

**Planning Commission
May 7, 2008; 3:00PM
Kiawah Island Municipal Center
Council Chambers**

MINUTES

I. Call to Order:

Mr. Colvin called the meeting to order at 3:00PM.

II. FOIA: Notice of this meeting has been published, posted, and faxed in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

III. Roll Call:

Present: Joe Colvin, Chair
Fred Peterson
Joyce Neuman
Wayne Juchatz
Ron Tedesco
Andy Capelli
Peter Trees

Also Present: Joel Evans, Charleston County Planning
Frank Toland, Charleston County Planning
Cathy Wilson, Town Clerk
Tumiko Rucker, Town Administrator

IV. Approval of Minutes:

A. Minutes of April 2, 2008

Mr. Capelli motioned to approve the minutes of April 2, 2008. Mr. Juchatz seconded the motion. Mr. Capelli changed the word “Committee” to “Commission” under item VII. Mr. Peterson and Mr. Colvin stated that the minutes should show that Mr. Colvin arrived to the meeting after the approval of minutes. With those changes, the minutes were approved unanimously.

stated that yes; the roads will be going to their own homeowner's association due to certain liabilities that Planning Staff did not want the Town to incur.

Mr. Peterson motioned to approve the Lands of Ocean Oasis LLC, Dennison Royal Harvey and Maria Schiller and James Flannery Trustee Final Approval, Ocean Palms, Phase 1, Lots 1 thru 10. Mr. Tedesco seconded the motion. Motion carried unanimously.

VI. Old Business:

A. Update of Bulkhead Request: 68 Otter Island

Mr. Robert Wall, Wall Permitting, presented the request to the Commission for approval of a bulkhead on 68 Otter Island. Mr. Wall presented his first request at the January Planning Commission Meeting. At that time, Planning Commission members stated that erosion is the only means for granting a permit for a bulkhead and asked that Mr. Wall provide legitimate proof of erosion. Mr. Wall stated that since that time, he has contracted with Kennedy Surveying and they have completed an updated 2008 critical line survey. Mr. Wall stated that this survey was completed approximately three months prior from the current meeting date. Mr. Wall explained that after the new critical line survey was completed that he submitted the information to the Planning Commission. After the new critical line information was received, Mr. Wall met onsite at 68 Otter Island with Mr. Juchatz, Mr. Colvin, and Charleston County Planning Staff to do a walk of the proposed bulkhead site. Mr. Wall stated that from the onsite meeting he thought it was clearly established that there are signs of erosion and that the owners of 68 Otter Island are not attempting to increase existing property size.

Mr. Juchatz instructed the Town Clerk to read "Old Business, Item B, Update of 68 Otter Island" from the March 12, 2008 Planning Commission Meeting Minutes: Ms. Wilson read the following, "Mr. Juchatz reported that he and Mr. Colvin had met on February 29, 2008 at 68 Otter Island Road with Robbie Wall, property engineer, and Charleston County Planning Staff. Mr. Wall presented the Commissioners with a new survey which had not been certified by the OCRM. This uncertified survey indicated varying degrees of erosion almost along the entire perimeter of the lot. Mr. Juchatz went on to say that the lot had also been flagged to show the original critical line and the newly surveyed critical line. Mr. Juchatz stated that the engineer stated that the owners were not asking to reclaim lost land, but trying to stop further erosion in an attempt to make an informed decision on home site placement. Mr. Juchatz explained that it the engineer had agreed to do the following:

- Ask OCRM to certify the new survey
- Design a bulkhead/retaining wall system for review by OCRM and the ARB
- After receiving and reviewing the preliminary approval from OCRM and ARB, the engineer will present to the Planning Commission at the April Meeting for its consideration."

