

PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
Council Chambers
January 7, 2015; 3:00PM

MINUTES

- I. Call to Order:** *Mr. Peterson 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:** Fred Peterson, Chairman
Larry Iwan, Vice Chairman
Bill Dowdy
Andy Capelli
Dan Prickett
Gale Messerman
Jack Koach
- Also Present:** John Wilson, Council Liaison
Dan Pennick, Charleston County Planning & Zoning
Joel Evans, Charleston County Planning & Zoning

Mr. Peterson requested an amendment to the agenda for a request that was just received from the Riverview subdivision for a reduction in the letter of credit for work that they have completed.

With no objection from Commission Members, Mr. Peterson modified the agenda with the addition of item (F) *Reduction of Riverview Letter Credit* to **Section VI – New Business.**

- IV. Approval of Minutes:**
- A.** Planning Commission Meeting Minutes of December 3, 2014

Mr. Capelli motioned to approve the minutes of the December 5, 2014 Planning Commission meeting. The motion was seconded by Mr. Dowdy.

Edits were made by Mr. Iwan, Mr. Peterson, and Mr. Capelli and the minutes were unanimously approved as amended.

- V. Old Business:**

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

Mr. Spicher, Town Building Official, made a presentation addressing the proposed resolution. (Attached as part of the minutes)

Mr. Spicher gave a description of the purpose of a building department, overview of SC Code of Laws Title 40 Chapter 59, state statutes governing specialty contractors and requirements of the Building Official.

Mr. Spicher explained that the proposed ordinance amendment that would change the threshold amount from \$200 to \$1000 could have implications:

- Legal noncompliance; required by law
- Who will be insuring code compliance and safety?
- FEMA Regulations and Community Rating Service compromised and can cause flood insurance rates to increase
- Opens up the Island to unlicensed contractors, violation of state statutes

Mr. Spicher stated that while this requirement may be viewed as a hindrance or even trivial at face value to some; it makes the individual obtaining the permit fully liable for his/her work. Should an owner hire an unlicensed contractor, first this process is illegal, and the contractual agreement between both parties could be viewed in a court of law as unbinding.

Mr. Prickett asked if the \$200 threshold was required to stay compliant and \$1000 was noncompliant. Mr. Spicher clarified that the requirement of not having a contractor obtain a license at any contract amount over \$200 would be noncompliance.

Mr. Capelli added that most of the contractors that he had spoken to did not require a written contract unless the work amount was more than \$1500 and indicated that maybe the proposal should be amended to that amount so that it falls in line with what is practiced by the local contractors. He pointed out what he felt were errors with points that Mr. Spicher made.

Mr. Peterson indicated that he felt that the Commission was not ready to vote on a recommendation to Town Council. Mr. Iwan made the recommendation that a subcommittee be established to include Mr. Capelli to meet with Mr. Spicher and the Town's Attorney to better clarify the requirements and/or implications of the proposed resolution and bring their findings back to the Commission at the next

meeting. Mrs. Messerman and Mr. Koach volunteered to work on the subcommittee.

Mr. Iwan indicated that the discussion that spoke to “written” and “oral” contracts was not clear and asked the subcommittee for clarification.

VI. New Business:

A. 2015 Rules of Procedure

Mr. Peterson stated that the 2015 Rules of Procedure are identical to the previous year and no changes were made.

Mr. Koach made a motion to accept the 2015 Rules of Procedure. The motion was seconded by Mr. Capelli.

Mr. Peterson stated that upon reviewing the Rules of Procedure he noted that the Planning Commission is required to have a parliamentarian. He suggested that since there was not a need, the requirement for a parliamentarian be deleted from Section 4 of the Rules of Procedure.

Mr. Peterson called the question of the approval of the 2015 Rules of Procedure as amended and the motion was unanimously passed

B. Election of 2015 Officers

Mr. Iwan made a motion to appoint Mr. Peterson Chairman of the Planning Commission. Mrs. Messerman seconded the motion. The motion passed unanimously.

Mr. Iwan made a motion to appoint Mr. Prickett Vice Chairman of the Planning Commission. Mr. Capelli seconded the motion. Mr. Prickett accepted the nomination and the motion passed unanimously.

C. 2015 Meeting Schedule

Mr. Peterson briefly reviewed the 2015 Planning Commission meeting schedule. He noted that the meeting is scheduled on the first Wednesday of the month following the Town Council meetings on the first Tuesday. The February meeting was moved to February 11th due to the Town Council meeting being rescheduled to the 10th.

