

**PLANNING COMMISSION MINUTES
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
NOVEMBER 2, 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
Peter Trees
Ron Tedesco
Lauren Patch

Absent: Andy Capelli
Larry Iwan
John Strauch
- IV. Approval of Minutes:**
A. Minutes of August 3, 2011
There was no action taken on this item.

B. Minutes of October 5, 2011
There was no action taken on this item.

Mr. Peterson requested to postpone approval of the meeting minutes for August 3rd and October 5th until next month, as Committee members who were quoted in those minutes are not present.

Mr. Patch motioned to table the approval of the minutes of August 3rd and October 5th. The motion was seconded by Mr. Tedesco and carried unanimously.
- V. Subdivision Request:**
None
- VI. Old Business:**
None
- VII. New Business**
A. #SBMA-3193-F
Lands of Cypress Point Kiawah, LLC Final Approval, Cypress Point, Parcel C
Lots 1 thru 23 with a HOA Amenity Lot

John Carullo, Charleston County Planning, commented that the infrastructure is complete for Cypress Point, Parcel C lots 1 thru 23 and a Letter of Credit will be returned once the final plat is recorded.

Mitch Laplante, architect and developer of Cypress Point, stated that 19 of the 23 available lots have been sold. He commented that he is impressed with the landscaping, and noted that the bare areas are due to the removal of tallow trees and invasive plants.

Mr. Peterson read comments submitted by Mr. Capelli regarding the final plat approval. In his comments, Mr. Capelli asked if there would be screening or landscaping along the golf course site, as it is not visible in the final plat. Mr. Laplante stated that 2,000 aquatic plants were planted on the ponds edge and additional landscaping will be added within the next three weeks. He stated that landscaping work is being completed by a combination of groups including the golf course maintenance workers and the Kiawah Island Natural Habitat Conservancy. He commented that the goal is to create a better post- development habitat for the area.

Referring to the plat, Mr. Trees questioned the reason for pointing out the three trees that are within 5 feet of the pavement. Mr. Carullo explained that the Town's Road Code requires that a reflector be placed in front of any tree that is within 5 feet of the pavement.

Mr. Trees motioned to approve the final plat. The motion was seconded by Mr. Patch, and carried unanimously.

B. Interpretation of Community Docks

Mr. Peterson stated that the Town's Attorney went to arbitration with the Developer's Attorney regarding the interpretation of community docks. The Town is awaiting a written report from the Mediator. He suggested that staff incorporate the changes into the tables in the Key Locations Ordinance and submit to the Planning Commission for review. Mr. Trees asked if it would be the responsibility of the Planning Commission to handle the changes in the Key Locations Ordinance tables. Mr. Peterson responded that staff would modify the tables and the Planning Commission would recommend approval to Town Council.

Mr. Patch commented that based on the preliminary report, the Arbitrator ruled in favor of the Developer's interpretation. He asked if the dock and parking would be conveyed to KICA with the understanding that it is for the use of the neighborhood. Mr. Peterson stated that the area would belong to the neighborhood; however, someone would have to be a responsible for the maintenance of the area.

C. HVAC Replacement

In regard to the issue of HVAC replacement in older homes, Mr. Peterson asked if this item referred to Inlet Cove and Night Heron Cottages. Mr. Burnaford explained that there are also older homes in other areas that need to be reviewed. Mr. Peterson

read a comment from Mr. Iwan which suggests that the Regimes be involved in the review process. Mr. Patch suggested that staff work with the ARB to make a recommendation to the Planning Commission. Mr. Peterson stated that it would be helpful to have drawings of Inlet Cove and Night Heron Cottages that show the buildings with the property lines and setbacks. Mr. Patch suggested that the Town allow the exceptions for HVAC replacement since the residents would have to move the HVAC units out to meet the current requirements. Mr. Trees agreed to speak with Ron Ritchie, BZA Chairman, regarding their previous rulings on this issue and follow up with Mr. Peterson prior to the next Committee meeting.

VIII. Correspondence:

A. Staff Member Comments

None

IX. Council Liaison Comments

Mr. Burnaford commented on the recent BZA case regarding the placement of an HVAC unit on the side yard setback. He explained that the issue specifically dealt with the replacement of an HVAC unit located underneath the home that had to be relocated to meet the current flood zone requirement. He stated that the rear yard setback allowed for the unit to be placed in the rear yard; however the cost of locating the unit in the rear yard was a factor in the decision of the BZA. He also stated that the ARB is dealing with issues of noise when HVAC units are replaced with chillers. He stated that more HVAC units will eventually have to be replaced to meet the new residential building codes and suggested that the Planning Commission make a recommendation to Council regarding the issue instead of having case by case BZA hearings.

Mr. Tedesco commented that each HVAC replacement would be unique based on the preferences of the individual homeowner; therefore, he feels that it would be difficult to develop guidelines to cover each unique situation.

Mr. Burnaford stated that both the BZA and ARB feel that this will be a continuous problem and he suggests that the Planning Commission review the issue and make a recommendation to Council.

Mr. Burnaford commented on the Town's ordinances regarding noise and lights, as well as the rental regulations. He stated that the rental regulations are not just for renters, but property owners are included in a lot of the issues covered. He stated that a rental regulations ordinance was written by previous Planning Commission members; however, it was never approved. Mr. Burnaford stated that he agreed to take on the task of completing the rental regulations ordinance after discussing the issue with Mayor Orban. He stated that he is working with a group from KICA that is also looking at the issue of lights and noise to ensure that both entities have the same guidelines so that they are enforceable. Mr. Burnaford stated that the ARB has asked the Town to review the noise issue and determine what can be done to measure it and place limitations. The Municipal Judge has deemed the current noise ordinance to be unenforceable.

X. Public Comments:

Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick commented in regards to the issue of HVAC replacement in Night Heron Cottages. She stated that this issue may also affect areas such as Greensward and Sparrow Pond, as well as single family homes on zero lot line and patio lots. She commented that the issue could conceivably affect a significant number of structures on the Island.

XI. Commissioner Comments:

Mr. Trees commented that the Committee has not received the progress report on the goals, actions and tasks in the Comprehensive Plan. He stated that he has contacted Mrs. Rucker regarding the status of the open tasks, and was advised that she has discussed the issue with Mr. Peterson and a report will be provided at the December Planning Commission meeting. Mr. Peterson stated that Mrs. Rucker has experienced difficulty obtaining input from Committee members regarding their specific tasks; however, she has agreed to provide the report next month. Mr. Trees commented that a lot of effort has gone into the Comprehensive Plan and he fears that it would just be placed on the shelf until the next 5 year review.

Mr. Patch commented that he recently completed the mandatory 6-hour Planning Commission training for first year Planning Commission members.

XII. Adjournment:

Mr. Tedesco motioned to adjourn the meeting at 3:26 pm. The motion was seconded by Mr. Trees, and carried unanimously.

Submitted by,

Lakesha Y. Shannon, Town Clerk

Approved by,

Fred Peterson, Chairman

Date