Mr. Juchatz stated that at the end of the onsite meeting it was requested that Mr. Wall obtain a new certified survey showing lines of erosion which would determine if the Planning Commission had jurisdiction to approve the bulkhead permit. Mr. Juchatz asked if the survey that Mr. Wall distributed to the Commission on May 7, 2008 was the proposed site of the bulkhead on the original critical line or the newly surveyed critical line. Mr. Wall then read OCRM, paragraph 4, Special Conditions from the permit that was issued for 68 Otter Island: Mr. Wall stated, "Provided that the bulkhead is reduced in length to 205 feet. I think we requested 970, now I can tell you this that I have met with Mr. Fred Mallett who is with OCRM three weeks ago at the site, and the length of the bulkhead is going to increase from 205 to 300 linear feet. That is going to be sufficient amount of length to protect the erosion area. The bulkhead is to be constructed at the delineated critical area line." Mr. Peterson and Mr. Juchatz asked which critical line Mr. Wall was referring to. Mr. Wall stated, "This delineation must be platted and approved by OCRM staff prior to the issuance of the OCRM constructing placards. So what's going to happen is nothing can be built until OCRM physically goes out and there and flags this new critical line. They have done that. Now the hold up is the survey we have got, the new critical line survey shows an isolated island where the fixed pier is and the main part of the property with a swale going between the two. When I met Mr. Mallett out there three weeks ago he approved a land bridge which joins two pieces of property together. I had the surveyor go back out there and resurvey the critical line. Now, I can't help how long it takes OCRM to certify them. They are very slow and as a matter of fact, this permit was issued in September, I submitted it in September, and it was just approved April 1. They are very slow over there. In the meantime the property is eroding. So, what I am requesting is the bulkhead is going to be placed at the delineated critical line, whatever that line is it doesn't matter. That's where the bulkhead is going to be placed. OCRM is going to certify this delineation. They are going to specify "X" amount of feet of bulkhead that I can put on this piece of property. They have already approved 205 feet. With your approval I am going to submit a modification to increase that length to 300 feet on this delineated critical line. How long it takes them to approve this critical line, I have no idea. It could be two months. But, at the same time, the property is still eroding."

Mr. Juchatz stated that he is concerned because Mr. Wall is coming to the Planning Commission asking for approval on a bulkhead and the Commission does not know what the length is going to be, or what the location is going to be, so how are they technically supposed to approve it. Mr. Juchatz stated that the Commission cannot approve a hypothetical bulkhead. Mr. Wall stated that the Planning Commission knows exactly what the length is going to be because it is in the permit. Mr. Juchatz stated that Mr. Wall had said that he is going to be asking for another 95 feet and the Commission has no way of knowing if he is going to get permission for the extra length. Mr. Juchatz asked Mr. Wall if he had been to ARB yet?

Mr. Wall stated, "According to Article 17, there is nothing in that Article that says I have to go to ARB before I come here."

Mr. Juchatz responded, "It was based upon our agreement at the site that that is what you were going to do."

Ms. Wilson read from the March 12, 2008 Planning Commission Minutes, "Mr. Juchatz explained that the engineer had agreed to do the following:

- Ask OCRM to certify the new survey
- Design a bulkhead/retaining wall system for review by OCRM and the ARB
- After receiving and reviewing the preliminary approval from OCRM and ARB, the engineer will present to the Planning Commission at the April Meeting for its consideration."

Mr. Wall stated, "I do not recall that."

Mr. Evans spoke from the audience, "I do recall that. I particularly remember that we had the discussion of being able to substantiate the old critical line from the new critical line survey because that is what the Planning Commission has to base their decision on. On erosion."

Mr. Capelli read Article 17 Section 203, "The Town, in this case, the Planning Commission, in consultation with OCRM Staff shall determine whether the bulkhead or revetment meets the requirements stated in Article 17 Section 201. We can't determine if it meets the criteria until we know what it is. And we don't know what it is until OCRM tells us."

Mr. Wall stated, "You have their permit in hand."

Mr. Capelli stated, "No we don't. You are telling us that this is not going to be the final. You are going to change it."

Mr. Wall replied, "OK. We will go with that. That will be the final one. So you have OCRM's approval in hand."

Mr. Capelli asked, "So what you are saying now is that you are going to limit it to 205 feet?"

