

**PLANNING COMMISSION MINUTES  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
AUGUST 3, 2011 3:00 P.M.**

- I. Call to Order: Mr. Peterson called the meeting to order at 3:00pm.**
- II. FOIA:** Notice of this meeting has been published and posed in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.
- III. Roll Call:**
- Present:** Fred Peterson, Chairman  
Andy Capelli  
Ron Tedesco  
Lauren Patch
- Absent:** Larry Iwan  
John Strauch  
Peter Trees

**Mr. Peterson motioned to amend the agenda to include a report on the R-2-O Overlay Zoning District under old business. The motion was seconded by Mr. Capelli, and carried.**

- IV. Approval of Minutes:**
- A. Mr. Patch motioned to approve the minutes of the July 12 2011 Planning Commission meeting. The motion was seconded by Mr. Tedesco. The minutes of July 12, 2011 were unanimously approved as amended.**
- V. Subdivision Request:**  
None
- VI. Old Business:**
- A. Report on R-2-O Overlay Zoning District – Al Burnaford, Town Council**  
Mr. Burnaford stated that Town Council unanimously approved the final draft of the R-2-O Residential Overlay Zoning District, and directed the Town Attorney to draft the language into an ordinance. A public hearing will be held on September 6<sup>th</sup> after which Town Council will vote on first reading. Mr. Capelli requested to know if there were any changes made to the draft since its approval by the Planning Commission. Mr. Pennick responded that no changes have been made.
- VII. New Business**
- A. Presentation: Preliminary Plat for Captain Sams – Mark Permar, Kiawah Development Partners**  
Mr. Permar presented an overview of the preliminary plat for Captain Sams. He stated that the preliminary plat will develop a sense of direction and serve as a model

for the conditional and final plats. Kiawah Development Partners is currently awaiting a decision from the Supreme Court to obtain a permit to stabilize the shoreline. He stated that KDP continues to investigate the area with field assessments and understanding of the site's opportunities and constraints, and noted that area is unique in many ways. He provided several visual highlights in the presentation (See the attached meeting presentation).

**B. #SBMA-11492-P**

**Lands of Kiawah Development Partners II, Inc. & Kiawah Resort Association, LP Preliminary Approval, Parcels 12A, 12B, and 13**

Mr. Pennick commented on the preliminary plat and stated there are some questions regarding the parking area for KICA. He stated that the Town Attorney has recommended that the Planning Commission require a proposed location of the KICA parking area as anticipated in section 15A-1 of the 2005 Development Agreement; however, the final location must comply with the requirements set forth in the 2005 Development Agreement. As a requirement of the final plat approval in accordance with Section 16F of the 2005 Development Agreement, the property owner shall convey a beach access path to KICA by Quit Claim Deed. Mr. Pennick stated that the Planning Commission would have to make a recommendation on whether the two proposed docks would be neighborhood or community docks.

Ray Pantlik, with Kiawah Development Partners, stated that they interpret the definition of community dock the same as OCRM, which states that a community dock is any dock that provides for four or more households. He proposed that the Town definition apply in this case. Mr. Pennick stated that three types of docks appear in the Key Locations ordinance which includes a commercial dock, community dock and neighborhood dock. He stated that the type of dock must be determined prior to approval of the final plat. Mr. Capelli requested to know if the title of the property would be transferred to KICA by Quit-Claim Deed once the dock type is determined. Mr. Pantlik stated that they are obligated to consider a community kayak dock for use by KICA. He stated that the current Key Locations Ordinance establishes the zones where the docks can be allowed, but does not distinguish which type of dock is required. He stated that the 2005 Development Agreement does not clarify the term community dock. He further stated that the first phase of the preliminary plat contains one community dock; however, there is still potential for an additional community dock site past the phase line.

Mr. Pennick asked if any consideration has been given to the Town Attorney's requirement regarding parking. Mr. Pantlik stated that the parking area would ultimately be achieved by the final plat. He questioned the implementation of the quit-claim deed based on the final location of the parking area.

Mr. Permar explained the proposed road sites for the initial phase and commented that the intent is to have roads that are made of pervious asphalt that would be stable enough to sustain constant neighborhood traffic. Mr. Permar also explained that there would be covenants for the home sites that would include a very critical mandate

regarding draining on individual lots. He stated that a lot of importance will be placed on vegetation as the roadway is considered. The right-of-way would be conveyed to KICA and an easement would have to be placed on top of property that is owned by third parties. He stated that the conveyances and easements could be codified after the completion of each phase.

