

**PLANNING COMMISSION MEETING**  
**Kiawah Island Municipal Center**  
**Council Chambers**  
**February 11, 2015; 3:00PM**

**MINUTES**

**I. Call to Order: Mr. Peterson called the meeting to order at 3:00 pm.**

Mr. John Wilson, Council Liaison, reported to Commission Members that the Town official policy regarding **Kiawah Island Community Association's** (KICA) amenities project proposal (Rhett's Bluff) will be that the Town has no comment or opinion on the proposed project until such time as KICA makes a presentation requesting permits and any rezoning that may be necessary.

Mr. Capelli responded by stating that the policy should also apply to the members of the Commission since they may be asked to consider any zoning changes.

**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: Fred Peterson, Chairman  
Larry Iwan, Vice Chairman  
Andy Capelli  
Gale Messerman  
Jack Koach

Absent: Bill Dowdy  
Dan Prickett

Also Present: John Wilson, Council Liaison  
Jennifer Werking, Charleston County Planning & Zoning  
Joel Evans, Charleston County Planning & Zoning

**IV. Approval of Minutes:**

**A.** Planning Commission Meeting Minutes of January 7, 2015

*Mrs. Messerman made a motion to defer the approval of the January 7, 2015 minutes until the March meeting. The motion was seconded by Mr. Koach and was unanimously passed.*

**V. Old Business:**

**A.** Comprehensive Plan Update

Mr. Peterson indicated that Mr. Dowdy and Mr. Prickett have reviewed the 2010 Comprehensive Plan and will update the Commission on their schedule at the March meeting.

Mr. Capelli added that he and Mr. Prickett had the opportunity to attend the last meeting of the Johns Island Conservancy. He indicated that the discussion centered on the development of the “New Johns Island”. Talk of zoning and long range planning were beneficial for Mr. Prickett to form a better understanding of the Johns Island planning and an opportunity to incorporate items as he begins his work on the Town’s Comprehensive Plan.

**B. Proposed Recommendation for the Amendment of Sections 9-182 and 9-185 of the Town of Kiawah Building Ordinance**

***Mr. Koach made a motion that the Commission adopts the resolution of the amendment of the Town Building Code. The motion was seconded by Mrs. Messerman.***

Mr. Capelli began the discussion by giving a brief background on some of the reasoning behind the need for the building ordinance amendment. He indicated that with Council’s adoption of the Building Ordinance, homeowners were in many cases confused and upset by the repair and maintenance provisions of the ordinance and also the low threshold of the ordinance. He stated that contractors complained at the cost of adherence to the ordinance and the inefficiency of the Town’s permitting process.

Mr. Capelli stated that at an earlier Planning Commission he requested the Town’s Attorney submit his opinion on the legality of the changing the ordinance once it had been adopted. He indicated that the attorney’s opinion stated that the amount in the ordinance was a “place holder” and it was within the municipality’s purview to set the threshold amount.

Mr. Capelli discussed that the process that required a contractor to get approval from the **Kiawah Island Architectural Review Board (ARB)**, the Community Association and then a taxing process to obtain a business license, contractor’s license and a permit had resulted in contractors declining work or passing the burden of the extensive fee structure on to the homeowner. He stated that the resolution he was proposing would raise the threshold amount for work requiring permitting from \$200.00 to \$1,500.00.

Mr. Koach explained that every contractor that did work on the Island was required to have a business license with the Town. At the business license is purchased, verifications are made that the contractor has a state license and required insurance. He indicated that at this point there is an additional requirement to obtain a contractor’s license, which was redundant and served no real purpose. Then, the contractor embarked on the permitting process. He indicated that the raising of the threshold that work under \$1,500.00 would only require the business license but with no permit pulled the trade-off would be that there was no inspection.

Mr. Iwan was concerned that there would be a safety issue with work done in the electrical and gas fields not being inspected. Mr. Capelli indicated that there were specific areas in the ordinance that deal with gas, electric and plumbing work. He indicated that this work is covered by the licensee with their state license and insurance that they are required to have, and are verified by the Town with the purchase of a business license.

Commission members engaged in an in-depth discussion of the business licensing and permitting processes; the steps that were required to be taken by the contractor to obtain a permit and future recommendations that the commission could undertake to streamline the burdensome process in an effort make the process more efficient for all of

those involved. Members also discussed a process that would require that a contractor obtain a business license before obtaining a pass to access the Island.

***Following the discussion Commission Members voted to adopt the resolution to raise the permitting threshold to \$1,500.00 and recommend it for Town Council consideration.***

Mr. Capelli stated the requirement by the Town for a secondary Town of Kiawah contractor's license should be investigated immediately and also recommended that the entities involved (ARB, KICA, and TOKI) meet to work on a resolution to the complexities and conflict issues that are involved in the permitting process.

**VI. New Business:**

**A. BZA Variance Modifications**

Mr. Peterson stated that last year a continuing education class was given for members of the Planning Commission and the BZA by a professor from Clemson University. One of the topics discussed was variance criteria. The BZA, at their last meeting, conducted a workshop to discuss modifications to the Town's criteria requirements for variances. He reported that the discussion resulted in a letter to the Mayor asking the Planning Commission to review the required variances.

Mr. Peterson indicated that Ms. Werking and Mr. Evans would be discussing the presentation made to the BZA but that a decision on any changes could not be made without further research by the Commission. Mr. Peterson suggested that he and Mr. Iwan continue working with County staff on a recommendation to be brought back to the Commission at the next meeting.

Mr. Peterson stated that in 2005 changes were made that led to the present nine variance criteria. He requested the Town Clerk locate the minutes from those meetings in an effort to clarify the reason why the decision was made to require the use of the present nine criteria rather than the four that are used by the state.

Ms. Werking discussed with Commission Members a draft of the additions, deletions and edits that have been suggested to be made to the variance criteria.

Mr. Peterson stated he attended the State Planning Convention which had the BZA variance criteria as a topic of discussion. The speaker, much like the one that spoke here, stated that the BZA's first job was to uphold the building zoning ordinance and variances should be few and far in-between. He indicated that when a variance arises that is seen to be as an ongoing issue; the Planning Commission should be notified that the ordinance needs to be modified.

**VII. Correspondence/Staff Comments:**

None

**VIII. Council Liaison Comments:**

None

**IX. Public Comments:**

None


**X. Commissioner Comments:**

No additional comments


**XI. Adjournment:**

*Mr. Koach made a motion to adjourn the meeting at 3:53 pm. The motion was seconded by Mrs. Messerman and was unanimously passed.*

Submitted by,

  
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Petra S. Reynolds, Town Clerk

Approved by,

  
\_\_\_\_\_  
Fred M. Peterson, Chairman

3/26/15  
Date