Mr. Colvin said, "Let me go back to a point here Andy. I think Andy brought up a really good point. But the real question is when we talked out there at the site; we had two critical area lines. We had the critical area line that was established in 2005 and we had the staked out critical area line that you had just had done. What we were looking for is the certification from OCRM that the survey was correct. That it was valid, or legal."

That is what the Commission needs in order to say ‘OK, this is, in fact, where the new critical area line is and based upon the comparison of the two, which you provided the analysis for, is where the erosion is. We don’t know that the second line, which was just done recently, is valid. We can’t take it as face value and that is really the issue.’”

Mr. Wall stated, “Well, it is not just a survey. It is a certified survey from a licensed surveyor. It is valid and will hold up in a court of law.”

Mr. Colvin answered, “It needs to be certified by OCRM.”

Mr. Wall replied, “The problem with OCRM, now we are building a land bridge. So now we are talking, I don’t know how long to get it approved. But, at the same time, you know it is eroding, you have been out there; you have seen what is going on out there. I am not asking for anything unreasonable. My client just wants to protect their property.”

Mr. Juchatz responded, “What is it that our approval gives you exactly? You can’t do a thing until OCRM issues a permit.”

Mr. Wall answered, “They can’t build that bulkhead without your approval. If they go build that bulkhead with OCRM’s approval and the Corps approval, what would you do? Isn’t there an enforcement person that works here that would fine them?”

Mr. Colvin stated, “It has to be approved. I don’t think that is the point.”

Mr. Wall answered, “I am going by your regulations.”

Mr. Juchatz replied, “There is no doubt that it has to be approved by us. But again, what is the standard for our review? We had established, as a working guideline, that we had to establish that there was erosion. The way to do that was to have two surveys; one was the old one and the new one to show how much erosion had occurred and where it was located. Since we had a different surveyor doing the second survey than the first one, then we wanted to be sure that it was an accurate survey and the way to do that was to get OCRM’s approval. Is OCRM rejecting the concept of certifying the second survey?”

Mr. Wall replied, “No. I am not saying they are rejecting anything. The problem is I don’t know if any of you have dealt with that agency, but they are very slow. They are very, very slow.”

Mr. Colvin stated, “I guess the real issue though, from a Commission standpoint, is I am not sure that we can help you on that issue at all. We need to have a valid, legal survey, certified by OCRM as to where the critical area line is for us to make a decision whether that erosion was real, or not. That seems to me, the crux of the issue. No matter if it was done by a licensed surveyor or not, it really, at least in my opinion in looking at this, it requires OCRM to say ‘Yes, this is the new critical line,’ as it exists today. That is my experience personally when I had erosion on my property. I went through the same thing. I can tell you I have been there and I think Mr. Juchatz had the same issue on his property

on Kiawah. So what we are looking for is OCRM to say yes, this line in the later survey is, in fact, the new critical area line and you do have to build a land bridge. I agree with you there. That is the area where there was the most erosion, coming across there and preventing access to his fixed dock. So I am not sure the Commission can do anything to approve it until we have something saying, this is what it is. I don't think we can take it at face value. That is the issue that we are trying to go back and forth on."

Mr. Juchatz said, "From my perspective, I didn't get a chance to review this because it arrived to day, but in paragraph 4, the premise is, provided the bulkhead is reduced in length to 205 feet, the bulkhead is to be constructed at the delineated critical area line. Now, is that the old one, or, the new one? We can't tell because if it is the old one, then you will be reclaiming land."

Mr. Wall responded, "Reclaiming land? You mean that they will be putting up the land they purchased? Is that what you are saying?"

Mr. Juchatz answered, "No. No what I am saying is if they are going to use the initial critical line, because it says at the delineated critical line, the only delineation is what you have here is what I understand. So my question is, is that the new critical line that you surveyed and staked out? Or is it the original one? Because if it was the original one, that was in 2004 or 2005, and there was erosion, then it would be reclaiming of that land between the eroded area and the original line. You had said point blankly that 'it was never the intention of the owners to reclaim land that had been lost. It was to prevent further erosion.' I am totally sympathetic to that effort. I had the same issue myself."

