

posted July 5, 07
at 10:55 AM



TOWN OF KIAWAH ISLAND

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

**Planning Commission
Wednesday, July 11, 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

Town Administrator

Tumiko Rucker

AGENDA

- I. Call to Order:**
- 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:**
- IV. Approval Of Minutes:**
 - A. Planning Commission Minutes for Public Hearing for June 4, 2007
 - B. Planning Commission Minutes for June 6, 2007
- V. Subdivision Request:**
 - A. None
- VI. Old Business:**
 - A. None
- VII. New Business:**
 - A. Bond for Ocean Palms Subdivision
- VIII. Correspondence:**
- IX. Commissioner's Report:**
- X. Citizen's Comments:**
- XI. Adjournment:**



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**Planning Commission
Wednesday, July 11, 2007, 3:00 PM
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Council Chambers**

Minutes

I. Call to Order: Mrs. Makely called the meeting to order at 3:00 PM.

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: Jo Anne Makely, Chair
Joe Colvin, Vice-Chair
Andrew Capelli
Wayne Juchatz
Joyce Neuman
Fred Peterson
Ronald Tedesco

Absent: Amber Simmons, Town Clerk

Also Present:

William G. Wert, Mayor
Tumiko Rucker, Town Administrator
John Carrullo, Chas. County Planning

IV. Approval Of Minutes:

A. Planning Commission Minutes for Public Hearing for June 4, 2007

Mr. Juchatz moved to approve the minutes, motion seconded by Mr. Peterson.

Mr. Peterson made a correction on page 1 of the minutes. With this correction the minutes were approved unanimously.

B. Planning Commission Minutes for June 6, 2007

Mr. Tedesco moved to approve the minutes as submitted; motion seconded by Mr. Capelli. Motion carried unanimously.

V. Subdivision Request:

A. None

VI. Old Business:

A. None

VII. New Business:

A. Bond for Ocean Palms Subdivision

Mrs. Makely asked John Carrullo, Charleston County Planning, to give a recommendation on the requested bond reduction for Ocean Palms Subdivision. (Recommendation Attached)

Mrs. Makely moved to accept the County's recommendation to grant a reduction to the water and sewer bond to \$18,700 and reduction to the roads and drainage bond to \$24,276.75. Motion seconded by Mr. Peterson. Motion carried unanimously.

VIII. Correspondence: None

IX. Commissioner's Report:

Mrs. Makely noted that she and Mr. Peterson attended the SCAPA conference in Columbia, South Carolina on June 22, 2007. She further stated that the next SCAPA would be held in Charleston in the Fall of 2007.

X. Citizen's Comments:

Mayor Wert expressed his gratitude to the Planning Commission and the Sub Committees for their tremendous work, which allowed the Town Council to have seconded reading on Ordinance 2007-05.

Mayor Wert said that the outcome of the Commissioner's hard work allowed for a nice conclusion.

Mrs. Makely said that as matter of clarification, she wanted to mention that Article 12G that is referred to in Ordinance 2007-05 was in the Town Clerk's office the entire time. Unfortunately, a Council Member did not know where it was located and made mention that it could not be found.

Heidi Hoepfner, Project Coordinator for Bennett Hanford Construction, asked for clarification on the recommendation from the Planning Commission for the bond reduction. She also asked what the time frame is for both bonds.

Ms Hoepfner confirmed that the bond reduction for the water and sewer bond is for 18,700.00 and the reduction for the roads and drainage bond is \$24, 276.75.

Mr. Colvin said that the bond must stay in place until the County signs off on the project and it is 100% complete. Mr. Colvin further noted that as far as a time frame is concern, there is no definite time frame because it is based on the completion of the project and final inspections.

Ms. Hoepfner asked if the reason for keeping the water and sewer portion of the bond is because the County must conduct a final inspection on the water and sewer.

Mr. Colvin explained that the bond covered both the water and the sewer and that the bond could not be released until both the water and sewer were fully completed unless a separate bond was issues f or sewer only. The release of the bond could not occur until a final inspection and a satisfactory inspection is conducted on the sewer.

