

PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
Council Chambers
July 8, 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
Dan Prickett, Vice Chairman
Bill Dowdy
Andy Capelli
Larry Iwan
Gale Messerman

Absent: Jack Koach

Also Present: Dan Pennick, Charleston County Planning & Zoning
Joel Evans, Charleston County Planning & Zoning
Stewart Thomas, Intern with Charleston County Planning & Zoning

IV. **Approval of Minutes:**

- A. Planning Commission Meeting Minutes of May 6, 2015

Mr. Capelli motioned to approve the minutes of the May 6, 2015 Planning Commission meeting. The motion was seconded by Mr. Prickett and was unanimously passed.

V. **Old Business:**

A. **Comprehensive Plan Subcommittee Report**

Mr. Prickett stated that the Subcommittee continues to meet every two weeks at the Charleston County Planning and Zoning Offices. He indicated that the meetings are very productive with many sections' drafts completed and work continuing on others. Mr. Prickett stated that they had met with Patrick Melton of Kiawah Partners and a meeting with the Mayor was next on the agenda along with meetings with the representatives of the major stakeholders on the Island.

B. **Ordinance 2015-07 - To Amend the Building Ordinance Threshold**

Mr. Capelli stated Ordinance 2015-07 amending the Building Ordinance had its second reading at yesterday's Town Council meeting. The first reading was amended to better comply with what the Planning Commission recommended to raise the permitting threshold from \$200.00

to \$1000.00. He indicated that any repair work done on the Island under \$1000.00 would not require the purchase of a permit.

Mr. Capelli stated it was also recommended that the Town or Council look at the entire permitting process that includes the Architectural Review Board (ARB) and the Community Association. He asked for the development of more effective and efficient process with more consistent interpretation of the Ordinance and that changes are made where necessary. He indicated the permitting process was cumbersome and was hard for contractors and homeowners to understand the requirements and/or approval process.

VI. New Business:

**A. #SBMA-17014-F Lands of Kiawah Resort Associates LP
Final Approval of Ocean Park Phase 6A 3 Lots**

Mr. Pennick with Charleston County Planning and Zoning stated the Planning Department has reviewed the application for Final Approval of this subdivision to be known as Ocean Park Phase 6A. The roads and drainage have been constructed to the Town of Kiawah Island Road Code Standards. The water and sewer system has been accepted by the Kiawah Island Utility Company.

Mr. Prickett made a motion to approve the Final Approval of Ocean Park Phase 6A. The motion was seconded by Mr. Dowdy.

Mr. Peterson noted that the road right-of-way varies in this area and questioned who would maintain the area that is not the road bed. Mr. Pennick indicated that the area would likely be dedicated to the Community Association.

Mr. Peterson called the question and the motion was unanimously approved.

**B. #SBMA-19126-F Lands of Kiawah Riverview Investors, LLC
Final Approval of Ocean Park Phase 6B 25 Lots**

Mr. Pennick indicated Charleston County Planning Department has reviewed this document for final approval of this subdivision to be known as Ocean Park Phase 6B. The roads and drainage have been constructed to the Town of Kiawah Island Road Code Standards. The water and sewer system has been accepted by the Kiawah Island Utility Company.

Mr. Pennick stated the following trees remain within five feet of the edge of pavement. This department recommends that those trees be removed. If the trees are to remain, in recognition of the Town of Kiawah Island government's position regarding the preservation of trees, the department defers this issue to the Town of Kiawah Island to allow them to address the issues of safety and liability as it applies to trees within five feet of the edge of pavement.

Specifically, those trees within five feet of the edge of pavement are listed below (Size/Type/EOP Offset):

1. 36" Oak, 5' off the edge of pavement, right of station 0+60 on Victory Bay Lane.
2. 36" Pine, 4' off the edge of pavement, right of station 9+15 on Carolina Shores Lane.
3. 24" Oak, 4' off the edge of pavement, right of station 3+50 on Helena Court.

Mr. Iwan stated that he recalled that with the approval of the conditional plat was the requirement that the trees have a reflective element to mark them. Mr. Pennick indicated that the requirement would be added to the motion for approval.

Mr. Prickett called attention to a shared driveway or utility easement. Members discussion revealed that it was more of a shared easement rather than a shared driveway would be used as an access to individual lots. Mr. Pantlik and Mr. Permar with Kiawah Partners explained that the alignment of the shared drive had not been finalized. They discussed that the idea being to reserve land for private utility access and that the driveway was more in the configuration of a loop in one area and a "T" in the other and was designed to integrate with the existing oak trees.

Mr. Iwan made a motion to approve the Final Approval of Ocean Park Phase 6B with the addition of the requirement that the trees have a reflective element to mark them. The motion was seconded by Mr. Capelli and was unanimously passed.

**C. #SBMA-21175-P Lands of Kiawah Development Partners II, INC.
& Kiawah Resort Association, Preliminary APPROVAL,
Parcels 12A, 12B, and 13**

Mr. Pennick indicated Charleston County Planning and Engineering have reviewed the proposed Preliminary Plat application, and find that it is consistent with ARTICLE 12C, Subdivision Regulations.