Mr. Wall stated, "They approved the 2005 critical line survey for that permit."

Mr. Juchatz replied, "Then you are reclaiming land. Are you not?"

Mr. Wall responded, "They are putting the bulkhead on property that was there in 2005."

Mr. Colvin said, "Which does not exist today, which goes to Mr. Juchatz' point of reclaiming land."

Mr. Wall said, "They are putting the bulkhead on property that they purchased in 2005 for \$3 million dollars. I can't help what OCRM permitted. All I can do is tell you what they permitted. If you are telling me that you want me to bring in the filed 2008 recertified survey from OCRM then I can do that, but I can't tell you that it will be next month or two months from now. So, we are going to be doing this every month until I get OCRM's approval and I don't know how long that is going to be."

Mr. Juchatz replied, "I would like to know where that delineated critical line is. I think that I heard you say this is the line that was on the survey done in 2005 which is not where you staked it out, but further out into the marsh."

Mr. Wall stated, "That permit that you have in front of you that survey was based on 2005, that is correct. That is what they based it on. They had the information to base it on 2008, but they didn't do it. They based it on the 2005 survey."

Mr. Colvin asked, "When you say they, do you mean OCRM?"

Mr. Wall said, "Yes. OCRM."

Mr. Capelli asked, "Now you have me confused. Are you talking about a permit that is issued?"

Mr. Wall answered, "Yes, sir."

Mr. Capelli continued, "And you plan to construct in accordance with the permit?"

Mr. Wall replied, "I am obligated to do that by law. In the State of South Carolina."

Mr. Capelli asked, "What is the other extension that you are going to get on the bulkhead that you are talking about?"

Mr. Wall replied, "For 300 linear feet? Would be to help cover the erosion in areas that need to be covered. They already approved that. I just have to give them the exact..."

Mr. Capelli interjected, "So we don't have the approve permit either?"

Mr. Wall asked, "For 300 linear feet?"

Mr. Capelli answered, "For whatever you are going to build."

Mr. Wall stated, "I have that approved permit. Yes, sir. I do."

Mr. Capelli asked, "But, you are not going to build this. You are going to build something different?"

Mr. Wall answered, "We need to extend the bulkhead to 300 feet. But I can get that letter. All I have to do is type a letter to him. But, I wanted to get your approval. I thought, after meeting with Joe and Wayne at the property that that was going to be a done deal but obviously, I was misinformed."

Mr. Peterson stated, "It seems to me that our Article 17 talks about the current critical line and it also talks about seeing evidence of erosion, and until we have 2005 and 2008, either next to each other, or on the same piece of paper, I don't know how we can even begin to consider this."

Mr. Wall stated, "You do have that. I printed that out two months ago."

Mr. Juchatz responded, “No, you brought that to the site as I recall.”

Mr. Colvin clarified, “It was sent to the county and subsequently we got copies of it and took it to the site and I think that later, it was shared with the Commission members. But, I guess even on that, the issue still stands: there is one survey that is OCRM certified, the 2005 one and the latest survey, 2008, is not. Until we have that survey to compare, I think we can not make a decision.”

Mr. Wall asked, “So you are telling me that you want the 2008 survey certified by OCRM?”

Mr. Peterson answered, “We have to have evidence that we can count on that there is erosion and the only way that I can see to do that is to have OCRM certify both surveys.”

Mr. Colvin stated, “The permit doesn’t show that line in reference to what was the critical area line in either 2005 or in 2008. That is really the issue. So I am going down the same path that Mr. Juchatz is trying to get something that we can grab a hold of to say where it will be in relation to, and where it was before. I really think that what we are all trying to get at is something that we can base a legal decision on that will stand up from the Planning Commission on the Town’s perspective.”

Mr. Wall stated, “I understand that. But suppose you put me on the docket for the next meeting, or the meeting after that, I can’t say when I will get certification from OCRM.”

