



posted 1-17-07

TOWN OF KIAWAH ISLAND

21 BEACHWALKER DRIVE • KIAWAH ISLAND, SC 29455 • (843) 768-9166 • FAX (843) 768-4764

Planning Commission
Thursday, January 25, 2007, 3 :00 PM

Kiawah Island Municipal Center
Council Chambers

William G. Wert, Mayor

Council Members

Alan L. Burnaford

Charles R. Lipuma

Donald H. McIver, Jr.

G. Steven Orban

AGENDA

I. Call to Order

II. FOIA: Notice of this meeting has been published, posted, and faxed ^{Town Administrator} in Tumiko Rucker accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

III. Roll Call

IV. Approval of Minutes:

A. Planning Commission Meeting Minutes

V. Citizens Presentation: None

VI. Subdivision Request:

Plats:

#20778 Lands of Kiawah Real Estate Company
 Sanctuary Tract

#20834 Lands of Kiawah Island Community Associations Inc.

VII. Old Business:

A. Properties impacted by the Town Zoning Critical Line Setbacks

VIII. New Business:

A. New members for Planning Commission

B. Senior PGA Golf Tournament

C. Rules of Procedure for Planning Commission

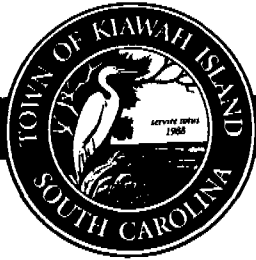
D. Zoning Map change for Cougar Island

IX. Correspondence

X. Public Comments- None

XI. Commissioner Comments

XII. Adjournment



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**Planning Commission
Thursday, January 25, 2007, 3 :00 PM
Kiawah Island Municipal Center
Council Chambers
Minutes**

William G. Wert, Mayor

Council Members
Alan L. Burnaford
Charles R. Lipuma
Donald H. McIver, Jr.
G. Steven Orban

Town Administrator
Tumako Rucker

- I. **Call to Order:** Mrs. Makely called the meeting to order at 3:00 PM.
- 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 Jo Anne Makely, Chair
Wayne Juchatz, Vice- Chair
Ronald Tedesco
Joe Colvin
Andrew Capelli
Fred Peterson

Absent Joyce Neuman

Also Present: Dan Pennick, Chas. Co. Planning
Amber Simmons, Town Clerk

IV. **Approval of Minutes:**

A. Planning Commission Meeting Minutes

Mr. Colvin moved to approve the minutes for December 14, 2006, motion seconded by Mr. Capelli.

Mrs. Makely had a correction on page 2 and page 3 of the minutes, and Mr. Capelli requested that a copy of his email be attached to the December minutes as a matter of record. With these corrections and the addition by Mr. Capelli the minutes were approved.

V. **Citizens Presentation: None**

VI. Subdivision Request:

Plats:

**#20778 Lands of Kiawah Real Estate Company
Sanctuary Tract**

Mr. Pennick, Charleston County Planning gave a brief explanation of the plat request. Mrs. Makely noted that the Kiawah Island Community Association approved this plat request several years ago.

Mr. Colvin moved to approve the plat #20778, motion seconded by Mr. Tedesco. Motion carried unanimously.

**Plat #20834 Lands of Kiawah Island Community
Associations Inc.**

Mr. Pennick, Charleston County Planning gave a brief explanation of the plat request. Mrs. Makely noted that the Kiawah Island Community Association approved this plat request several years ago.

Mr. Peterson moved to approve plat #20834, motion seconded by Mr. Tedesco. Motion carried unanimously.

VII. Old Business:

A. Properties impacted by the Critical Line Setbacks

Mr. Pennick said that they are currently researching the properties that are impacted by the critical line setbacks, however further information is needed before a final decision can be made about these properties.

Mrs. Makely moved to create a sub-committee, which will consist of Mr. Peterson, Mr. Juchatz, and Mr. Capelli, to research the properties that are impacted by the critical line setbacks. Motion seconded by Mr. Juchatz. Motion carried unanimously.

B. Eugenia Ave Setbacks

Mrs. Makely moved to recommend to the Town Council that the 10-foot side yard setbacks be maintained on existing properties for Eugenia Ave, which were in existence as of the adoption of the Town of Kiawah Island Zoning Map, which was effective January 9th, 2007, motion seconded by Mr. Tedesco. Motion carried unanimously.

