

**Planning Commission
November 5, 2008; 3:00PM
Kiawah Island Municipal Center
Council Chambers**

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 South Carolina Freedom of Information Act and the requirements of the Town of Kiawah Island.

III. Roll Call:

Present: Fred Peterson
Joyce Neuman
Peter Trees
Ron Tedesco
Wayne Juchatz
Larry Iwan

Also Present: Joel Evans, Charleston County
Jennifer Werking, Charleston County
Cathy Wilson, Town Clerk
Tumiko Rucker, Town Administrator
Alan Burnaford, Town Council Liaison

Absent: Andy Capelli
Dennis Rhoad, Town Attorney

IV. Approval of Minutes:

A. Minutes of October 8, 2008

Mr. Juchatz motioned to approve the minutes of October 8, 2008. Mr. Tedesco seconded the motion. Mr. Juchatz deleted the word “information” and inserted the word “advice” on page 3. With those changes, the motion carried unanimously.

V. New Business:

A. Kiawah Island Zoning Map

Mr. Joel Evans, Charleston County Planning Staff, explained that the Town's current zoning map is the 1994 map and that an updated map had not been approved with current zoning changes due to a legal issue. Mr. Evans stated that planning staff will attempt to have an updated map presented to the Planning Commission within the next two months. Mr. Evans explained that planning staff met with Mr. Charlie Lipuma, former Planning Commission Chair and Mr. Mark Permar, KDP representative, in order to work on the map updates and to ensure that plats are properly depicted. Mr. Evans stated that there are approximately five additional lot lines that need correcting and that after changes are made, he would like to meet with KIGR and KDP for their agreement before submitting a final map to the Planning Commission. Mr. Iwan asked if the current zoning regulations are depicted in the map. Mr. Evans stated that there are some incongruities and that the map update is necessary in order to place "in geography what the ordinance language states."

Mr. Charles Lipuma explained that in 2005 when a new development agreement was negotiated with KRA, the Town also updated Article 12 and the Comprehensive Plan. Mr. Lipuma stated that these updates made several changes to the original 1994 zoning map. These changes affected parcels that were owned by KIGR. After the changes were approved by Town Council, the Resort approached the Town and explained that during the approval process, they were not made aware of the changes to their parcels and were suing the Town for failure to properly notice them specifically. The Town agreed to revert to the 1994 zoning map rather than take the issue to court. Mr. Lipuma stated that it is very important for the Planning Commission to notify any affected property owners before they pass changes to the zoning map. Mr. Lipuma also stated that the Planning Commission is free to make changes to parcels that were under the development agreement which expired January 1, 2008.

Mr. William Wert explained that in 2005 the Town went through zoning updates and changes but failed to publicly notice KIGR in a timely manner before passing the zoning changes. Due to the fact that KIGR's property was directly related to the changes passed, KIGR sued the Town based upon its failure to properly allow for public input during the ordinance change process. Mr. Wert explained that both parties agreed to no change in zoning until the negotiations were completed for another development agreement. Mr. Wert stated that at this time the negotiations have ended and that the Planning Commission has the right to rezone parcels owned by KIGR. Mr. Wert urged Planning Staff to act with due haste.

Mr. Juchatz stated that the map is an integral part of the zoning ordinance. Mr. Juchatz also asked for the Planning Staff to present a complete list of parcels that will be affected by the zoning change to the Planning Commission. He also suggested that planning staff meet informally with KDP and KIGR staff in order to work through the mapping issues.

Mr. Lipuma stated that erring on the side of caution, he recommends that the Planning Commission meet with affected property owners before proceeding with a public hearing. Mr. Evans stated the Planning Staff would like to have an informal meeting with the major stakeholders before the public hearing. He also explained that there are some simple mapping errors caused by the digital conversion that need to be corrected.

Mr. Trees stated that it bothers him to involve KDP in the approval process. Mr. Evans explained that staff simply wants to address any issues up front rather than wait until the map is approved and face challenges. Mr. Lipuma explained that the landowners may not like what the Planning Commission proposes, but their approval is not necessary for approval.

Mr. Peterson stated that Planning Staff would be discussing the changes with the property owners; not asking for their approval. He also asked that Planning Staff present a list of affected properties to the Commission as soon as possible.

Mrs. Neuman asked for an estimate number of affected properties. Mr. Evans stated that it was approximately six rezoning and a few additional “digital mapping conversion” issues.

VI. Subdivision Request:

None

VII. Old Business:

None

VIII. Correspondence:

None

IX. Public Comment:

None

X. Commissioner Comments:

Mr. Iwan asked if the singular plat extension has been addressed by Town Council at this time. Mr. Wert stated that there are some questions as to the legitimacy of the Planning Commission’s recommendation to Town Council due to its timing with the Public Hearing.

Mr. Trees had no comment.

Mrs. Neuman stated that she really appreciated the individuals attending the meeting in order to update the Planning Commission on the history of the zoning map. Mrs. Neuman asked if the proposed purchase of Lot #23 by KICA will be affected by the map change. Mr. Wert stated that if KICA wishes to change the zoning on the lot, they will have to submit to the Planning Commission and follow Town procedures.

Mr. Juchatz thanked Mrs. Werking and Mr. Evans for administering the planning education training. Mr. Juchatz asked how the amendment change recommendation procedure is being questioned again. Mr. Juchatz asked how it was forwarded to Town Council without Town Attorney approval.

Mr. Tedesco asked if Lot#23 is not purchased by KICA, and is sold to another buyer, will it be sold as zoned R-2. Mr. Tedesco stated that if another contractor buys the lot, they could build townhomes under the R-2 zoning. Mr. Lipuma stated that the zoning on this lot can not be changed because it was agreed to in the Development Agreement with KDP.

Mr. Peterson stated that he also appreciated Mrs. Werking's and Mr. Evan's help with training.

XI. Adjournment:

Mr. Juchatz motioned to adjourn the meeting at 3:39 p.m. Mr. Trees seconded the motion. Motion carried unanimously.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved:

Fred M. Peterson, Chair

Date: _____

CC: Planning Commission
Daniel Pennick, Charleston County Planning
Dennis Rhoad, Town Attorney
Mr. and Town Council
Tumiko Rucker, Town Administrator
Joe Bunting, KICA
Amanda Mole, ARB