Mrs. Makely asked if they would be presenting a final site plan in the near future?

Ms. Hoepfner said that the company's original intention was to present a final site plan; however, they wanted some additional questions answered prior to them presenting the final site plan. Our intention is to present the final site plan within the next few months.

Mr. Capelli said that as a point of clarification if the Planning Commission had granted the reduction requested by Bennett Hanford Construction, the bonds would have been in violation of the Bank's terms.

XI. Adjournment:

Mr. Juchatz moved to adjourn the meeting at 3:10 PM; motion seconded by Mr. Capelli. Motion carried unanimously.

Respectfully Submitted,


Amber Simmons, Town Clerk

APPROVED:

9-12-07
Jo Anne Makely, Chair

DATE: _____

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

Ms. JoAnne Makely,
Chair, Town of Kiawah Island Planning Commission
21 Beach Walker Drive
Kiawah Island, S.C. 29455

Re: Status Ocean Palms Subdivision, Phase I

Dear Ms. Makely,

Planning staff has reviewed the letter of June 25, 2007 addressed to the commission from Bennett Hofford Construction Co. Inc., and would like to address a couple of issues.

1. Planning staff recommended that the applicant appear before the Planning Commission to present their request.

2. Documentation for the installation and acceptance of public water and sewer are provided in the package submitted by the developer. Therefore, the Planning Commission may grant a reduction of the water and sewer bond amount (\$187,000.00) of no more than 90% of the original amount of that portion of the project, for a balance of \$18,700.00.

Section 12C-403.5 of the Zoning Regulations of the Town of Kiawah permits this type of a reduction only if granted by the Planning Commission.

3. Public Works representatives have performed cursory inspections throughout the project concerning the construction of the rights-of-way and drainage system. Final construction plans have not been submitted nor has a final inspection been requested by the developer concerning the construction of the roads and drainage system. Therefore, the Planning Commission may grant a reduction of the roads and drainage bond amount (\$242,767.50) of no more than 90% of the original amount of that portion of the project, for a balance of \$24,276.75.

This particular roads and drainage system are dedicated to the Ocean Palms of Kiawah Owners Association, INC. All responsibility and maintenance fall to this legal entity.

Should you have any questions or concerns, please feel free to call me at 202-7200.

Sincerely,

Joel Evans

C: Planning Commission Members
Dan Pennick, Planning Director
Kiawah Subdivision Staff

BENNETT HOFFORD
CONSTRUCTION COMPANY, INC.

June 25th, 2007

Ms. JoAnne Makely
Chairman, Town of Kiawah, Planning Commission
21 Beach Walker Drive
Kiawah Island, SC 29455

Re: Bond for Ocean Palms Subdivision, Phase I, Parcel D

Dear Ms. Makely & The Town of Kiawah Planning Commission,

We at Bennett Hofford Construction Company are very excited with the progress of our Ocean Palms Subdivision. From its inception, we've always known it was to be a very special addition to your beautiful island. We are now at a point in its development that requires the Planning Commission's attention. Therefore, we are respectfully requesting a place on the agenda of the upcoming July 11th 2007 Town Planning Meeting. We would like to address the bonds in place for the infrastructure construction.

Currently we have:

- An approved Conditional Plat of Phase I-D (lots 1-10) of Ocean Palms Subdivision – Copy of confirmation letter included
- An Irrevocable Letter of Credit in the amount of \$ 429,767.50 for the construction in Phase I-D of roads and drainage systems
- Three Oaks Contractors, Inc. under contract for the road and drainage systems construction
- Drainage systems work completed under the existing bond
- Roll curb installed and tied into Flyway Drive
- ROC sub base, proof rolled, and subsequent asphalt instillation complete under the existing bond
- Berkeley Electric Cooperative has completed all power infrastructure of Phase I site
- The appropriate documentation of release from SC DHEC-OCRM permitting operational Waste Water / Water Supply (WW/WS) – Copies Included
- The appropriate documentation of "Acceptance" from Kiawah Island Utility, Inc. to own, operate and maintain the potable water and sanitary sewer service – Copies Included


Our current bond is due for expiration on July 13th 2007. I have included for your records copies of the original letters of credit and more importantly a letter of renewal for the full amount of \$ 429,767.50. If you will note, the total bond amount is divided between two separate Letters of Credit; one in the amount of \$ 187,000.00 for the install of water and sewer infrastructure, and one in the amount of \$ 242,767.50 for the install of public roads infrastructure.

