

**PLANNING COMMISSION MINUTES  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
OCTOBER 5, 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  
Larry Iwan  
Andy Capelli  
John Strauch  
Ron Tedesco  
Lauren Patch  
  
**Absent:** Peter Trees
- IV. Approval of Minutes:**  
**A. Minutes of August 3, 2011**  
Mr. Peterson stated that the minutes from the August 3, 2011 Planning Commission meeting are not complete and will be approved at the November 2, 2011 Planning Commission meeting.
- V. Subdivision Request:**  
None
- VI. Old Business:**  
**A. West Beach R-2 Overlay Status**  
Mr. Peterson stated that Town Council approved Ordinance 2011-06 R-2-O Residential Overlay Zoning District. Mr. Capelli commented that Town Council made changes to the Planning Commission recommendation prior to approval, and questioned whether the final version of the ordinance should have come back to the Planning Commission for review and final recommendation. Mr. Peterson explained that there was a modification to the recommendation which added a height definition that varies from the height definition in the ordinance. He stated that Council received legal opinion from the Town Attorney and voted in consensus to modify the height definition. The ordinance definition previously required the height of a gable roofed house to be the mid-point between the ridge and the eave. The modified definition requires the height to be at the peak of the roof. Mr. Peterson explained that the modified height definition applies to the R-2-O Overlay District only. Mr. Capelli commented that this was a substantive change and he feels it should have come back to the Commission for approval. Mr. Strauch commented that Council did receive

legal advice from their counsel. Mr. Capelli asked if the Commission knew for a fact that Council received a legal opinion. Mr. Peterson responded yes.

**B. Captain Sams (Cape Charles) OCRM Public Hearing**

Mr. Peterson stated that OCRM held a public hearing regarding the proposed community dock at Captain Sams (Cape Charles). He commented that there were vigorous opinions on both sides of which OCRM is taking into consideration.

**C. Captain Sams (Cape Charles) KICA Parking Area Letter**

Mr. Peterson stated that the Town received a letter from KICA advising that they are in agreement with the proposed location of the parking area at Captain Sams.

**VII. New Business**

**A. #SBMI-1190-F**

**Lands of Kiawah Resort Associates, LP Final Approval, Tract 51, Creating Lots 217 & Tract 51 Residual**

Mr. Peterson stated that the final plat approval contained a surveyor's error for Ocean Marsh Road. The plat showed an easement which was actually a walkway deeded to KICA for access to the Beach Club. He stated that subsequent drawings showed an easement rather than a conveyance; therefore, Lot 217 was created. The plat also made the lot appear to be residual land; however, it is an existing lot. The revised plat was signed by the Town Planning Director.

**B. #SBMA-11895-P**

**Lands of Kiawah Resort Associates, LP Preliminary Approval, Cougar Island, Phase 1&2**

John Carullo, Charleston County Planning, explained the preliminary plat for Cougar Island, Phase 1&2. Mr. Iwan questioned whether the applicant provided a letter from the water and sewer provider, as required, confirming that sufficient water and sewer would be available to the property. Mr. Carullo stated that a coordination letter has not been received as of yet. Ray Pantlik, with Kiawah Development Partners, stated that he thought a service availability letter was submitted with their files; however, he will check into the matter. Mr. Pennick recommended that the Commission approve the preliminary plat with the condition of receiving the letter.

Mr. Capelli questioned a note on the plat which references a community dock at Lot 111. He stated that the Town recently received a letter from OCRM stating that KRA applied for a community dock at the same location. Mr. Pantlik clarified that Kiawah Resort Associates, LP is the applicant and the owner of the property. He stated that the lot would be dedicated to a community dock and parking.

Mr. Pantlik thanked the staff for their review and cooperation with the application process. He commented that this is an unusual plat due to the road abandonment at Ocean Course Drive. He stated that no future construction or redevelopment will take place until after the 2012 PGA. Mr. Pantlik stated that KDP have identified about 9 lots for Phase I and an application for a conditional plat will be filed upon approval of

the preliminary plat. Mr. Peterson questioned the adjoining lot to Lot 111 which is referenced as Little Tarpon Creek. He stated that the area has always been called Bass Creek. Mr. Pantlik responded that the name of the lot has been debated as to whether it would be called Bass Creek or Cinder Creek. He stated that the name can be revised to Bass Creek in future applications. Mr. Pantlik stated that the conditional plat will include the redevelopment of Ocean Course Drive. He stated that the road is owned by KICA, and a letter and copy of the deed has been provided to them setting forth reservation to make the change. Mr. Pantlik stated that the circular turnaround on Ocean Course Drive would become a new right-of-way property deeded to KICA. He stated that there would be no disturbance to the bus turnaround and parking area. Mr. Capelli questioned whether the individual street names are in a public domain or if royalty has to be provided for the use of the names. Mr. Pantlik responded that he is unsure of the answer; however, some street name revisions will be considered in the conditional plat.

Mr. Pantlik stated that the approval of a conditional plat would allow them rights to advertise the property for sale and obtain HUD approval. They could also convey lots, but the deed cannot be recorded until final plat approval.

Mr. Capelli asked if Lots 103-110 are platted. Mr. Pantlik explained that most of the lots are already subdivided with the exception of 101A and 101B. He stated that Lot 101 currently exists as a single lot; however, they are proposing that the lot be subdivided into A and B, subject to providing water and sewer services to each individual lot. Mr. Pantlik stated that Lot 102 is already platted, but its access will be changed from Ocean Course Drive to Boros Avenue. There will be a shared access easement for Lots 101 B and 102.

