

**Planning Commission  
March 12, 2008; 3:00PM  
Kiawah Island Municipal Center  
Council Chambers**

**MINUTES**

**I. Call to Order:**

**Mr. Juchatz 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:**

Wayne Juchatz  
Joyce Neuman  
Fred Peterson  
Ron Tedesco  
Andy Capelli

**Absent:** Jo Anne Makely  
Joe Colvin, Chair

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

**IV. Approval of Minutes:**

A. Minutes of February 6, 2008

**Mr. Capelli motioned to approve the minutes of February 6, 2008. Mr. Peterson seconded the motion. Mr. Capelli made non-substantive changes to the minutes. With those changes, the minutes were approved unanimously.**

**V. Election of Vice-Chairman of the Planning Commission**

**Mr. Juchatz moved to elect Mr. Peterson as vice-chairman of the Planning Commission. Mr. Capelli seconded the motion; motion carried unanimously.**

**VI. Subdivision Request:**            Major Subdivision

1.        #21209            Lands of Kiawah Land Development Partners II, INC            Page 1  
                                 Preliminary APPROVAL, The Settlement Phase VII  
                                 Lots 111, 113, 115, 117, 119, 121, 123 & 125 thru 123

Mr. Evans presented the subdivision request on behalf of Charleston County Planning. Mr. Evans stated that the subdivision request listed above meets all of the subdivision requirements for Kiawah Island and that staff recommends approval.

Mr. Peterson asked Mr. Evans if there were any concerns on the new road's proximity to Governors Drive. Mr. Evans stated that there was no concern and that the request met the requirements. Mr. Capelli asked if there were any plans to gate the newly developed side of the Settlement. Mr. Bill Fellers, representative of Thomas and Hutton Engineers, stated that there were no plans for a new fence and that the original fence will remain in place. Mr. Capelli asked what the distance was from curb to curb for the road. Mr. Evans stated that it was 40-42 feet curb to curb. Ms. Amanda Mole, ARB, stated that within 40 feet, very heavy buffers can be established and that most likely, a heavy screen of vegetation will be used to shield home owners from the headlights of vehicles. Mr. Juchatz stated that this was an aesthetics concern and not under Planning Commission's jurisdiction.

**Mr. Juchatz motioned to approve the preliminary approval request of the major subdivision request. Mr. Capelli seconded the motion. Motion carried unanimously.**

**VII. Old Business:**

**A. Detached Accessory Dwelling Unit Ordinance**

Mr. Capelli stated that at the last meeting the committee had discussed the need to clarify the language in Article 12 Section 303 (2) (E). Based on the Committee's agreement that clarification was needed, Mr. Capelli, Mr. Evans and Ms. Mole created a draft to clearly establish the intent of the ordinance. This draft was presented to the Planning Commission for recommendations or approval. The Committee commented favorably on the draft and Mr. Capelli thanked Mr. Evans and Ms. Mole for their time and effort on the project.

**Mr. Capelli moved to recommend to Town Council the adoption of the revised version of Article 12 Section 303 (2) (E) as presented to the Planning Commission. Mrs. Neuman seconded the motion. Motion carried unanimously.**

**B. Update of Bulkhead Request: 68 Otter Island**

Mr. Juchatz reported that he and Mr. Colvin had met on February 29, 2008 at 68 Otter Island Road with Robbie Wall, property engineer, and Charleston County Planning Staff. Mr. Wall presented the commissioners with a new survey which had not been certified by

the OCRM. This uncertified survey indicated varying degrees of erosion almost along the entire perimeter of the lot. Mr. Juchatz went on to say that the lot had also been flagged to show the original critical line and the newly surveyed critical line. Mr. Juchatz stated that the engineer stated that the owners were not asking to reclaim lost land, but trying to stop further erosion in an attempt to make an informed decision on home site placement. Mr. Juchatz explained that it the engineer had agreed to do the following:

- Ask OCRM to certify the new survey
- Design a bulkhead/retaining wall system for review by OCRM and the ARB
- After receiving and reviewing the preliminary approval from OCRM and ARB, the engineer will present to the Planning Commission at the April Meeting for its consideration.

**VIII. New Business: None**

**IX. Correspondence:**

**A. Question from Councilman Don McIver**

Mr. McIver presented a photocopy of two real estate ads placed in the Post and Courier for a share of ownership in a 361 Red Bay and 47 Surfson; both are located on Kiawah Island. Mr. McIver asked the Planning Commission if the properties listed were considered timeshares. Mr. Capelli stated that after a conversation with the listing agent, it was clear that the ads were not selling weeks at the property, but rather selling a partnership interest. Mr. Capelli stated that these partnerships have been established on the Island for many years. Mr. Capelli explained that he felt that the selling of the partnership interest did not violate the intent of the no timeshare rule. Mr. Tedesco stated that based on previous studies by the Planning Commission it seems as KICA has more authority on timeshare regulation than the Town.

**X. Public Comment: None**

**XI. Commissioner Comments:**

Mr. Juchatz had no comment.

Mrs. Neuman asked if the homes on the Island can be owned by the luxury vacation rental corporations. Mr. Juchatz explained that the Planning Commission had looked into that issue in the past and that based on how the companies have established their businesses; they are not technically timeshares. Mr. Juchatz stated that the change would probably have to come from a revision in State law.

Mr. Peterson had no comment.

Mr. Tedesco stated that KICA had more enforcement power on the Luxury Companies that the Planning Commission and that the only way to completely prevent it would be to ban all rentals on the Island.

Mr. Capelli asked staff if they could look at Royal Palms in order to see if all lots with detached structures are over 15000 feet. Ms. Mole replied that all structures that have been approved in the Royal Palms development were considered attached; inline with the original intent of Article 12 Section 303 (2) (E).

**XII. Adjournment:**

**Mr. Juchatz motioned to adjourn the meeting at 3:36 p.m. Mrs. Neuman seconded the motion. Motion carried unanimously.**

**Submitted by,**

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Catherine C. Wilson, Town Clerk

**Approved:**

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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