

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

June 5, 2024, 2:00 pm

Minutes

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

II. **Roll Call:**

Present:
Bill Dowdy, *Chairman*
Larry Iwan, *Vice Chairman*
Gene Babinec
Andy Capelli
John Connolly
Dr. Ronald Curran
Joanne Hennessy

Also Present:
John Taylor, Jr., *Planning Manager*
Patera St John, *Planner I*

III. **Approval of Minutes:**

- A. Planning Commission Meeting Minutes of April 3, 2024
- B. Planning Commission Meeting Minutes of May 8, 2024

The minutes of the April 3, 2024, and May 8, 2024, meetings were deferred to the next Planning Commission meeting.

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

V. **Old Business**

A. KiawahNext Update

Mr. Taylor discussed what he called the "small reset button" on the KiawahNext project. Staff and the Commission Chair have met with the consultant team internally to reassess and outline future steps to move the important project forward to completion more rapidly. From a time and efficiency standpoint, the structure has been modified to work with a smaller group, including Dr. Curran, Ms. Hennessy, and Mr. Iwan. They will begin reviewing the existing documents, primarily focusing on the elements that the Commission has not already reviewed, along with a full review of the entire document prior to presentation to the full Commission and in preparation for community feedback.

VI. **New Business:**

A. Introduction of Stormwater Management Strategies and Proposed Regulatory Amendments

Mr. Taylor began the discussion of stormwater management by highlighting the need for improved regulations and practices on Kiawah, providing an overview of stormwater and the envisioned phased approach for the process. Despite having a text amendment listed on the agenda, the staff's intent was not to necessarily have the Commission make a recommendation but rather to set a foundation for understanding how stormwater impacts other areas and that there are best

management practices from a low-impact development standpoint as well as from what one property owner can do on their actual property that helps collectively.

Ms. St. John provided background on stormwater regulation, stating that the passage of the Clean Water Act in 1972 authorized the EPA, which in turn authorized DHEC to manage stormwater for clean water purposes. She described stormwater as water that originates from rain, snowmelt, or runoff that does not soak into the ground and becomes an issue to water quality.

The presentation included how stormwater is managed, stormwater management plan components, and the current DHEC requirement for stormwater review. It was pointed out that most local coastal communities that own their stormwater infrastructure partner with Charleston County to help regulate and review the stormwater. They have adopted additional requirements above those of DHEC and the Charleston County Stormwater program.

The discussion covered the importance of managing both the quantity and quality of stormwater runoff, with examples of current practices and potential improvements. Recommendations included:

- adopting language for enforcing current DHEC standards for all construction sites,
- developing a stormwater management plan application,
- hiring a consulting engineer to review stormwater management for larger projects,
- require applicants to submit inspection reports as recommended,
- provide advanced training for Town Staff to review and inspect single-family projects.

Commissioner discussion included two focuses: improving the quality of stormwater runoff and expanding review to individual house-level construction practices. Also noted was that in addition to enforcing current DHEC standards, stormwater management at a higher level than current DHEC standards was needed. The conversation also touched on whether the Community Association is enforcing any quality controls regarding stormwater and on the legal and jurisdictional aspects of proposing or implementing new stormwater regulations, considering the unique infrastructure ownership on the island.

Mr. Taylor noted that the recommendation to investigate stormwater regulation follows the 2018 Flood Mitigation and Sea Level Rise Report, the Comprehensive Marsh Management Plan, and the 2019 amendments to the Comprehensive Plan.

Commissioners engaged in an in-depth discussion of whether to approve the amendment to create a baseline with DHEC standards as a starting point based on the information provided or whether more time is needed. Following the discussion, Mr. Capelli indicated he saw no reason to conclude there was a quality protection or quality issue with respect to the runoff and, therefore, saw no need for another ordinance. Also discussed was the importance of collaborating with the Community Association, Conservancy, and engineers to understand capacity concerns and establish enforceable standards for stormwater management.

B. Zoning Text Amendment

- 1) **AZO24-000007** | Request to create Section 12-169. – Stormwater Management Plan to enhance stormwater best management practices for purposes of reducing flooding, protecting water quality, controlling erosion, fill, and managing runoff.

Mr. Taylor stated that the proposed ordinance would create a new section in the zoning code that would establish a stormwater permit process. The proposed text outlines the purpose of providing for the review and use of best management practices for stormwater management and construction practices to reduce flooding, protect local water quality, manage storage and

treatment of stormwater runoff, reduce pollution to the marsh, reduce erosion, and manage fill as a result of construction activities.

The proposal would apply to all new construction and significant exterior remodeling that changes the footprint, including parking areas and surfaces exceeding 500 square feet. It would also include anything that's adding fill or recontour of 20% or more of the existing lot area.

The process involves submitting an application for review through the online portal. The submittal requirements included that the property owner, professional engineer, and landscape architect provide a site plan survey illustrating the existing and proposed topographical features of the lot, the existing and proposed drainage flow patterns, and a site narrative describing the means and methods of preventing adverse impacts to adjacent and/or downstream properties along with anything considered reasonable or pertinent to the particular application.

Concerns were raised about the proposed language, "considered reasonable or pertinent," as it pertains to additional information submitted by the applicant and staff's review, the potential costs to homeowners, and the need for flexibility in applying the ordinance to different properties across the island. The discussion also touched on existing practices and covenants that allow neighbors to address stormwater runoff issues without the need for a new ordinance.

