

# PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

January 17, 2024, 2:00 pm

## Minutes

I. **Call to Order:** *Mr. Iwan called the meeting to order at 2:00 pm.*

II. **Roll Call:**

**Present:** Larry Iwan, *Vice Chairman*  
Andy Capelli  
Ronald Curran  
Luke Farrell  
Joanne Hennessy

**Absent:** Bill Dowdy, *Chairman*

**Also Present:** John Taylor, Jr., *Planning Manager*  
Joe Wilson, *Town Attorney*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of October 19, 2023

***Mr. Capelli made a motion to approve the Planning Commission meeting minutes of October 19, 2023. Dr. Curren seconded the motion.***

Mr. Capelli reviewed his proposed changes, including a language change and five motions that were shown as being unanimous, in which he indicated that he had abstained from voting. He indicated that the only motion he voted on was the approval of the two zoning categories, which was the only item on the agenda for consideration. Since there was not a motion to amend the agenda, he did not vote on the additional items considered.

Mr. Iwan asked for a review of the meeting recording and, if it reflects what Mr. Capelli presented, that the minutes be amended accordingly.

***Following the discussion, pending review, and possible amendment, the motion to approve the minutes was unanimously approved.***

B. Planning Commission Meeting Minutes of November 15, 2023

***Mr. Capelli made a motion to approve the Planning Commission meeting minutes of November 15, 2023. Ms. Hennessy seconded the motion, and it was unanimously approved.***

IV. **Public Comments**  
(*Agenda Items Only*)

**Cheri Gallagher – 119 Spartina Court**

Ms. Gallagher stated that it was very frustrating for the public not to have all the information from the Planning Commission. She noted that the minutes were not available when they should be, and the agenda was not available in advance of coming into the meeting. Ms. Hennessy agreed, stating that the

Commissioners did not receive the materials until yesterday. Mr. Capelli stated that with the exception of one item, the materials were sent out prior to the meeting being postponed; the additional item was sent yesterday.

**V. Old Business:**

**A. KiawahNext Update**

Mr. Iwan stated that after reviewing the KiawahNext draft provided on December 26<sup>th</sup>, the Commissioners noted that the recommended modifications and changes had not been included in that draft. When inquiring as to the reason why Mr. Taylor indicated that at the September meeting he requested Commissioners provide him with their comments and changes so he the draft, but had not received any.

Mr. Iwan stated that after talking to the Commissioners, he felt there was a misunderstanding of the process. Commissioners thought that the consultant would incorporate the suggestions or recommendations made during the discussions into revised documents, and both Mr. Taylor and the consultant were waiting for the comments and change recommendations to come to them in a formal written form. That being the case, the Commissioners decided to go back through the base document to provide those changes for Mr. Taylor to include in an updated draft. Mr. Iwan also noted that the Commission had been notified the head consultant no longer worked with the firm and, therefore, would not be working with the Commission through the project.

Mr. Iwan stated that the updated draft presented reflects all the changes requested by the Planning Commission. Once a new consultant is assigned, a workshop will be scheduled for everyone to review the base draft and the changes made in the updated draft to provide a better reflection of where the Planning Commission feels KiawahNext should be heading. Mr. Taylor added that at today's meeting, he would review the progress to now, considerations for the workshop, and the staff recommendations for the Planning Commission and moving forward from today.

Mr. Taylor stated that presented today was the most recent Comprehensive Plan overview, which is a revision of the working document from the last meeting and was organized into the different plan elements. At this point in the process, he recommended breaking down the Commission into smaller working groups to focus on individual sections of the Comprehensive Plan to help complete the work more quickly. This entails getting a baseline understanding of the "reset" and making sure the consultant's new project lead understands the Planning Commission's expectations. His timeline for this month is to have a preliminary draft of the document in February, engage the public in an engagement session, and, in March, have a document to recommend.

Mr. Taylor stated that he would provide a high-level highlight of each of the elements but wanted to make sure the goals and objectives that are listed are in line with the expectations of where the Commission wants the vision of the Town to go in its Comprehensive Plan.

Commissioner discussion included whether the Town is under pressure to get the update done, the State statute requirements for the comprehensive plan updates and/or review, the progression of the current Comprehensive Plan update, which included updates in 2018 and 2019 that addressed the five-year review, that current update having an adoption deadline in September of 2025 would fall within the state requirements.

Mr. Capelli requested clarification on the current role of the consulting firm and the new consultant. He was of the opinion that the current draft was fairly comprehensive and complete and that the Planning Commission could prepare a presentation to the public for comments without further help from the consultants. He also expressed disagreement with the suggestion to work in small

teams, citing that the duty of the commission was to prepare the document, not individuals on the commission, but the whole commission working together to complete the process.

