

**Planning Commission
July 8, 2009; 3:00PM
Kiawah Island Municipal Center
Council Chambers**

MINUTES

I. Call to Order:

Mr. Capelli 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: Andy Capelli
Peter Trees
Ron Tedesco
Joyce Neuman

Also Present: Joel Evans, Charleston County
Cathy Wilson, Town Clerk
Alan Burnaford, Town Council Liaison

Absent: Fred Peterson
John Strauch
Larry Iwan

IV. Approval of Minutes:

A. Minutes of Planning Commission Meeting, May 7, 2009

Mr. Trees motioned to approve the minutes of May 7. Mr. Tedesco seconded the motion. The motion carried unanimously.

V. Subdivision Request:

None

VI. Old Business:

None

VII. New Business

A. Ordinance Review – Section 12A-303

Mr. Capelli stated that this item specifically deals with the review of page 3-24 of Article 12 definitions and the ARB definition of “fence.” He stated that a subcommittee will address the question raised from a previous BZA meeting concerning the language of subparagraph “C” of 12A-303. He explained that at that BZA meeting the applicant questioned whether they could receive a variance for a column on a fence that is too high. The BZA concluded that columns are limited to five feet height restrictions by the language in subparagraph “C.” He stated that the applicant also raised the issue that “landscape fences” are around the island and have grown to more than five feet. Mr. Capelli stated that the issue raised asked if subparagraph “C” was designed to limit the growth of landscape fences. The ARB definition has no inclusion of the word “landscaping.” The Town Ordinance makes reference to “landscaped elements.” He stated that this raised a question for the BZA and was then forwarded to the Planning Commission for review. Mr. Capelli stated that he and Mr. Peterson have agreed that a subcommittee will be charged with reviewing the Ordinance, specifically subparagraph “C” and making recommendations to the full Committee. Mr. Capelli stated that the language is ambiguous and the subcommittee should review for possible modification.

Mr. Capelli stated that the subcommittee will be chaired by Larry Iwan with John Strauch and Joyce Neuman as members.

Mr. Tedesco stated that if all hedgerows and landscaping that grow around a house are going to be defined as a fence, it is going to drive a lot of people crazy.

VIII. Correspondence:

Mr. Capelli mentioned that the Commission received permit notifications from OCRM through Planning Staff at the County. The first was a June 19 notification from DHEC that noted “Kiawah Island Resort Association has requested to withdraw their permit to construct a pedestrian and bicycle path.”

Mr. Burnaford stated that KRA had a proposed a bike path that came out of Cassique to meet up with the Town’s new bike path. They withdrew their permit request.

Mr. Capelli also stated that there was a request for a recently filed OCRM permit that was noticed by the Charleston County Planning Staff. Mr. Joel Evans sent a response into OCRM that notified them that the applicant had not submitted a request to the Town and must meet that requirement. Ms. Wilson stated that the Town also received an additional letter from Joel Evans to OCRM withdrawing opposition and stating that the Town did receive the application prior to submission to OCRM. Mr. Capelli stated that he thought the process required that the application be reviewed by the Planning Commission to determine if erosion had occurred.

Mr. Burnaford stated that Town Council has addressed this issue and requested, through the County and OCRM, that any permit for bulkheads is also simultaneously submitted to the Town. The application will then go through the Planning Commission to make a recommendation even though the Town has no authority to overrule OCRM's approval.

Mr. Capelli stated that a bulkhead review subcommittee, composed of Mr. Peterson, Mr. Juchatz, and Mrs. Neuman, has been attempting to meet with OCRM for several months and no meeting has been arranged. The subcommittee did not want the Planning Commission review to duplicate OCRM procedures that are currently in place. The intent of the original regulations adopted by the Town was to ensure that they received notification at the same time they were filed with OCRM. Mr. Burnaford stated that there is nothing a Planning Commission or Town Council can do to override the OCRM decision. Mr. Capelli stated that during the Bass Creek review it was valuable because it allowed the Committee to point out deficiencies in the application.

IX. Public Comment:

Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick asked if the application procedures are the same for revetments. Mr. Burnaford and Mr. Capelli responded yes that a revetment requires the same permitting as a bulkhead. Mr. Capelli stated that at the last meeting the Committee heard that Mr. Evans and Mrs. Rucker are working to review the procedures and come back with proposed changes. He stated that the purpose is to avoid duplication and allow the Town adequate notice so they can provide comments to OCRM.

Mr. Al Burnaford, Town Council

Mr. Burnaford stated that regarding the fence issue, he asked that the Committee determine what a "fence" actually is. He stated that the issue came up because the columns have a large architectural ball at the top which makes them taller than five feet. He asked that the committee review the definition of the fence and determine what constitutes a fence and provide a legal definition.

X. Commissioner Comments:

Mr. Capelli stated that an article could be written for Town Notes that reminds property owners that Town notification of a bulkhead permit is required before being approved by OCRM. He also stated that based upon review of ARB permits, activity is beginning on new home construction and there is a possibility of a very large new, environmentally conscious home on Flyaway.

Mr. Trees had no comment.

Mr. Tedesco had no comment.

Mrs. Neuman stated that the Revetment Subcommittee was looking at the wording relating to the notification of ARB notification. Currently it has the word "should" be

notified and Mrs. Neuman stated that the ARB either has to be notified or not and the word “should” is ambiguous. She also stated that the review of notification of neighboring property owners should be discussed and the applicant should show proof that notices were sent.

XI. Adjournment:

Mr. Trees motioned to adjourn the meeting at 3:20PM. Mr. Tedesco 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
Town Council
Tumiko Rucker, Town Administrator
Joe Bunting, KICA
Amanda Mole, ARB