

**Planning Commission  
Kiawah Island Municipal Center  
Council Chambers  
February 3, 2010; 3:00pm**

**MINUTES**

- I. Call to Order: Mr. Peterson called the meeting to order at 3:00pm.**
- 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  
Andy Capelli, Vice Chairman  
Ron Tedesco  
Ed Dittmeier  
Peter Trees  
Larry Iwan  
John Strauch
- Also Present:** Cathy Wilson, Town Clerk  
Al Burnaford, Town Council
- IV. Approval of Minutes:**  
**Mr. Capelli motioned to approve the minutes of January 6, 2010. Mr. Strauch seconded the motion. Mr. Capelli deleted the word “Bylaws” and inserted the words, “Rules of Procedure” on page four of the minutes. Mr. Peterson deleted the letter “T” on page four of the minutes. After those changes, the minutes were approved unanimously.**
- V. Subdivision Requests:**  
  
None
- VI. Old Business:**  
**Mr. Peterson added Item A. “Fence” Recommendation.**  
**A. Fence Recommendation**  
Mr. Burnaford, Council Liaison, stated that the Town Council unanimously approved the first reading of Ordinance 2010-2. There will be a Public Hearing on March 2, 2010 just before the Town Council Meeting.
- Mr. Capelli asked if the ordinance would apply to all properties on the Island because the Vanderhorst Plantation is a noted violation. Mr. Capelli stated that the

brick columns are in excess of five feet tall. He is unaware of any variance the property may have received from the BZA. He is also unsure if the requirements will apply since the Vanderhorst property is historic. Mr. Burnaford stated that he believes the property is grand-fathered. Mr. Iwan stated that he believes that any existing structure that was built to compliance will be grandfathered. Mr. Burnaford stated that the Vanderhorst Plantation was built before the Town was even formed. Mr. Dittmeier stated that he is aware of another property that has columns in excess of 5 feet. Mr. Capelli stated that these noted violations raise enforcement issues that should be addressed. Mr. Peterson stated that these properties possibly have a variance granted. Mr. Burnaford also noted that any homes built before 80% completion can have additional variances granted from the ARB.

**A. Election of Officers:**

**Chairman**

**Mr. Iwan nominated Fred Peterson for the position of Chairman. Mr. Capelli seconded. Mr. Peterson was unanimously elected Chairman for 2010.**

**Vice Chairman**

**Mr. Tedesco nominated Andrew Capelli for the position of Vice Chairman. Mr. Iwan seconded. Mr. Capelli was unanimously elected Vice Chairman for 2010.**

**B. Rules of Procedure Review**

**Mr. Dittmeier motioned to accept the Rules of Procedure as presented. Mr. Capelli seconded.**

Mr. Dittmeier recommended, and the committee accepted, the following changes:

- 1) Article I, Section 7, Sub sections b., e, and f.: “analysis” to “analyses.”
- 2) Article III, Section 1.: “statue” to “statute”
- 3) Article VI, Section 2: Deleted the words, “by designated staff members within the limits provided” from the second sentence.

Mr. Dittmeier also asked about Planning Commission funding. Mr. Peterson stated that the BZA and Planning Commission share a budget that includes funding for the following: stenographers, registration fees, dues, advertising, training, travel, and meals. Mr. Peterson stated that the Planning Commission never depleted their budget. Mr. Capelli asked if there is a budget line item for legal counsel. Mr. Burnaford stated that Mr. Rhoad is placed on a retainer for the Town and will go to Planning Commission meetings when requested. Mr. Capelli asked if the attorney is needed if the Planning Commission would have to go through the Town or if they can call on him themselves. Mr. Burnaford stated that they can go directly to the attorney.

Mr. Dittmeier also requested that the Rules of Procedure be sent to the Town Attorney for review.

Mr. Capelli removed the word “temporary” from Article I, Section 5.  
Mr. Tedesco suggested changing the time of meeting to 2:00pm. The Committee did not agree to the suggestion.

**After discussion, Mr. Peterson called for a vote to approve the Rules of Procedure with the accepted changes. The motion carried unanimously.**

**VIII. Correspondence:**

**A. OCRM Public Notice Permit #OCRM-10-005-E**

Mr. Peterson stated that this notice is for a bike path bridge at Cinder Creek. The applicant is the Kiawah Island Community Association. Mr. Tedesco stated that this is a separate bridge for the bike path that will be attached to the vehicular bridge. OCRM will not require any mitigation. The bids are around \$650,000 but could go higher. Mr. Tedesco stated that the safety factor is well worth the cost. The cost will be spanned out over two years.

Mr. Iwan asked about the Bulkhead Subcommittee and the need to review this application. Mr. Capelli stated that the only requirement is notice prior to notifying OCRM. Mr. Tedesco also stated that the application is not associated with any type of erosion. Mr. Burnaford stated that Town Council will be sending a letter in support of the application to OCRM.

**IX. Public Comments:**

None

**X. Commissioner Comments:**

**Mr. Capelli**

Mr. Capelli asked Ms. Wilson to comment on the 2010 Planning Training opportunities. Ms. Wilson stated that Jenny Werking, Charleston County Planning Staff, is preparing to offer a three hour continuing education course that is “Kiawah specific.” She asked that any educational topics of interest be sent to her for inclusion in the training. The training will be offered at Town Hall and satisfy the three hour requirement.

**Mr. Strauch**

Mr. Strauch complimented Mr. Dittmeier on his work in reviewing the Rules of Procedure.

**Mr. Iwan**

Mr. Iwan asked about the status of the Comprehensive Plan review. Mr. Peterson stated that the review will take place this year.

He also asked Mr. Burnaford about the status of the Development Agreement between the Town and the Resort. Mr. Burnaford stated that there is no agreement. The only agreement is that Dennis Rhoad, Town Attorney and Trenholm Walker, Kiawah Island Golf Resort Attorney, will discuss the possibility of a Development

Agreement. Mr. Burnaford explained that during past Development Agreement discussions, both entities had been able to agree on certain terms but not all terms of the proposed agreement. This attempt of forming a Development Agreement will focus on agreeing to the agreeable. Also, there may be multiple agreements that are area specific. Mr. Burnaford stated that the current building guidelines are based upon the Town's zoning regulations.

Mr. Peterson suggested that Development Agreements be discussed during the 3-hour continuing education seminar.

**Mr. Peterson**

Mr. Peterson suggested a "feedback" procedure for when the attorney reviews suggested ordinance language. It was decided that after the suggested language has been reviewed by the Town Attorney, and there are no changes, the secretary will send an informational email to the Planning Commission. If there are no changes, or legal issues, the language will also be forwarded to Town Council for approval. If there are legal issues or changes suggested by the attorney, the language will be resubmitted to the Planning Commission for further review and not sent to Town Council.

- XI. Adjournment:**  
**Mr. Tedesco motioned to adjourn the meeting at 3:36 pm. Mr. Capelli seconded the motion. The motion carried unanimously.**

**Submitted by,**

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**Catherine Wilson, Town Clerk**

**Approved by,**

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**Fred Peterson, Chairman**

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**Date**