* With the included documentation and progress details of the subdivision, we are requesting a release of the portion of the bond for water and sewer systems installation.

* Through the recommendation of Mr. Frank Toland, also the assistance of Mr. Daniel Pennick, both of the Charleston County Planning Department, we are requesting a reduction of the remaining bond to the minimum of \$2,000.00 for a period of one year per the Town of Kiawah Island Subdivision Regulations, Section 12C-403 "Performance Bonds" paragraphs 2. and 5.

The included information and attached documentation should be sufficient for the Planning Commission to exercise their discretion in regards to these requests. Your time and consideration is greatly appreciated. All the parties involved with this project look forward to the completion of this necessary step and the forward momentum of the subdivision in whole.

Best Wishes,



Heidi L. Hoepfner
Project Coordinator
BENNETT HOFFORD CONSTRUCTION CO., INC.
17 Lockwood Drive
Charleston, SC 29401

Cc: Mr. Daniel Pennick
Mr. Frank Toland
Mr. David Crawford
Mr. David Stevens



June 22, 2007

Town of Kiawah Island
Kiawah Town Hall
2100 Beachwalker Drive
Johns Island, SC 29455

RE: Extension of Expiration Date: Irrevocable Standby Letter of Credit #103104577
Beneficiary: Town of Kiawah Island
Applicant: Ocean Oasis, LLC, P. O. Box 1707, Charleston, SC 29402
Amount: \$187,000.00

To Whom It May Concern:

This letter is to advise you that First Federal Savings & Loan Association of Charleston has extended the expiration date of the above referenced Irrevocable Standby Letter of Credit from July 13, 2007 to November 13, 2007. All other terms and conditions under this Letter of Credit remain the same.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eric Wooten".

J. Eric Wooten
Vice President, Credit Administration



June 22, 2007

Town of Kiawah Island
Kiawah Town Hall
2100 Beachwalker Drive
Johns Island, SC 29455

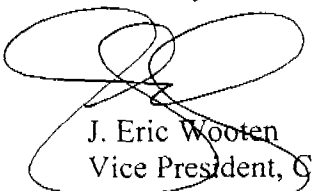
RE: Extension of Expiration Date: Irrevocable Standby Letter of Credit #103104585
Beneficiary: Town of Kiawah Island
Applicant: Ocean Oasis, LLC, P. O. Box 1707, Charleston, SC 29402
Amount: \$242,767.50

To Whom It May Concern:

This letter is to advise you that First Federal Savings & Loan Association of Charleston has extended the expiration date of the above referenced Irrevocable Standby Letter of Credit from July 13, 2007 to November 13, 2007. All other terms and conditions under this Letter of Credit remain the same.

Thank you for your attention to this matter.

Sincerely,



J. Eric Wooten
Vice President, Credit Administration



IRREVOCABLE STANDBY LETTER OF CREDIT

BENEFICIARY

Town of Kiawah Island
Kiawah Town Hall
2100 Beachwalker Drive
Johns Island, SC 29455

APPLICANT

Ocean Oasis, LLC
P. O. Box 1707
Charleston, SC 29402

Maximum Amount In Words: One Hundred Eighty
Seven Thousand and 00/100 Dollars

Maximum Amount: \$187,000.00

Expiration Date of Letter of
Credit: All drafts must be presented
to the drawee by July 13, 2007.