Mr. Pantlik commented that he is concerned with the request to further define the parking area as the Development Agreement does not define a completion date for the parking spaces. Mr. Pantlik feels that the request is requiring them to deed an access path and parking to KICA that does not exist. He suggested that Phase 1 be completed without the parking spaces and if it is decided that the parking will be located further west, the parking area would be included in the final. Mr. Pantlik commented that he agrees with the intent; however, he feels that there is a conflict with the precise wording if the parking is built beyond the limits of the first phase.

**Following a lengthy discussion, Mr. Patch motioned to approve the preliminary plat as presented. The motion was seconded by Mr. Capelli.**

Mr. Pennick explained that the approval of the preliminary plat would allow the developer to move forward with the conditional plat. The Commission would have the opportunity to make sure all issues are resolved before approving the conditional and final plats.

**The Commission voted unanimously to approve the preliminary plat.**

**B. Ordinance 2011-05 to Amend Article 12 Section A-219 Dock Key Locations**

Mr. Burnaford stated that Town Council has directed the Planning Commission to review the Key Locations Ordinance as the two community docks are being considered. Council has suggested the following amendments to the Key Locations Ordinance in Ordinance 2011-05:

1. Parcel 12B as identified in the Development Agreement is hereby added to the Table of “Town of Kiawah Island Key Locations Floating Docks as follows:
  - a. Designation: 36;
  - b. Location: Captain Sams Spit;
  - c. “Auth. Shoreline (Lin. Ft.): 2165;
  - d. No.: 2;
  - e. Site/Use: Community Dock(s), Captain Sams Spit.
2. The Kiawah Island Key Locations Map of the Ordinance is hereby modified to show this new Key Location in accordance with Attached A

hereto, titled “An Exhibit to the Key Locations for subdivision 410, Parcels 12A, 12B and 13” dated 7-5-11.

Council suggests that Tables 2M and 2N be amended to make the definitions on each table compatible, and to provide better understanding when referring to the Key Locations Map. Council also suggests adding a definition section to the ordinance which would be listed before the tables.

Mr. Peterson stated that Mr. Trees provided comments regarding the preliminary plat application for Captain Sams and those comments will be forwarded to Mr. Permar.

Mr. Burnaford stated that the Third Amendment to the Development Agreement between the Town and KRA was provided to the Committee for information only.

**VIII. Correspondence:**

None

**IX. Public Comments:**

**Greg VanDerwerker, 510 Ruddy Turnstone Drive**

Dr. VanDerwerker commented on the preliminary plat and community docks as discussed by the Committee. Dr. VanDerwerker stated that he provided a letter to Town Council regarding some of the issues pertaining to the community docks. He stated that he was confused after viewing the initial plat because the Development Agreement states that the parking should be located at or near the western end of the road. Dr. VanDerwerker also commented that the Key Locations Ordinance refers to the docks as “community docks” as referenced in the Development Agreement which states that KDP has right to two community docks. He stated that there is no preamble or definition for community dock in the Development Agreement; however, it states that provisions of the Key Locations Ordinance (Town of Kiawah Island Ordinance 2003-05) shall apply to the Real Property. The ordinance refers to certain types of docks and states “It is the intent of this ordinance that construction of community docks, subdivision (neighborhood) docks, and joint use docks shared by adjacent lot owners be encouraged versus a single installation per lot.” He stated that the tables in the ordinance references community docks as docks owned by the Community Association and there is no reference to a neighborhood community docks as referenced in the preliminary plat. Dr. VanDerwerker commented that the information should be based on Ordinance 2003-05.

**X. Commissioner Comments:**

Mr. Capelli commented on the recent BZA decision that auxiliary buildings should be located at the rear of the property. Mr. Pennick commented that accessory structures are forbidden according to the Development Agreement; therefore the locations of accessory structures are determined by the Town ordinance. Mr. Capelli asked if the ordinance should be amended to be more specific based on the decision of the BZA Committee. Mr. Pennick explained that approval of the accessory structures could be granted by Special Exception by the Town.

Mr. Capelli stated that the comments made by Dr. VanDerwerker would have been helpful during the discussion if they were presented to the Committee prior to the meeting. Dr. VanDerwerker explained that he was instructed not to submit the comments directly to the Committee.

**XI. Adjournment:**

**Mr. Tedesco motioned to adjourn the meeting at 4:57 pm. The motion was seconded by Mr. Patch and carried unanimously.**

**Submitted by,**

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**Lakesha Y. Shannon, Town Clerk**

**Approved by,**

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**Fred Peterson, Chairman**

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**Date**