Mr. Peterson stated that he attended the preliminary meeting that Mr. Pantlik had with the County staff and he is concerned with the connection to the new Ocean Course Drive and the entrance to the Ocean Course. He requested to see more definition in the intersection area in the conditional plat. Mr. Peterson commented that too many roads could be confusing.

Mr. Peterson asked what is being considered for the maintenance utility site. Mr. Pantlik stated that the site would contain a water pressure tank for ground level storage and boosting the pump. He stated that the utility is contemplating another pipeline via Johns Island. Mr. Iwan stated that he heard a comment from one of the Fire Commissioners regarding the proposal of a bigger water main in that area to provide adequate water pressure for the development.

Mr. Pennick suggested that more detail of the cul-de-sac be provided in the conditional plat for better understanding.

Mr. Pantlik provided an illustration which showed that there is adequate greenspace for the required two acre park for KICA. He anticipates that the parking area will be located to the east of Ocean Course Drive.

**After much discussion, Mr. Iwan motioned to approve the preliminary plat with the conditions of a letter from KIU confirming adequate supply and disposal of water and sewer, and that the applicant will provide a more detailed view of the entrance to the Ocean Course. The motion was seconded by Mr. Strauch, and passed unanimously.**

#### **VIII. Correspondence:**

There were no correspondences for discussion. Mr. Peterson stated that it was suggested that this agenda item be used to comment on any legal matters pertaining to the work of the Commission. He commented on the Governor's proclamation for legislation to extend plat approvals. Mr. Pennick also suggested that staff comments be included in this section. The Commission agreed to add a section to the agenda to receive an update from Al Burnaford, the Planning Commission's liaison to Council.

Mr. Burnaford stated that Council voted to forward some additional tasks to the Planning Commission. The Mayor will provide a letter directing the Commission to review 3 areas which include:

- 1.) Update and enforcement of the current rental regulations
- 2.) Enforcement of the noise ordinance
- 3.) Current building code for HVAC unit replacement

In regard to the building code for HVAC unit replacement, Mr. Burnaford commented that the situation is similar to Parcel 23. He stated that the HVAC units are located underneath the house in many of the older areas and they have to be moved out and raised to code when replaced. Many of these homes do not have large side yard setbacks and it is difficult to find a location for the units. Council would like the Planning Commission to review the current ordinance and determine if this issue can be handled without going to the BZA on an individual basis for each case. Mr. Burnaford requested that the Commission include the ARB in the review.

Mr. Burnaford stated that it is hard to enforce the current noise ordinance without the use of a decibel meter. Council would like the Commission to review ways to amend the ordinance so that it is more enforceable. He stated that the noise ordinance was deemed unenforceable by the Town's Municipal Judge.

Mr. Burnaford commented on the rental regulations and stated that rental companies are not reinforcing the rental agreement with regard to noise issues. The rental companies are allowing more people into the rental homes than allowed in the agreement. They are also allowing more rooms to be added to a house than allowed on the permit. He stated that it is difficult to enforce the rental agreement if it is not being enforced by the rental companies. He asked that the Commission review the rental agreement and add language that allows the Town to enforce it with the rental companies and other parties.

Mr. Capelli asked if there are any issues with exterior lights being on in homes 24 hours a day. Mr. Burnaford stated that he is not aware of any issues.

**IX. Public Comments:**

**Marilyn Olson, 4985 Green Dolphin Way**

Mrs. Olson asked that the Commission to consider commercial generators and chillers when reviewing the noise ordinance. She stated that the ARB is being challenged by residential applications that include commercial type equipment. Mrs. Olson stated that Amanda Mole, with the ARB, is very well versed on the issue of baffling noise from commercial chillers and generators and would be willing to assist the Town in that aspect. She stated that chillers are being used to replace HVAC units in larger homes and the noise has become a quality of life issue.

In regards to the lighting issue, Mrs. Olson stated that the Regime Executive Council has appointed the Renters Task Force, to work on issues including lighting. She stated that there is a rental company who has a checklist item which verifies that exterior lights are off. Mrs. Olson noted that the ARB has transferred lighting purview to KICA, and advised that KICA Security be contacted with any issues. She commented that many people forget to turn their lights off or they leave them on timers. Mrs. Olson stated that she was unaware of a Town ordinance that forbids exterior lights to be on during certain hours. She commented that this issue is a disruption to one's quality of life.

**Wendy Kulick, 38 Marsh Edge Lane**

Mrs. Kulick commented that it would helpful to the audience members if copies of the plats are posted as they are being discussed by the Commission.

**X. Commissioner Comments:**

Mr. Tedesco noted that he is a member of the Utility Task Force. He provided copies of the utility acquisition schedule which provides a detailed list of events occurring during the process. He stated that copies will also be available at the upcoming public information meeting which will be held on October 5<sup>th</sup> at 7:00 pm.

Mr. Capelli thanked Wendy Kulick for the email correspondence to the Commission members regarding the comments made last month by Greg VanDerwerker with respect to the definition of community docks and the parking at Captain Sams.

Mr. Peterson commented that some Commission members received Planning/Zoning Officials training from the Town planning staff prior to the meeting. Mr. Peterson also agreed with Mrs. Kulick's comment regarding posting plats for review by the audience as they are discussed by the Commission.

**XI. Adjournment:**

**Mr. Patch motioned to adjourn the meeting at 3:54 pm. The motion was seconded by Mr. Tedesco and carried unanimously.**

**Submitted by,**

---

**Lakesha Y. Shannon, Town Clerk**

**Approved by,**

---

**Fred Peterson, Chairman**

---

**Date**