Mr. Evans stated, from the audience, “Why don’t you first get certification and then notify the Planning Commission. It would be the same way we do a subdivision request. Send your documents at least 15 days prior to the meeting and then we will forward it on.”

Mr. Juchatz stated, “All we need is proof that there has been confirmed erosion. Then ARB’s review would be required as to what it looks like, the design of it. ARB has jurisdiction over the design and appearance of it. So what we were hoping to do was to get you to bring us a package of preliminarily approved plan from OCRM and ARB because once you demonstrate the erosion, which has been what we have spent most of our time looking at, it is then up to OCRM and the ARB to determine things related to appearance, aesthetics; whether it’s a revetment, a vegetative revetment, a retaining wall, whether it’s a bulkhead. So it really was pretty simple and there was some clarity on what I thought we agreed upon at the site. But, as it has evolved, it has become more murky, and to no fault of yours, it just has become more murky. For myself, I would like to have something in front of me that has the design with a stamp, a preliminary stamp, have Amanda Mole saying we approve it in concept and have OCRM’s permit and then we can just say yes because I think by then there would be proof that there has been erosion.

Mr. Wall replied, "That was the main question because reading the regulations, there is nothing in your regulations that say anything about ARB approval prior to coming here. I am not talking about our conversation that we had. I am talking about your rules and regulations."

Mr. Juchatz stated, "But what we were trying to do is come up with a practical way to skin this cat."

Mr. Wall said, "I know."

Mr. Colvin continued, "Quite honestly Rob, what we had talked about, just for clarity, we had talked about trying to get your presentation of the design done along with getting OCRM here and ARB here with the County, all in one room and having a complete design that everybody said great and we could make an easy decision. That was in concept, at least the way I remembered it. I mean that's what we are really trying. We are trying to get to a decision on this, but we have to have enough information."

Mr. Peterson stated, "Well, I just wanted to say that in these regulations, the bank protections and construction, section 4, Permit Application Procedures, Item B, Permit Application: Each application for permit shall be filed with OCRM, with a copy to the Town. In addition, the Kiawah Island Architectural Review Board may review the bank retention system design and landscape plan for its aesthetic integration into the site. I don't think we are being unreasonable by requesting it."

Mr. Colvin, "I agree."

Mr. Wall asked, "What is that in?"

Mr. Capelli and Mr. Peterson explained that it was found in the Town Regulations for Retention Systems.

Mr. Wall stated, "The only thing that I got at the last meeting that I was here was Article 17. That's the only thing that I received."

Mr. Colvin stated, "Let's lay out a path forward. I think that, let me say for the Planning Commission, and if I say something incorrect, will other Commission members jump in. We need to have some type of certification from OCRM as to what the design is, where the line will be laid, the new bulkheading will be laid, and how that relates to the 2005 survey to demonstrate that there actually has been erosion at that site and for us to then see, where the new, where that bulkheading would be approved. In addition to that, it needs to have been through some type of review with the ARB that would take into account the requirements of the bank retention system, bulkheading, and any other dealing with things such as retaining wall issues and have that come back either from Amanda Mole, she can do that in person, or in writing to the Planning Commission. She is the head staff member of the ARB. Have that before us at that time and then we can move forward on a decision. We cannot make a decision based upon lines drawn on a

paper that we don't have some validity that we can back up from a legal aspect. We need a point of reference."

Mr. Wall said, "OK."

Mr. Wall stated, "Well, OK. Let's just take a step back here. I will contact Fred Mallett. He has the adjusted 2008 critical line with the land bridge in his possession as we speak. How long it takes him to approve that I don't know. It's just a matter of him signing off on it. It's no big deal on his part. The problem is, they are so busy up there, it takes forever to get stuff done. I will contact Amanda Mole, with ARB. I will modify this permit to properly reflect 300 linear feet. Now this may change, depending on what he reclassifies the critical line. If he zigzags around, of course, the bulkhead may go little longer. I don't know."