This particular Preliminary Plat application was previously approved by the Kiawah Island Planning Commission on August 3, 2011, and again on September 4, 2013. The developer is updating the Critical Line to reflect the current conditions.

The developer has also indicated the Development Agreement of 2005 and the Land Use Planning/Zoning Ordinance of 2005 are the standards for which these parcels are to be designed. Section 12A-216 Waterfront Development Standards which was adopted in 2007 does not apply. Staff recommends the setbacks and buffers be shown at the time of development of the individual lots, and cannot guarantee a buildable site.

Prior to Final approval, the following contingencies must 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 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 the Charleston County Planning Department.
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 to the public.
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.

Members discussed placement of the critical line, noted that this was a new preliminary approval with an extended approval time period, compliance with development standards, and the approval of waiver requests for the roads.

Mr. Capelli made a motion to approve the Preliminary Approval, Parcels 12A, 12B, and 13A. The motion was seconded by Mr. Prickett and was unanimously passed.

D. Land Use Discussion

Mr. Prickett and Mr. Evans presented to the Committee a series of maps that represented the findings of the Subcommittee's work on the Comprehensive Plan's Land Use element. While working on the Land Use element, Subcommittee members took opportunity to located current zoning or land use inconsistencies by taking an extensive field trip of the Island looking at each of the current neighborhoods. Subcommittee members used a study that was done in 2001 as the basis for lot size and zoning.

Commission members, along with attendees engaged in an in-depth discussion of the findings and the recommendations.

VII. Correspondence/Staff Comments:

Mr. Pennick complimented the members of the Comprehensive Plan Subcommittee for their hard work and commitment.

Mr. Peterson noted the there would be Public Hearing for Kiawah River Plantations waste water treatment facility. Mr. Pennick added that the hearing for the Council of Governments is to make a recommendation to DHEC on the development of a private facility.

VIII. Council Liaison Comments:

Mr. Wilson noted Council's approval of the ordinance to raise the permitting threshold and also stated that work in the streamlining of the permitting process had not been forgotten and would be readdressed when a new Town Administrator is in place.

IX. Public Comments:

Art Morgenstern – 164 Marsh Island

Mr. Morgenstern expressed his concern with the Kiawah Island Utility's application to DHEC for the installation of a second water supply line. He indicated that he expressed his concern at the Town Council meeting and suggested that the Town submit a request for a Public Hearing on the application and also have an independent engineer review the plan and to oversee the construction. Mr. Morgenstern requested that the Planning Commission communicate to Council the urgency of submitting the request and the role that the Commission will play in its review of the plan.

Mr. Wilson stated that the second water line was reviewed by Council as part of the purchase process but has not been specifically studied. He indicated that he would forward Mr. Morgenstern's request to Council.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick thanked the Commission for paying careful attention and being on top of issues which are very reassuring to the community. She also stated the presentation by Mr. Evans and Mr. Prickett was informative and helpful.

Mrs. Kulick stated that she wanted to support the points made by Mr. Morgenstern. She requested at yesterday's Council meeting that they make sure that the homeowners are protected. She stated that she wished that the Town had more control or input in what KIU was going to do thinking that KIU had to come to the Town before submitting application to DHEC.

Mr. Mark Permar – 81 Dungannon

Mr. Permar commended Planning Commission, County Planning staff as well as the Community for their combined work on the Comprehensive Plan update. He noted that the Comprehensive Plan is getting better at addressing the end relationship of all the parts and will serve the community well.

X. Commissioner Comments:

Mr. Capelli stated that he felt that the Planning Commission does not have a say in the utility water line project. The project is being installed on private and County property and there is redundant oversight of the project with all the approvals that are required so that it does not require the additional oversight by the Planning Commission or Council.

Mr. Iwan stated that at the last meeting additional landscaping was requested in the Riverview Project. He noted on the drive in that additional landscaping had been added and thanked them for completing the project.

Mr. Prickett stated that the support that is received from the County staff is invaluable to the Town and felt that it would be impossible to operate without their support, cooperation and professionalism.

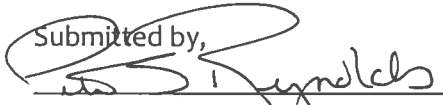
Mr. Dowdy – no additional comment

Mr. Peterson stated that the Town's annexations have expanded its boundaries beyond Kiawah Island proper. Historically the Town and Freshfields depend largely on the Community Association and Freshfields ARBs. The new acquired property on Johns Island does not have an ARB and he suggested the Town needs to be thinking about tree ordinances, sign ordinances and some kind of building architectural review.

XI. Adjournment:

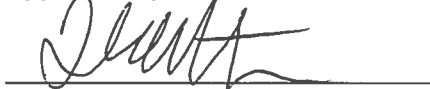
Mr. Capelli made a motion to adjourn the meeting at 4:30pm. The motion was seconded by Mr. Prickett and was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Fred M. Peterson, Chairman

9/9/2015

Date