Mr. Taylor responded by stating that a substantial amount of framework exists, but it was his recommendation to have an engagement session with the consultant to ensure that the Commission's goals and objectives are sound and then work on preparing the actual document before pushing it out to the community.

Further discussion included the need to have a workshop to discuss the comments received from the Commissioners since the last meeting, discussion of the goals and objectives that were modified in the current document, including those items that were not eliminated, and getting a formal agreement that the Commission supports this document, and supports the goals and objectives within it. There was also an in-depth discussion of the recommendation to break down the Commission into smaller workgroups, with the Commission agreeing that the next step would be to schedule a workgroup meeting to finalize the goals and objectives and orient the new lead consultant.

Further discussion included the role of the new lead consultant, not making further revisions to the current draft document prior to the workshop, availability of the draft document for public review, and clarification of the documents included within the information packet in December and their use in the body of the Comprehensive Plan.

## **VI. New Business:**

### **A. Election of 2024 Officers**

Mr. Iwan stated that the Planning Commission's Rules of Procedure require that the Commission elect two officers at the first yearly meeting. He then opened the nominations for Chairman.

Mr. Iwan stated that Mr. Dowdy, who was not in attendance, expressed his interest in continuing to serve as the Commission's Chairman and asked that Mr. Iwan nominate him.

***Mr. Iwan made a motion to nominate Mr. Dowdy for the Chairman position for 2024. Mr. Capelli seconded the motion.***

***With no other nominations, the motion was approved by a 4 to 2 vote. Ms. Hennessy and Ms. Kaye abstained.***

Mr. Iwan opened the nominations for Vice-Chairman.

***Mr. Capelli made a motion to nominate Mr. Iwan for the Vice-Chairman position for 2024. Dr. Curran seconded the motion.***

***With no other nominations, the motion was unanimously approved.***

### **B. Approval of Rules of Procedure**

Mr. Iwan stated that the Commission's Rules of Procedure require that the Rules of Procedure be approved annually. A copy of the 2024 Rules of Procedure was provided in the meeting materials.

***Ms. Hennessy made a motion to approve the 2024 Planning Commission Rules of Procedure. Mr. Capelli seconded the motion.***

Mr. Taylor stated that there was only one technical change, which would be on the last page, changing the approval date from February 2023 to January 17, 2024. However, Mr. Capelli has pointed out that a number of changes were made last year that are not reflected in the current draft.

Mr. Capelli stated that the meeting times are reflected incorrectly; in the values, the last item should be deleted, and section 4 G should provide proper detail. He suggested tabling the motion until the next meeting when a clean copy can be provided with all the changes. The Commission can operate under the 2023 rules until a new, clean version can be approved.

**Mr. Capelli made a motion to table the approval of the rules of procedure until the next meeting. Mr. Farrell seconded the motion, and it was unanimously approved.**

**VII. Correspondence/Staff Comments:**

Mr. Taylor reviewed the presented Monthly Planning Update as follows:

Zoning Review

2023 Zoning Permits Issued			
January	11	July	12
February	18	August	13
March	28	September	56
April	10	October	24
May	23	November	25
June	16	December	12
<b>Issued to Date (2023)</b>			<b>248</b>
2022 Permits Issued (225)			

Subdivision Review

The following subdivision plat(s) are currently under review:

The following applications were granted administrative approval and were recorded with the Charleston County Register of Deeds.

CASE# SBD23-000004 - (99 Flyway)

CASE# SBD23-000005 - (7 - 8 Club Cottage) Lot Line Abandonment

Town of Kiawah Island Board of Zoning Appeals (BZA)

The Board of Zoning Appeals heard no cases during the month of December and will hear two cases for the month of January:

- **Case #BZA23-000019**  
213 Glen Abbey – Kiawah Island, SC | TMS# 265-09-00-014  
Variance request for the reduction of the required 15’ side setback for approximately 9 square foot encroachment.
- **Case #BZA23-000020**  
166 Marsh Hawk Lane – Kiawah Island, SC | TMS# 207-03-00-023  
Variance request for the reduction of the required 30’ rear setback for approximately 54 square foot encroachment for a proposed screen porch enclosure.

Site Plan Review

The following Development projects are currently under site plan review:

- SPR23-000002 Ocean Pines (Beachwalker Ocean Parcel 13 – Lot 1
- SPR23-000003 The West End at Beachwalker (A Portion of Upper Beachwalker)
- SPR23-000004 Night Heron Park Activities Building
- SPR23-000005 Emergency Beach Access Drive

Regarding SPR23-000002 and SPR23-000003. The Town contracted with a third-party engineering firm (Weston and Sampson) to conduct a peer review of the proposed plans to ensure consistency

of review standards, particularly stormwater management. No approvals have been granted at this time.