Mr. Juchatz asked, "So, can we summarize? So, what is it that we want? Because I think my view is a little different than yours. Just go ahead. All I want to do is to be able to document, somehow or another, with some official stamp on it that there has been erosion. Because without that we have no jurisdiction. We cannot approve..."

Mr. Colvin interjected, "We agree on that point."

Mr. Juchatz continued, "So we need to document erosion in some official way. Now maybe there may be other ways. I don't know, but, in some official way and if you are proposing to build the bulkhead, in terms for your request for the permit along the 2005 critical line, that's fine. Let's just make it clear. It is a little different that what we understood it to be, but let's just make it clear that you are doing this and I, quite frankly, I don't care whether it's along the 2005 or the 2008 line. I just want to document erosion and I want OCRM to approve it and I want ARB to approve it from a design and aesthetics standpoint."

Mr. Wall said, "OK."

Mr. Colvin stated, "We know that the 2005 line is accurate because it was certified by OCRM. We don't know that the latest, last survey that you did is accurate. It was done by a licensed surveyor, its still not the..."

Mr. Wall interjected, "I don't know how else to get it surveyed."

Mr. Colvin said, "Well, I think the Commission, from a standpoint of reference, needs some legal, some document, some foundation to say that there has been erosion. Not just the Commission members eyeballing it. In my view, there has to be something more substantive than that. Whatever that is."

Mr. Peterson continued, "There has to be erosion and it has to be proved to us. Until any of that happens all of this is meaningless. Once it is certified, that was offered to us months ago, that we were going to get the 2008 survey certified by OCRM that it was a critical line."

Mr. Colvin interjected, "Let me try to summarize here: What we need is, we need something, something that we can sustain legally that says there has been erosion. That is the decision we have to make. Yes or No. Has there been erosion?"

Mrs. Neuman asked, "Could that come from the OCRM?"

Mr. Colvin answered, "It could come from OCRM. It could come from Fred Mallett saying that he has been to the site, he has looked at the critical area line and yes, there is demonstrated erosion. Ergo that is why we have issued the permit to build a bulkhead."

Mr. Juchatz added, "And, the likelihood of future erosion."

Mr. Colvin said, "Something like that would be sufficient. If they certify the 2008 versus the 2005 survey, that would suffice. So, I don't think that we ought to tell you what that is, we would be happy to look at it, but it needs to be something that the Commission can stand on as a foundation to say, yes, we have looked at it, we have met the criteria for the Town"

Mr. Wall stated, "I have already submitted a 2005 survey certified by a professional land surveyor and OCRM and I have submitted to you a 2008 certified survey from a professional land surveyor. What other type of evidence would you like?"

Mr. Juchatz responded, "I think what we are saying is we would like a letter from the OCRM, if you can get it, I mean if you can't then we have to come up with something else, but a letter from the OCRM certifying that there has been erosion and that there is a significant likelihood of future erosion. Boom."

Mr. Capelli replied, "The problem with the term certified is that everybody gets antsy. I think if OCRM would tell us that they would not issue a bulkhead permit unless there was erosion, that would satisfy me, with the two surveys."

Mr. Evans stated from the audience, "Certification of that 2008, what OCRM does, is they don't certify the survey. They certify the critical line and the surveyor does the survey. OCRM will substantiate what the surveyor has done."

Mr. Juchatz said, "They will certify the critical line based upon the survey. That's what we need."

Mr. Evans quoted, "The last sentence in section 17, 203, 'Evidence of tidally induced erosion, including, but not limited to, a current survey to re-establish the critical line to determine the annual erosion rate, may be required.' The surveyor has a right to go out and say what he thinks is the critical line and to make that official, from a County point of view, is that OCRM has to certify that critical line."

Mr. Juchatz stated, "That's where we were when..."

Mr. Toland stated from the audience, "That signature from OCRM is good for another five years, where the one that you have now, is going to expire in less than two years. So, if they wanted to do something else, a pool in the yard, then we would have to have it verified again. Get the paper you have in your hands, get OCRM to certify it and that's that."

