

**Planning Commission
August 6, 2008; 3:00PM
Kiawah Island Municipal Center
Council Chambers**

MINUTES

I. Call to Order:

Mr. Colvin called the meeting to order at 2:58PM.

II. FOIA: Notice of this meeting has been published, posted, and faxed in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

III. Roll Call:

Present: Joe Colvin, Chair
Fred Peterson
Joyce Neuman
Peter Trees
Ron Tedesco
Andy Capelli

Also Present: Frank Toland, Charleston County Planning
Joel Evans, Charleston County Planning
Cathy Wilson, Town Clerk

Absent: Wayne Juchatz

IV. Mr. Colvin motioned without objection to add “Preliminary Plat Extension Request” to Item “A”, Old Business.

V. Approval of Minutes:

A. Minutes of June 4, 2008

Mr. Capelli motioned to approve the minutes of June 4, 2008. Mr. Trees seconded the motion. The motion carried unanimously.

VI. Subdivision Request: Major Subdivision

A. #21209-C Lands of Kiawah Land Development, LLC Page 1
conditional APPROVAL, The Settlement Phase VII,
(Lots 111, 113, 115, 117, 119, 121, 123, 125 thru 133)

Mr. Toland presented the request for conditional Approval. The applicant has posted irrevocable letters of credit that will expire November 2, 2009. Mr. Toland stated that Planning and Engineering have reviewed the request for conditional approval and Charleston County Planning Staff recommends conditional approval.

Mr. Colvin asked if highland would be graded to marsh on lot 125. Mr. Toland stated that the Army Corp of Engineers or OCRM most likely mandated that the lot be graded to marshland to mitigate any wetlands taken.

Mr. Peterson stated that the proposed intersection with Kiawah Island Parkway does not meet the Town's Road Code requirement of 90° Angles. Mr. Toland stated that he will have engineering staff review the intersection again in light of Mr. Peterson's concern. Mr. Peterson also stated that the plat does not clearly depict the area for buffering along Governors Drive and asked if the area marked ROW was all paved. Mr. Toland stated that most likely the area marked ROW is not all paved. Mr. Colvin stated that before the Planning Commission could vote on conditional approval, that Mr. Peterson's concerns on the intersection layout and the amount of land for buffer between the curvature between Back Nine Lane and Governors Drive should be addressed by Staff.

Mr. Capelli stated that when this plat originally first came before the Planning Commission, ARB staff stated that the area was sufficient space for a natural vegetative buffer in the areas along Back Nine Lane and Governors Drive.

Mr. Colvin motioned to table the conditional Approval request to allow Staff to revisit the intersection design for compliance with the Kiawah Island Road Code and to redraw the plat to clearly depict the amount of land that will be available for a buffer along Back Nine Lane and Governors Drive. Mr. Capelli seconded the motion. Mr. Josh Dunn stated that he represented KDP as a Landscape Architect and did not have any comment for the Commission. The motion carried unanimously.

VI. Old Business:

A. Preliminary Plat Extension

Mr. Toland presented the Commission with draft language for a revision to Article 12C-204, Preliminary Plat-Procedural Requirements. Mr. Toland stated that Mr. Dennis Rhoad had reviewed the language and stated that the Planning Commission may recommend the amendment to Town Council.

Mr. Colvin stated that the last time this issue was brought up, the Planning Commission had concerns on what is considered "timely filing" and how many six month extensions can be granted. Mr. Colvin stated that the revision is intended to address both of those issues.

Staff's revision to Article 12C-204 clarify those concerns; allowing for *one* six month extension that must be submitted to the Planning Director *at a minimum of two months prior to the expiration date of the preliminary plat.*

Mr. Peterson stated that he agrees with the word “singular” being added to specify that only one six month extension may be granted.

Mr. Trees asked why a developer should not be able to apply for multiple extension requests. Mr. Peterson stated that it is his opinion that the Town is already granting additional years to proceed with development from the time of approval and that if no development has proceeded within 3 ½ years, then the Planning Commission should be able to require a developer to resubmit and start from the beginning. Mr. Colvin stated that there is also an expectation that development will proceed in a timely fashion and that the Planning Commission wishes to encourage development and not allow unfinished projects to linger.

Mr. Colvin suggested the words “provided this request is received by the Planning Director fifteen (15) calendar days prior to a scheduled meeting of the Planning Commission” be removed from the draft Article 12C-204 revision.

Mr. Toland stated that a preliminary plat is effective for three years and that during that time a developer may apply for a conditional plat which is effective for two additional years. Mr. Toland suggested that five years is an adequate amount of time for the development to reach final approval.

Mr. Capelli motioned to recommend the Article 12C-204 amendment, with the suggested edits, to the Town Attorney for review, then to forward to Town Council to begin the approval process. Mr. Peterson seconded the motion. Motion carried unanimously.

VII. New Business:

A. Subcommittee to Review Bulkheading and Retements Regulations and Processes

Mr. Colvin stated that an application has been submitted to build a ½ mile revetment along the Kiawah River running from Mingo Point towards Captain Sam's Inlet. Mr. Colvin stated that there is a lack of clarity in what an applicant should do to gain approval for revetment or bulkeading. Due to that lack of clarity, Mr. Colvin appointed Mr. Peterson, Mrs. Neuman and Wayne Juchatz to a Subcommittee that will review all bulkheading and revetment applications and make recommendations to the Planning Commission based on their findings. Mr. Colvin asked that Joel Evans also be involved with the subcommittee.

VIII. Correspondence: None

IX. Public Comment:

Mayor Wert, suggested that copies of the revised Article 12C-204 be distributed to any party seeking preliminary plat approval along with distributing it to all entities on the Island that may be affected in the future. Specifically, Mayor Wert recommended that KIGR and KRA be personally sent a copy to ensure proper notification.

X. Commissioner Comments:

Mr. Trees

No comment.

Mr. Colvin

No comment.

Mr. Peterson

No comment.

Mrs. Neuman

No comment.

Mr. Capelli

No comment.

Mr. Tedesco

No comment.

XI. Adjournment:

Mr. Trees motioned to adjourn the meeting at 3:20 p.m. Mr. Peterson seconded the motion. Motion carried unanimously.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved:

Joe Colvin, Chair

Date: _____

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