### **Kiawah Next**

The Comprehensive Plan Update is currently underway. A revised timeline is being prepared with a projected date of March recommendation by the Planning Commission.

### **Marsh Management Plan & Resiliency Updates**

The Marsh Management Plan was adopted in February 2023. The CMMP Workgroup established continues to meet to work through implementation Phase One, which consists of three priorities (developing a comprehensive communication plan, reviewing impervious and previous surfaces standards, and the Kiawah River bridge access project). In approaching the year one mark of the CMMP, progress has been made with each of the subcommittees to bring forth recommendations to the Town Council. The furthest along is a plan for the Kiawah River Bridge project, which is evaluating options for public access and marsh restoration. Several education and awareness efforts have been launched with targeted communications regarding the efforts of the CMMP.

### **Kiawah Island Parkway Intersection**

The Town is preparing to construct the intersection plans recommended by Kimley-Horn to include the free-flowing outboard lane and dedicated left turn onto Beachwalker Drive. The plans include the installation of a porkchop island to formalize the protected left turn. This work is projected to begin in March.

### **Beachwalker Drive**

The Town is projecting that Beachwalker Drive landscaping improvements will begin at the end of February. This project and the Kiawah Island Parkway and Beachwalker Drive intersection project will be coordinated to minimize any potential traffic impacts.

### **Mingo Point Dock**

Kiawah Island Golf Resort (KIGR) submitted to USACE and OCRM for a revised dock layout that would accommodate their needs and conform to the Town's dock ordinance as well as the USACE and OCRM regulations. This submittal, as proposed, would not require a variance from the Board of Zoning Appeals as a result of the Town's Key Dock Location Ordinance. It would conform to the required minimum distances into a river stream or creek. There has been no established timetable for construction granted all approvals are granted.

### **MUSC Medical Facility**

There are no new updates on due diligence being conducted by MUSC. Town staff has held initial pre-application meetings with the MUSC project team regarding the permitting process.

### **Town Council Updates**

A public hearing and first reading have been scheduled for February 6th for the proposed Town's Landscape and Tree Preservation Ordinance. Town Council commended the Planning Commission on a valued effort through the process; however, it recommended a few modifications.

#### **➤ Zoning Text Amendment Request:**

CASE#: AZO23-000004 | Proposed Landscape and Tree Preservation Standards

On December 6, 2023, the Planning Commission recommended approval of the proposed zoning text amendment:

(Sec. 12-129. Tree Preservation and Landscape Standards) \*new section

(Sec. 12-24.1 Landscape and Tree Preservation Board) \*new section

(Sec. 12-162. Site Plan Review) \*amended section.

(Sec. 12-165. Zoning Permits) \*amended section.

(Sec. 12-374. Definitions) \*amended section.

Town Council has discussed term limits for Planning Commission and Board of Zoning Appeals Members and amendments to the Temporary uses section of the ordinance at their January meeting—additionally, a request for the Planning Commission to consider the rezoning of Captain Sam's Spit.

Town Council Annual Retreat is scheduled for February 8-9, 2024.

### Johns Island & Regional Planning

➤ **Proposed Andell West Project:**

Andell West is a proposed commercial Planned Development adjacent to Freshfields Village in unincorporated Charleston County. The proposed development is to provide a full-size grocery store to the Kiawah, Seabrook, and John's Island Communities. In addition, the development will include opportunities for retail and services. The County Council approved the Planned Development. The next stage of the process is the formal permitting process. There is no pending timeline for construction at this time.

➤ **Main Road Corridor Project - Segment C:**

The Project Team will hold a public meeting in the first quarter of 2024 to present the recommended preferred alternative. Date TBA. Planning staff continues to engage with the County on the project.

➤ **Orange Hill Planned Development:**

Orange Hill is approximately 933 acres on Johns Island, located between Bohicket Road and River Road. The owner of Orange Hill (Kiawah Partners) is proposing a new planned development district to replace the existing planned development district that was approved by Charleston County in 2004. The concept plan for the new Orange Hill PD includes a private golf course combined with a low-density residential community. The new proposed PD adjusts the location of the golf course and reduces the number of approved houses that were entitled in the existing PD from 181 to 120. The owner will be simultaneously seeking a development agreement from County Council to preserve its rights under the proposed PD if it is approved. There have been no new updates on this project at this time.

➤ **Betsy Kerrison Parkway Medical Village:**

ZREZ-06-23-00147: Request to rezone TMS # 203-00-00-048 and -053 from Low-Density Residential (R-4) to the Island Park Place Medical Village Planned Development (PD- 187) to allow for the development of a large-scale medical office park with associated retail and residential uses.

