greg Vanderwerker asked the following question: Is the Planning Commission supposed to review the proposed Development Agreement and amend Town documents to comply or is the purpose of the Planning Commission review to point out that the Development Agreement does not correspond with the Comprehensive Plan? She stated that the question did not receive an answer but she thinks it is important for the Planning Commission to think about. She stated that throughout the years, the Planning Commission has made "catches that have saved the Town."

Concerning "Parcel 23" as discussed in last meeting's minutes, is the applicant both KDP and Dyal Compass? If so, has there been a joint developer application in the past? No commissioners were aware of any other instance of joint application.

## **XII. Commissioner Comment**

### **Mr. Capelli,**

Mr. Capelli discussed that when the Planning Commission reviewed the 2009 Zoning Map amendment, Willet Island had historically been zoned as park and it did not change in 2009. The current map must be changed to be consistent with the Development Agreement.

### **Mr. Dittmeier,**

Mr. Dittmeier thanked Charleston County Planning staff and Town staff for their ongoing work on the Comprehensive Plan.

Adjournment:

**Mr. Tedesco motioned to adjourn the meeting at 4:20pm. Mr. Capelli seconded the motion. The motion carried unanimously.**

**Submitted by,**

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**Catherine Wilson, Town Clerk**

**Approved by,**

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**Fred Peterson, Chairman**

**Date**

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