D. Subdivision Request:

1. #SBMA-1 9578-P Lands of Kiawah Resort Associates LP
Ocean Park Phases 6, 7 & 8
Redesign of the Road system and relocation of
a Park

Mr. Pennick stated that the request was a revision of the plat that was approved in May 2014. He indicated that difference is the redesign of the road right-of-way system and the relocation of a park. Prior to final approval the following contingencies have to be met:

1. Street plans, profiles, and typical sections and a detailed drainage plan with drainage computations are to be submitted to the Director of Public Works for approval.
2. Tie the drainage system into a maintained canal or tidal stream of adequate size as required by the Town of Kiawah Island Road Code.
3. Provide, and dedicate, drainage easements as required by the Town of Kiawah Island Road Code.
4. Construct paved streets and install drainage systems in accordance with the requirements of the Town of Kiawah Island Road Code, Subdivision Regulations, and approved street plans and profiles.
5. Install the necessary drainage ditches, and fill where necessary, so as to properly drain all lots.
6. Construct stub streets along with other streets in the subdivision.
7. Erect street name signs and required traffic control signs of the approved type. All street name signs must be approved and reserved by the E-911 Section of Charleston County.
8. Approval of this plat does not necessarily give approval to the width of any drainage easements shown.
9. Submission of a Certificate of Title or sworn Affidavit of Ownership of each person or persons dedicating streets and/or easements.
10. Lots must comply with the provisions of the Subdivision Regulations pertaining to Final Plats and Final approval.
11. This Preliminary approval in no way constitutes Final approval of any individual lot in this subdivision.
12. Provide water supply system and sewer collection system per Kiawah Island Zoning Ordinance, Article 112A-401.

Mr. Peterson noted that he did not see anything referencing the relocation of a Park. Mr. Ray Pantlik clarified that in the earlier plat there was different road system. He pointed out on the plat where changes made at the far eastern end of Ocean Park and the location area of the park that was moved to give a terminus to the entire park system. Mr. Pantlik and Mr. Pennick clarified Commission questions regarding *park land* which is green space or forest, possible uses of *non residential residual* and additional entrances to Ocean Course Drive.

Mr. Prickett made a motion to approve this preliminary subdivision plat of Ocean Park Phases 6, 7 & 8. The motion was seconded by Mr. Capelli.

Mr. Pantlik indicated that with the approval of the plat, the process of submitting permits to DEHC OCRM will begin for the docks and a bridge shown on the plat.

Following further discussion the motion was unanimously passed.

E. Comprehensive Plan

Mr. Peterson stated that he asked Mr. Prickett and Mr. Dowdy to serve on a Subcommittee that would begin work on the Comprehensive Plan to be done this year.

Mr. Capelli requested that the Commission agree to the process that the subcommittee will follow during the development of the rewrite of the Comprehensive Plan. He stated that if everyone understood the process and became involved with comments, suggestions and recommendations that would go a long way in providing a smooth, effective and thoughtful completion review of the Comprehensive Plan. Mr. Peterson agreed that the public should be involved in making comments and suggestions. Mr. Capelli stated that in his work on the 2005 Comprehensive Plan, all the Island principals were contacted for their input along with the public in the development process.

F. Reduction of Riverview Letter Credit

Mr. Pennick stated that there is a provision in the Town Ordinance that allows the Planning Commission to release up to 90% of the bond when a letter of credit is used. He indicated that he was forwarded Riverview's reduction request from Mr. Rhoad, the Town Attorney. Mr. Pennick noted that no inspection had been performed and a release would have to be conditioned upon meeting all the requirements for infrastructure installation up to the value of the 70% amount requested. Mr. Peterson indicated that he was in favor of staff reviewing the request then reporting back their findings at the February meeting.

Mr. Capelli made a motion to give the Planning Director the authority to inspect and determine the level of completion and provide for an additional letter of credit as required by the remaining amount of work. The motion was seconded by Mr. Koach and was unanimously passed.

VII. Correspondence/Staff Comments:

None

VIII. Council Liaison Comments:

None

IX. Public Comments:

None

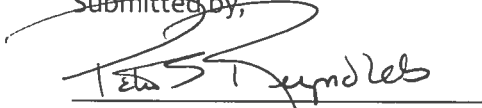
X. Commissioner Comments:

No additional Comments

XI. Adjournment:


Mrs. Messerman made a motion to adjourn the meeting at 4:06 pm. The motion was seconded by Mr. Prickett and was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Fred M. Peterson, Chairman

3/26/15
Date