Proposed plans include a maximum of 159,846 square feet of buildings to include medical office space, multi-family dwelling units to be located above office space and an onsite wastewater treatment area. The referenced request has been deferred from the December 21, 2023, Charleston County Council Planning and Public Works Committee meeting. It has been scheduled for the January 25, 2024, Planning and Public Works Committee meeting.

Mr. Taylor stated that following the completion of the Comprehensive Plan, the next goal is for the Planning Department and the Planning Commission to complete a holistic review of the zoning code, looking at specific sections for ordinances that are out of date and ordinances that are inconsistent to essentially modernized the zoning code to today's Kiawah standards. It is anticipated that the Town will bring on a consultant to help with that review.

The Town Council had a public hearing and first reading of the tree ordinance at their January meeting. Mr. Taylor stated that he reviewed the comments the Commissioners sent in regard to the response to that particular meeting, and in his opinion, the Council focused on one particular aspect: the less restrictive versus more restrictive, with substantive comments coming around the tree preservation board and its role and responsibilities, a more scrutinized approval process for the removal of Grand trees, not understanding the comprehensive work done by the Commissioners in structuring the draft language. The Council has requested to work through some more amendments, and having received some comments directly from the Council, he would be

working through the draft and sending it back to the Council. At this point, it is not scheduled to come back before the Planning Commission.

Commissioners discussed the comments from the Council and Mr. Capelli's perception that the materials presented to the Council were inconsistent with the language in the draft ordinance.

Ms. Hennessy's comment on concerns expressed by the community about the procedures for approving various site plans and the fact that there may be a need for some more help in making sure that some of these plans conform to ordinances. She also noted at the October 22nd meeting, where the Commission approved some preliminary plats of Upper and Lower Beachwalker the Commission was assured that they would see the plans again. She questioned when the Commission would see those plats again and what the Commission's role was in approving any further site plans. She also noted that he had received a lot of emails with some very specific questions about things that looked like they did not conform to the Town's zoning rules and hoped those would be answered.

Mr. Taylor responded by stating that site plan review by code is Administrative approval. For all of those plans that have been submitted, the standard review procedures are that the applicant would submit plans, we would issue comments, applicants would submit plans or documents, and we would submit comments, so that's a back-and-forth process until an approvable state is achieved. When questioned if the subdivision regulations would apply to Upper Beachwalker, Mr. Taylor stated that a preliminary plat would come before the Planning Commission, and site plan review would not come before the Planning Commission.

With regard to the inquiries received on the boardwalks at the Cape, Town Planning and Public Works staff went on-site to look at them, met with the project team, and by the end of the week, crews should be mobilized to remove portions of the boardwalks that are in non-compliance due to the active beach state after the recent storm.

Ms. Kaye stated that the community has posed a lot of legitimate questions. She asked if it was realistic to think about providing some of the questions and a consistent set of accurate answers that address the most common difficult questions.

Mr. Taylor responded that at last month's Town Council meeting, staff provided an update on those particular projects so that the community could be aware of their status and that regular updates would probably be given on substantial projects.

**VIII. Council Liaison Comments:**

**IX. Public Comments:**

A member of the public asked if it was also Mr. Taylor's opinion that the boardwalk that is now half-destroyed at the Cape appeared to be in violation of DHEC rules and regulations, to begin with.

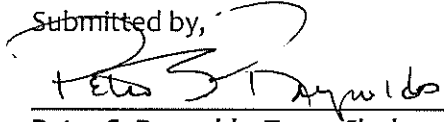
**X. Commissioner Comments:**

Mr. Capelli stated that the Marsh Management subcommittee would be meeting tomorrow to discuss bridge access and marsh protection or preservation in that area. Hopefully, the subcommittee will receive the regulatory report that provides some understanding of what can and can't be done. Based on the information received, the plan is to provide the public with the proposal of a boardwalk/deck or nothing, so that'll be forthcoming.

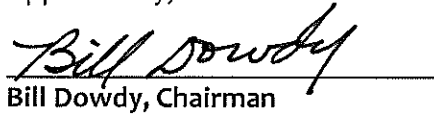
XI. Adjournment:

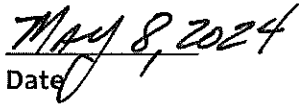
*Mr. Farrell made a motion to adjourn the meeting at 3:15 pm. Ms. Hennessy seconded the motion, and it was unanimously approved.*

Submitted by,

  
Petra S. Reynolds, Town Clerk

Approved by,

  
Bill Dowdy, Chairman

  
Date