Mr. Wall said, "OK. So now, just be aware now, that if we get this recertified, the bulkhead is going to change. The bulkhead will have to follow the new critical line. That's what I am telling you."

Mr. Peterson stated, "That's what we want."

Mr. Wall continued, "But it may increase the length of the bulkhead. Just be aware of that."

Mr. Colvin stated, "Going back to the point that Joel just made, I mean that's a, he really articulated what we are trying to get at, we need evidence, something that we can base a foundation on that we have made the correct decision. Either there is or is not erosion. Without that certified by OCRM, I think we are sitting here spinning our wheels."

Mr. Juchatz said, "In my view we would accepted if it was approved by OCRM and ARB. Yeah. We don't have any basics for dealing with aesthetics. That is not in our purpose. That is not our jurisdiction."

Mr. Colvin explained, "The length of the line, and those types of details, would have to be permitted by OCRM and ARB. They have the ability to set those standards."

Mr. Juchatz said, "Ok, do we have what we want? Just do the best you can to get it to us as quickly as you can."

Mr. Wall stated, "OK, we are going 2008 approval from OCRM. Do you still want ARB approval before I come back here?"

Mr. Juchatz responded, "Absolutely."

Mr. Colvin stated, "It doesn't have to be final, if they can't approve a final, it has to be a preliminary approval. They may say no, we will not allow any retaining wall. It has to be revetment. I mean that is not our decision. But we need to know that, because you are

providing us with the whole plan now. So we need to have that information. I mean theoretically, you have all of these difference bodies working together, but we are not together. So we have to figure out the path to pull them all together. That's what we are trying to do."

Mr. Wall continued, "Alright listen, um, thank you for your time. I am sorry that I didn't get you what you wanted."

Mr. Peterson said, "We won't put you on our next agenda."

Mr. Wall stated, "I will call Catherine when I get the survey approval and ARB approval and I will set up to get on the docket."

Mr. Colvin replied, "I mean, I don't know what you can do but try to get OCRM to take the next steps, I don't know their workload but, I would go down to Fred Mallett, in my discussions with him, a very reasonable guy very experienced, and easy to work with, but they may be overloaded, but I would do whatever I could to expedite that."

Mr. Wall concluded, "Thank ya'll and I appreciate your time."

VII. New Business: None

VIII. Correspondence:

A. Mr. Evans presented the Commission with a Post and Courier article for information concerning the recent court settlement regarding vacation clubs.

B. Letter from Dennison Royal pertaining to "C.C.S Place"

C. Letter from Civil Site Engineering pertaining to "C.C.S Place"

IX. Public Comment: None

X. Commissioner Comments:

Mr. Trees had no comment.

Mrs. Neuman asked if the notifying of neighbors of a permit request was required of the Planning Commission. Mr. Peterson stated that notification is a requirement of the applicant. So if he is permitted, did he meet that requirement? Mr. Colvin stated that it notification is required and the Commission will be looking at that in the future. Mr. Juchatz it is clear that what we are asking him to do is not unreasonable, it is in the ordinance.

Mr. Tedesco had no comment.

Mr. Capelli asked if Article 12 Amendment was approved. Ms. Wilson explained that it had its official first reading at the May Town Council meeting directly after a public hearing. The ordinance amendment will have a second reading at the June 3, 2008 Town Council Meeting.

Mr. Peterson stated that he received a phone call asking about the regulations on lot clearing and they were talking about Settlement VII in particular, and that they were clearing it before they had approval. Mr. Peterson explained that he was not certain, but believed that to be an ARB issue because the Town does not have a tree ordinance.

XI. Adjournment:

Mr. Juchatz motioned to adjourn the meeting at 4:34 p.m. Mr. Capelli seconded the motion. Motion carried unanimously.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved:

Joe Colvin, Chair

Date: _____

CC: Planning Commission
Daniel Pennick, Charleston County Planning
Dennis Rhoad, Town Attorney
Mayor and Town Council
Tumiko Rucker, Town Administrator
Joe Bunting, KICA
Amanda Mole, ARB