

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

MINUTES

I. Call to Order:

Mr. Colvin called the meeting to order at 3:00PM.

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
Wayne Juchatz
Joyce Neuman
Fred Peterson
Ron Tedesco
Andy Capelli

Absent: Jo Anne Makely

Also Present: Joel Evans, Charleston County Planning
Cathy Wilson, Town Clerk
Tumiko Rucker, Town Administrator

IV. Approval of Minutes:

A. Minutes of January 9, 2008

Mr. Tedesco struck the word “locations” and added the word “ identifications” under item A, Old Business. Mr. Juchatz struck “Mrs.” under Item B, New Business and struck “Royal’s” from Item C, New Business. Mr. Capelli moved to approve the minutes of December 12, 2007 with those changes. Mr. Juchatz seconded the motion. Motion carried unanimously.

V. Election of officers for the Planning Commission

Mr. Colvin stated that Mrs. Makely will be moving to Seabrook Island after next month’s Planning Commission meeting. Mr. Colvin recommended that the election of officers be postponed until that meeting in order to ensure proper procedures have been followed.

Mr. Juchatz moved to defer the election of officers until the February meeting. Mr. Peterson stated that the Planning Commission's Rules of Procedure required officer election to take place during the February meeting. Mr. Juchatz withdrew his motion.

Mr. Peterson moved to elect Mrs. Makely as the Planning Commission chairman and Mr. Colvin as Planning Commission vice-chairman. Mr. Juchatz moved to amend the motion in order to appoint Mr. Colvin as chairman and Mrs. Makely as vice-chairman. Mr. Juchatz motion was seconded by Mr. Capelli. Mr. Colvin abstained from the vote; motion carried unanimously.

VI. Subdivision Request: Major Subdivision

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|----|----------|--|--------|
| 1. | #21198-P | Lands of Kiawah Land Development, LLC
Preliminary APPROVAL, The Settlement Phase VI
Lots 95 thru 97, 99, 101, 103, 105, 107, & 108 | Page 1 |
|----|----------|--|--------|

Mr. Evans presented the subdivision request on behalf of Charleston County Planning. Mr. Evans stated that the subdivision listed above is in the preliminary plat process. Mr. Evans stated that the opinion of Charleston County Planning staff is that the subdivision request meets all of the subdivision requirements for Kiawah Island. Mr. Evans also noted, for the Commission's information, that several of the lots are showing an easement for shared docks and these docks meet the Key Location Requirements of Kiawah Island. Mr. Evans said that the docks are still subject to approval from OCRM and officially meeting the Key Locations requirement of 1000 linear feet. Mr. Evans stated that they are allotted 1000 linear feet for the dock construction. Mr. Evans also stated that they can divide the 1000 linear feet between the four shared docks. Mr. Tedesco asked if the Key Locations Ordinance permitted 1000 linear feet. Mr. Peterson stated that it allows for 1050 linear feet.

Mr. Juchatz asked if the Planning Commission had given instructions for the numbering of the lots in order to comply with Charleston County's numbering ordinance. Mr. Tedesco stated that this subdivision did not fall under that requirement because it has been in various stages of development prior to this point and the numbering requirement is future major development only.

Mr. Capelli moved to approve the subdivision requests of lots 95 thru, 97, 99, 101, 103, 105, 107, & 108. Mr. Juchatz seconded the motion. Motion carried unanimously.

VII. Old Business:

A. Update of Bulkhead Request: 68 Otter Island

Mr. Colvin asked if there had been an update on the bulkhead request at 68 Otter Island since last meeting. Mr. Evans stated that the County has not received any submitted information. Mr. Evans stated that he had spoken with the engineer via telephone and that the engineer stated he would be getting information from OCRM in order to submit said information to the County. Mr. Evans stated that as soon as he receives the pertinent information from the engineer, he will call the Commission Chair in order to arrange a meeting to discuss the submitted information before it is presented to the Planning Commission again.

B. Rules of Procedure

Mr. Colvin presented the Rules of Procedure for discussion and changes. Mr. Capelli discussed his concern that the Planning Commission schedule could not be adopted in December because Town Council would not have their yearly schedule approved prior to the Planning Commission meeting. Mrs. Rucker stated that Town Council will approve their schedule at the December. Mr. Capelli stated that December would be fine because the Planning Meeting is after the Town Council meeting in December. Mr. Juchatz presented typographical changes to the secretary for correction. Mr. Capelli asked if the Town had conference phone capability for public meetings so that it would be easier to have quorums. Mrs. Rucker stated that the Town does have the capability of conference calls, but that a Public Meeting does not allow for a person to “vote” or be “present” via conference phone. This is not consistent with Freedom of Information Act rules for public meetings. Mr. Colvin stated that if the FOIA rules and Robert’s Rules of Order change, then the Planning Commission would follow by making those changes at that time.

Mr. Juchatz motioned to approve the Rules of Procedure with the changes discussed above and with the typographical corrections. Mr. Capelli seconded the motion. Motion carried unanimously.

VII. New Business:

A. Interpretation of Article 12 Section 303 (2) (E)

Mr. Capelli stated that it was his opinion the ARB and county planning personnel have misinterpreted the intent of the language in Article 12A-303 (2) (E) resulting in larger structures on small lots. Mr. Capelli stated that he felt that the last phrase of the last sentence of subparagraph (E); “The breezeway shall be part of an accessory dwelling unit” has been misinterpreted. Mr. Capelli stated that he would like clarification on the definitions of “attached” and “detached” and a more clear interpretation of detached accessory dwellings. Mr. Peterson stated that he felt Section (2) (A) clearly prohibited accessory building on lots smaller than 15,000 square feet. Mr. Capelli stated that the

interpretation of Section (2) (E) has led to detached building units being accepted as attached building units because of the way they are connected. Mr. Evan's stated that Charleston County applies the same interpretation to Kiawah's Ordinance as they do throughout the County. Mr. Evans explained the County's interpretation stating that, "if there is a roof connection, then the building is considered one building, because once you start going down the road of trying to figure out if something is detached or attached, then it becomes an architectural splitting of hairs." Mr. Capelli stated that he did not believe the County's interpretation was consistent with the intent of Kiawah's Ordinance. Mr. Evans agreed that this section is not written very clearly. Mr. Colvin stated that regardless of whether a building is considered attached or detached, the lot coverage requirements would stay the same. Mr. Evans agreed that lot coverage requirements would not change based on interpretation. Mr. Evans recommended that the ARB, the Planning Board, and the County Staff take part in the drafting of a resolution to the ordinance. Mr. Juchatz asked Mr. Evans to meet with the ARB staff in order to gather information to present to the Planning Commission.

IX. Correspondence: None

X. Public Comment: None

XI. Commissioner Comments:

Mr. Juchatz had no comment.

Mrs. Neuman had no comment.

Mr. Peterson had no comment.

Mrs. Colvin had no comment.

Mr. Tedesco had no comment.

Mr. Capelli had no comment.

XII. Adjournment:

Mr. Tedesco motioned to adjourn the meeting at 3:49 p.m. Mr. Juchatz 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