

**Planning Commission  
June 4, 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  
Fred Peterson  
Joyce Neuman  
Wayne Juchatz  
Andy Capelli

**Also Present:** Frank Toland, Charleston County Planning  
Cathy Wilson, Town Clerk  
Tumiko Rucker, Town Administrator

**Absent:** Peter Trees  
Ron Tedesco  
Joel Evans, Charleston County Planning

**IV. Approval of Minutes:**

A. Minutes of May 7, 2008

**Mr. Capelli motioned to approve the minutes of May 7, 2008. Mr. Peterson seconded the motion. Mr. Capelli and Mr. Juchatz made non-substantive changes to the minutes. Mr. Juchatz also asked that his comment under “Member Comments” be clarified to reflect the proper chronology of the First and Second Readings of the Article 12 amendments and public hearing. With those changes, the minutes were approved unanimously.**

**V. Subdivision Request: Major Subdivision**

A. #20503-F                      Lands of Kiawah Land Development, LLC                      Page 1  
FINAL APPROVAL, The Settlement Phase IV,  
(Lots 71 thru 74, 76 thru 79, 81 & 83)

Mr. Toland presented the request for Final Approval. He stated that the request meets all of the requirements of the Town's ordinance. Mr. Toland also stated that the roads and drainage systems have been constructed in compliance with the Town of Kiawah Island road code. Charleston County Planning Staff recommends final approval.

**Mr. Juchatz motioned to approve the Lands of Kiawah Land Development, LLC, The Settlement Phase IV, Lots 71 thru 74, 76 thru 79, 81 and 83 Final Approval. Mr. Peterson seconded the motion. Motion carried unanimously.**

**VI. Old Business:**

**A. Dennison Royal Preliminary Plat Extension Request C.C.'S Place Preliminary Plat #19878-P**

Mr. Colvin discussed the conversation with Dennis Rhoad, Town Attorney in regards to C.C.'S Place Preliminary Plat # 19878-P extension request; carried over from the May 7, 2008 Planning Commission Meeting. Mr. Colvin stated that his conversation with Mr. Rhoad focused on clarification of the following two issues:

- 1) Timely filing of the request
- 2) The number of extension approvals that can be granted on a single plat

Mr. Colvin explained that Mr. Rhoad's legal opinion was that the request was timely filed and that the Planning Committee has the authority to grant as many continuing extensions as they consider necessary. Mr. Colvin stated that Article 12 is unclear on granting multiple extensions and that the Planning Commission should address the revisions of that language as a separate issue.

Mr. Juchatz asked about the standard of review for Extension Requests. Mr. Colvin stated that Mr. Rhoad stated that the Commission has the authority to review the request in whatever way they feel appropriate. However, there must be some significant finding that would hold up to legal scrutiny, in order to deny the request.

Mr. Juchatz stated that from his recollection of the original approval, he remembers that the lot sizes seemed small when compared to the standard, but the plat did comply with the requirements for approval.

Mr. Capelli stated that his question was more directed toward the consistency with the Comprehensive Plan language as opposed to the development agreement and that in the previous version of Article 12, the plat's lot coverage and size requirements were satisfied.

Mr. Colvin stated that the lot sizes met the requirements of the previous Article 12 and were less than 14,000 square feet with an average of 40% lot coverage. Mr. Colvin explained that based on the current Article 12, any lot over 12,000 has a maximum lot coverage of 33%. Mr. Colvin also stated that the old Article 12 gave them a 15 feet side-yard setback and that the current Article 12 stipulated 20 feet. Mr. Colvin stated that those are the only two differences from the previous Article 12 and the current.

Mr. Capelli stated that he objected to the original request based on the surrounding neighborhoods and how the development would fit in with the surroundings of the area. Mr. Capelli said that he did not feel it followed the language of the Comprehensive Plan upon its original request for approval, nor does it now.

Mr. Colvin asked that County Planning staff review the Town's time requirements for extension filing and granting multiple extensions for recommendation to the Planning Commission on whether the language should be updated.

**Mr. Juchatz motioned to approve the extension request for "C.C.'s Place", Lands of Sandra Royal. Mr. Capelli seconded the motion. The motion passed with a 4-1 vote; Mr. Capelli voting nay.**

**VII. New Business: None**

**VIII. Correspondence: None**

**IX. Public Comment: None**

**X. Commissioner Comments:**

**Mr. Colvin**

No Comment.

**Mr. Peterson**

No Comment.

**Mrs. Neuman**

Mrs. Neuman suggested that Article 17 be reviewed in order to clarify the Permit Application process; especially where the wording is "may" rather than "will".

**Mr. Juchatz**

No Comment.

**Mr. Capelli**

Mr. Capelli stated that the information received from Mr. Evans on vacation timeshares was specific and that he does not feel the issue warrants any further investigation by the Planning Commission.

**XI. Adjournment:**

**Mr. Juchatz motioned to adjourn the meeting at 3:34 p.m. Mr. Capelli seconded the motion. Motion carried unanimously.**

**Submitted by,**

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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