C Balloon Test for Communications Tower

Mrs. Makely stated that the Balloon Test for the Communications Tower occurred on January 23, 2007 at 700 Governors Drive from 8:00 AM to 6:00 PM. Mrs. Makely further stated that any public comments must be submitted to Charleston County Planning Commission no later than February 2, 2007.

VIII. New Business:

A. New members for Planning Commission

Mrs. Makely stated that the Town Council appointed two new members to the Planning Commission. Mr. Peterson was appointed for a four-year term, and Mrs. Neuman was appointed for a one-year term.

B. Senior PGA Golf Tournament

Mrs. Makely gave a brief update on the upcoming Senior PGA Tournament. Mrs. Makely noted that the parking area near Freshfields has already been cleared for the tournament.

Mr. Brett Sterba, Director from PGA, said that they have been on site for about two years planning the tournament and look forward to continuing to work with everyone.

C. Rules of Procedure for Planning Commission

Mrs. Makely gave a copy of the rules and procedure for the Planning Commission to each member for their review, and said that if any changes are requested to please forward the request to her at least seven days prior to the next Planning Commission meeting.

D. Zoning Map change for Cougar Island

Mrs. Makely noted that the current Kiawah Island Zoning Map there are a few corrections that need to be made. The following areas are to be changed to R-2 Cougar Island and Willett Pond except for the area R-1 on the Ocean Course Drive. The property on the corner of Governors Drive and Rhett's Bluff Road will also be changed to R-2.

Mr. Juchatz moved to approve the changes on the Kiawah Island Zoning Map, motion seconded by Mr. Colvin. Motion carried unanimously.

E. 26-A Eugenia Ave

Mrs. Makley noted that the property located at 26-A Eugenia Ave is not in compliance with Article 12 because it has an additional curb cut on the property. This was done in error and approved by Charleston County Planning.

IX. Correspondence

X. Public Comments-

Bernie Kirol, 14 Terrapin Island, discussed his concerns pertaining to the new development agreement and the impact that it will have on his lot. Mr. Kirol stated that with the new development agreement standards his lot is considered unbuildable. Mr. Kirol asked that his lot be grandfathered in or that further research be obtained prior to a final decision being made about the property.

Amanda Mole, Kiawah Island Architectural Review Board, discussed her concerns with several properties that are impacted by the new critical line setback requirements. Ms. Mole also provided a list of the properties that are impacted. (See attached document)

Charles Larson, 10 Terrapin Island, expressed his concern about his additional lot that is undeveloped at 13 Terrapin Island and the impact that the new critical line setbacks will have on this lot.

Mayor Wert, 184 Glen Abby Road, said that the Planning Commission is currently researching the properties that are impacted by the new critical line setback requirements and development agreement. Mayor Wert said that once all the information was obtained and researched then action would be taken.

XI. Commissioner Comments- None

XII Adjournment:

Mr. Tedesco moved to adjourn the meeting at 3:40 PM; motion seconded by Mr. Colvin. Motion carried unanimously.

Submitted by

Amber Simmons

Amber Simmons
Town Clerk

APPROVED:

Jo Anne Makely

Jo Anne Makely, Chair

DATE:

2-22-07

CC: Planning Commission
Daniel Pennick, Chas. Co. Planning
Dennis Rhoad, Esq., Town Attorney
Mayor & Town Council
Tumiko Rucker, Town Admin
Joe Bunting, KICA
Amanda Mole, ARB

**Town of Kiawah Island
Planning Commission Rules of Procedure**

**Article I
Organization**

Section 1. Rules. These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Kiawah Island Planning Commission

Section 2. Membership. The Commission is composed of 7 members appointed by Town Council. Appointments are for four years duration, staggered in time so as to provide long term continuity.

Section 3. Officers. The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the February meeting of the Commission In each calendar year. The Town Clerk will serve as the secretary for the Commission.

Section 4. Chairman. The chairman shall be a voting member of the Commission and shall:

- a. Call meetings of the Commission;
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission;
- e. Transmit reports and recommendations to Council; and
- f. Perform other duties approved by the Commission.

Section 5. Vice-Chairman. The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 6. Secretary. The secretary shall:

- a. Provide the notice of meetings;
- b. Assist the chairman in preparation of agenda;
- c. Keep minutes of meetings and hearings;
- d. Maintain Commission records as public records;
- e. Attend to Commission correspondence;
- f. Perform other duties normally carried out by a secretary;
- g. Maintain a record of Commission members' attendance at meetings of the Commission; and
- h. Give or serve all notices required by statute or ordinances or by these Rules and Procedures or as directed by the Commission.