We hereby issue this Letter of Credit No. 103104577 in your favor for the maximum amount as shown above available against your draft at sight drawn on First Federal Savings and Loan Association of Charleston when accompanied by this letter and a notarized, sworn statement by the beneficiary, or an officer thereof, that:

Ocean Oasis, LLC has failed to install public water and sewer infrastructure, as designed by Civil Site Environmental (CSE), in the Ocean Palms Subdivision located on Flyway Drive, Kiawah Island, South Carolina.

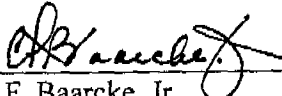
This Letter of Credit may be reduced upon receipt of a written notice from the Town of Kiawah Island authorizing a reduction to the Letter of Credit amount and certifying that the reduction amount specified is based on a percentage of overall completion of the individual improvements and that such reduction is no more than ninety percent (90%) of the individual improvements. Such notice shall be sent to First Federal Savings and Loan Association of Charleston, Commercial Loan Department, P. O. Box 118068, Charleston, South Carolina 29423.

Multiple drawings are prohibited.

Unless otherwise specifically stated, this credit is subject to the Uniform Customs & Practices for Documentary Credits (June 1993 revision), International Chamber of Commerce Publication No. 500.

We hereby agree with the drawers of drafts drawn in compliance with the terms of this letter of credit, that the same shall be duly honored on presentation to the drawee.

Date: June 7, 2006



C. F. Baarcke, Jr.
Executive Vice President



IRREVOCABLE STANDBY LETTER OF CREDIT

BENEFICIARY

Town of Kiawah Island
Kiawah Town Hall
2100 Beachwalker Drive
Johns Island, SC 29455

APPLICANT

Ocean Oasis, LLC
P. O. Box 1707
Charleston, SC 29402

Maximum Amount In Words: Two Hundred Forty Two
Thousand Seven Hundred Sixty Seven and 50/100 Dollars

Maximum Amount: \$242,767.50

Expiration Date of Letter of
Credit: All drafts must be presented
to the drawee by July 13, 2007.

We hereby issue this Letter of Credit No. 103104585 in your favor for the maximum amount as shown above available against your draft at sight drawn on First Federal Savings and Loan Association of Charleston when accompanied by this letter and a notarized, sworn statement by the Beneficiary, or an officer thereof, that:

Ocean Oasis, LLC has failed to install public roads infrastructure, as designed by Civil Site Environmental in their project located on Flyway Drive, Kiawah Island, South Carolina.

This Letter of Credit may be reduced upon receipt of a written notice from the Town of Kiawah Island authorizing a reduction to the Letter of Credit amount and certifying that the reduction amount specified is based on a percentage of overall completion of the individual improvements and that such reduction is no more than ninety percent (90%) of the individual improvements. Such notice shall be sent to First Federal Savings and Loan Association of Charleston, Commercial Loan Department, P. O. Box 118068, Charleston, South Carolina 29423.

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Date: June 7, 2006

A handwritten signature in black ink, appearing to read "C. F. Baarcke, Jr.", written over a horizontal line.

C. F. Baarcke, Jr.
Executive Vice President



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

January 22, 2007

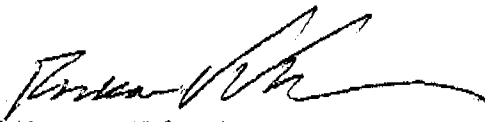
DAVID STEVENS
CIVIL SITE ENVIRONMENTAL INC
668 MARINA DR STE B-1
CHARLESTON SC 29492

Re: ROYAL BEACH PARCELS D & E
CHARLESTON County
Wastewater / Water Supply (WW/WS) - 52475

Dear DAVID STEVENS:

The staff of DHEC-OCRM by way of this letter provides our release that is required for operational permitting of the Wastewater / Water Supply (WW/WS) system for the above referenced project. Prior to final certification of the stormwater permit for this project, an additional site inspection will be required. If you have any questions or comments, please do not hesitate to call.

Sincerely,



RICHARD V GEER
Engineer Associate
Regulatory Programs Division

cc: DENNSIGN ROYAL
Harvey Wilkins PE (Charleston Eqc Office EQC - DHEC)