

**Planning Commission
January 6, 2010; 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 Freedom of Information Act and the requirements of the Town of Kiawah Island.
- III. Roll Call:**
Present: Fred Peterson, Chair
Ron Tedesco
Ed Dittmeier
Peter Trees
Larry Iwan
John Strauch

Absent: Andy Capelli, Vice Chair

Also Present: Cathy Wilson, Town Clerk
Alan Burnaford, Town Council
- IV. Approval of Minutes:**
Mr. Dittmeier motioned to approve the minutes of December 2, 2009. Mr. Strauch seconded the motion. Mr. Dittmeier changed the spelling of “site” to “cite” and stated that “Cougar Island” should be “Cougar Point” on page one. Mr. Peterson stated that he used the word “lenient” on page three. With those changed the minutes were approved unanimously.
- V. Subdivision Request:**

None
- VI. Old Business:**
A. Fence Subcommittee Recommendation-Amendments to Article 12A-303-5C

Mr. Iwan stated that the Subcommittee had a meeting, as instructed by the Planning Commission, to further discuss recommended amendments to Article 12A-303-5C. Two members of the Architectural Review Board (ARB) and various members of the Planning Commission were present. Planning Staff

members were not in attendance but provided written opinions. As a result of that meeting, the Subcommittee developed the following recommendations to present to the Planning Commission:

Chapter 12 D Definitions

Existing:

Fence (or Wall): A structural device erected to serve as an architectural element, landscaping element, visual screen or physical barrier.

Recommended:

Fence (or Wall): An upright barrier or structure, including any gate which is part thereof, comprised of any material, including without limitation, hedgerow or other plant material, which serves to enclose, divide, protect, confine, screen, or mark the boundary of an area or structure or any portion thereof, or, in the case of a wall, also to support.

Chapter 12A-303-C

Existing:

Fences shall be limited to landscaped hedgerows of dense plant material and/or wooden, masonry or wrought iron material which is architecturally integrated with development of the lot or parcel. Fences shall not exceed five (5) feet in height from grade for residential development. Solid wood fences shall not be permitted in front yards. Fences (excluding the use of plant materials) shall not be permitted within five (5) feet of a side or rear property line. Fences taller than three (3) feet from pavement shall not be located within a sight triangle. Fence height and setback restrictions shall not apply to the patio wall of patio homes.

Recommended:

Fences shall be limited to landscaped hedgerows of dense plant material and/or wooden, masonry or wrought iron material, all of which are required to be architecturally integrated with development of the lot or parcel. Fences shall not exceed five (5) feet in height from grade for residential development, provided, however, that this five (5) feet height restriction shall not apply to the hedgerow portion of any fence or to a fence consisting completely of a hedgerow. This five (5) feet height restriction shall apply to any gate or gates in any fence of any kind. Solid wood fences shall not be permitted in front yards. Fences (excluding the use of plant material) shall not be permitted within five (5) feet of a side or rear property line. Fences taller than three (3) feet from pavement shall not be located within a sight triangle. Fence heights and setback restrictions shall not apply to the patio wall of patio homes. In measuring the height of a fence to determine whether it complies with the height restrictions, the measurement shall be made to the uppermost portion of the fence, and, if there is anything affixed to or regularly placed or resting thereon, including, without limitation, decorative or ornamental elements or features, all of which shall be considered a part of the fence for the

purposes of this ordinance, then the height measurement shall be to the top of any such thing, element or feature.

Mr. Iwan motioned to forward the above recommendations to Town Council for approval. Mr. Strauch seconded the motion.

Mr. Burnaford asked if the language had been sent to Dennis Rhoad, Town Attorney, for review. Mr. Peterson responded that the language has not been sent at this point but will prior to being forwarded to Town Council.

Mr. Peterson stated that the Subcommittee did a great job and in an open and transparent fashion. Mr. Strauch stated that the input of the entire Committee and the ARB was very beneficial.

Mr. Iwan stated that Mrs. Mole, ARB, was present at the Subcommittee meeting and informed that the ARB aligns their regulations with the Town's Municipal Code.

Mr. Dittmeier asked if the Subcommittee had thoughtfully considered Mr. Capelli's concerns as expressed during the December meeting. Mr. Iwan stated that Mr. Capelli was concerned that by having "hedgerow" in the definition it could be in conflict with other parts of the Ordinance. Mr. Iwan stated that the Subcommittee had Mr. Joel Evans, Charleston County Staff, review the Ordinances and Mr. Evans had a concern with removing the word "hedgerow." Mr. Strauch stated that the Subcommittee was worried about the unintended consequences of removing "hedgerow" and possibly changing the statute in ways that the Subcommittee was not charged with dealing with.

After discussion, Mr. Peterson called for a vote. The motion carried unanimously.

VII. New Business:

None

VIII. Correspondence

A. County Notification of Plats

Mr. Peterson stated that Town Hall just received copies of the following plats:

1. Cougar Point, Exempt Plat
2. Tract 23, Final Subdivision Plat
3. Ocean Course Drive, Exempt Plat

All Plats are available for viewing at Town Hall.

Mr. Iwan asked if Parcel 23 had only three lots. Mr. Peterson stated that Parcel 23 was subdivided in the fall of 2009 by the Planning Commission into three lots. No other action has been taken on Parcel 23 since that subdivision.

B. DHEC Notice

Mr. Peterson stated that DHEC sent notice of the denial of Kiawah Development Partner's (KDP) application to construct a driven sheet-pile wall on Captain Sam's Inlet. Mr. Peterson stated that he believes that KDP has appealed the denial.

IX. Public Comment:

None

X. Commissioner Comments:

Mr. Peterson

Mr. Peterson stated that next month's meeting is the Planning Commission's organizational meeting where they will review the Rules of Procedure and select a Chair and Vice-Chair for 2010.

XI. Adjournment:

Mr. Strauch motioned to adjourn the meeting at 3:19pm. Mr. Iwan seconded the motion. The motion carried unanimously.

Submitted by,

Catherine Wilson, Town Clerk

Approved by,

Fred Peterson, Chairman

Date