Section 7. Staff. Charleston County Planning Department staff shall:

- a. Provide technical assistance to the Commission, where necessary, to conduct the business and fulfill the responsibilities of the Commission.
- b. Prepare analysis and recommendations for zoning, conditional use, and subdivision applications and other matters of business for consideration of the Commission.
- c. Provide members of the Commission with copies and updates of regulations, ordinances, rules, plans, and policies which govern or should be considered in the performance of their duties.
- d. Provide members of the Commission with publications and notices of seminars, presentations, and instructions on matters which may expand members' knowledge and understanding in areas that would promote the mission of the Planning Commission.
- e. Provide members of the Commission with copies of applications with support information, plats and maps, and staff analysis and recommendations.
 1. Regular meeting information is to be mailed to each member of the Commission five (5) days prior to the scheduled Commission meeting.
 2. Special meeting information shall be presented to each member of the Commission for review at least twenty-four (24) hours prior to the scheduled Commission meeting.
- f. Mail notices to applicants on all zoning and *Comprehensive Plan* amendments and subdivision applications including a copy of staff's analysis and recommendations. This notice shall be mailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be picked up by applicants at the Planning Department office and, in these cases, would not be required to be mailed.
- g. Mail notices to property owners within 400 feet of subject property on all zoning change applications.

**Article II
Meetings**

Section 1. Time and Place.

- a. An annual schedule of regular meetings shall be adopted, published and posted at the designated Town office in December of each year.
- b. The regularly scheduled meetings of the Planning Commission will be held at the Town of Kiawah Island Municipal Center, 21 Beachwalker Drive, on the fourth Thursday of the month at 3:00 PM in the Council Chambers. In November and December meeting dates will generally be one week earlier so as not to conflict with Thanksgiving and Christmas.
- c. Special meetings may be called by the chairman upon 24 hours notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Agenda. The chairman shall set the agenda for all meetings of the Commission. A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting

Section 3. Quorum. A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting, except for workshops where business and studies may be conducted without a quorum.

Section 4. Rules of Order. Robert's Rules of Order, the most current edition thereof, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure. One commissioner shall be appointed as commission parliamentarian.

Section 5. Voting. A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason of disqualification and refrain from deliberating or voting on the question. On a tie vote the motion is lost, and in the case of a subdivision or zoning matter, the application is disapproved.

Section 6. Conduct. Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission chairman.

Article III Public Hearings

Section 1. Notice. The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.

Section 2. Procedure. In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his agent or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission chairman. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in order in which requests were received, or in such order as the Commission chairman shall determine.

Article IV Records

Section 1. Minutes. The secretary shall record all meetings and hearings of the Commission on tape, which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public record.

Section 2. Reports. The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Section 3. Attendance. Commissioners are expected to attend each meeting. Should a commissioner be unable to attend, the secretary shall be pre-notified.

Article V Review Procedure

Section 1. Zoning Amendments. Per adopted ordinance.

Section 2. Plats. Per adopted ordinance.

Section 3. Comprehensive Plan. Per adopted ordinance.

Section 4. Reconsideration. The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the results of the review.

Article VI Finances

Section 1. Budget. The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include, when applicable, an explanation and justification for proposed expenditures.

Section 2. Expenditures. Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Commission may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties

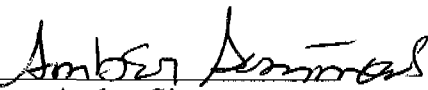
approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

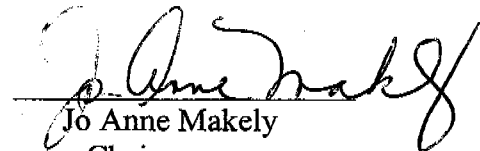
Article VII
Adoption and Amendment

Section 1. Amendment. These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

Section 2. Adoption. These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting on May 23, 2002.

Attest


Amber Simmons
Town Clerk


Jo Anne Makely
Chairwoman

VISITOR SIGN IN SHEET

Planning Commission

Date: 01-25-07

NAME: (Please PRINT)

ADDRESS:

NAME: (Please PRINT)

ADDRESS:

Eugene Hillock 502 Masto

Walker + Sylvia Bates 11 Eugenia

RANDY PATZIK 7 BEACH WALKER

Beth Simmons 7 Beachwalko

Amador Male "

Jerry Dulude 38 Marsh Edge Ln

Charles Lee 10 TERRAPIN

W. West 184 Glen Abbey