The discussion also covered the appropriateness of using percentages, rather than an absolute amount, to regulate changes to lot areas, the qualifications of landscape architects in assessing stormwater runoff, and the possibility of mandating consultations with engineers for certain projects. The intent to comply with and possibly exceed DHEC standards was discussed, with suggestions for stricter local standards to address current environmental issues.

Mr. Iwan made a motion to accept the language of Section 12-169 as presented by Staff. Ms. Hennessy seconded the motion.

Ms. Hennessy expressed her concern with the percentage in the language "adding fill or recontour of 20% or more of the existing lot area" and asked that it be reviewed and that the Town of Kiawah standards would have to be defined at some point.

Ms. Hennessy made a motion to amend the language so that the percentage used when adding fill or recontouring the existing lot area is discretionary. Mr. Babinec seconded the motion, and it was approved by a 6 to 1 vote, with Mr. Capelli voting "No."

The motion to accept the language of Section 12-169 as amended was approved by a 6 to 1 vote, with Mr. Capelli voting "No."

C. Discussion Item

1) Pervious Driveway and Parking Requirements

Mr. Taylor stated that regarding the discussion of pervious/impervious requirements, staff would like to hear the Planning Commission's thoughts and feedback on a few concepts that have been discussed as of the Marsh Management Plan. The established Marsh Management Plan subcommittee's investigation of pervious and impervious requirements and a potential dual-pronged approach of incentives and regulatory changes were presented at the Town Council Retreat. The framework was provided by the incentive program in the Oceanwoods Neighborhood, where a contractor provided a cost reduction based on the entire neighborhood, converting their asphalt driveways to permeable pavers.

Mr. Taylor presented an outline of incentives, permeable requirements for driveways and

parking elements, and stormwater regulations, noting that the Commission's feedback would be shared with the sub-committee at their next meeting.

The Comprehensive Marsh Management Plan outlined the recommendation to “*strictly limit impermeable surfaces, formalize stormwater BMPs for private properties*” and its justification. He discussed that the subcommittee has assessed what other communities are doing and found that many already have regulations regarding pervious requirements. He also discussed the work being done on measuring how much impervious cover is across this island to provide a benchmark to set a percentage goal in reducing impervious surfaces and to measure success.

Mr. Taylor reviewed the components of the recommendations for Pervious Driveway Requirements, which would require that driveways become permeable surfaces as new development or redevelopment occurs. He also reviewed the components of the Pervious Parking Requirement, which would require parking surfaces to be implemented with pervious materials.

Commissioner discussion included a question on the maintenance required with pervious surfaces, challenges with the metric to measure success, and to consider maybe how it could be done with regulation to either encourage or require, in certain instances, the need for a considerable amount of education on the products, and a concern the substantial study that is required be completed before going forward.

VII. Correspondence/Staff Comments:

A. Development Project Updates

B. Comprehensive Marsh Management Plan Workgroup

C. Landscape and Tree Preservation Workgroup

Mr. Taylor started at yesterday's Town Council meeting;

- Two ordinances received final approval;
 - The *Temporary Uses Ordinance* was modified to grant more discretion to the Planning Director regarding tree removal for construction staging areas, with the condition that removed trees are replaced.
 - The *Site Plan Review Ordinance* requires the Planning Commission to review non-residential developments exceeding 20,000 square feet or multi-family with more than seven units. The Commission's approval authority was removed, so an application meeting those requirements would only be brought to the Commission for review and comment.
- The proposed *Impact Fees Ordinance's* first reading was highly discussed but ultimately disapproved by the Town Council.
- The Main Road Corridor project was discussed. Segment C is still open for public comment until the 14th, and community input is encouraged.
- Staff issued a “refreshed” set of comments for the projects on Beachwalker, which includes the West End, Ocean Pines, and the Cape Point Extension.
- MUSC's site plan review is nearing site-plan approval, with the remaining steps including an encroachment permit from Seabrook Island and approval of the landscape plan by the Architectural Review Board.
- The Landscape and Tree Preservation Board now has a full complement of members and will be installing officers and establishing rules of procedure later in the month.

- Phase two of the landscape standards is underway, led by Ms. St. John with a team of stakeholders to help with that process.

VIII. Public Comments:

Sheri Galliger – 119 Spartina Court

Ms. Gallagher identified herself as a KICA Board member but did not speak on its behalf. She discussed the reformation of a council for the regimes of the villages and cottages at which the regimes' presidents meet to share information and address issues. She noted that Mr. Taylor approached the group with his pervious surface idea, and the group was very receptive to it because of the success of Oceanwoods, urging the continuation of this initiative. Ms. Gallagher indicated that she was a liaison with the Regime Council and offered to share beneficial ideas.

IX. Commissioner Comments:

Mr. Dowdy formally welcomed Mr. Connolly to the Planning Commission, noting that he has lived on the island for 15 years. He has been a member of KICA, served on various committees, and has a wealth of knowledge and information about this island. A panel that included Council Member Farrell selected him from five good candidates. Mr. Dowdy expressed confidence in Mr. Connolly's abilities and looked forward to his contributions.

Mr. Connolly responded by expressing his honor at joining the Commission and looking forward to contributing value despite initially feeling overwhelmed by the volume of information.

Mr. Babinec informed the committee members that he would be absent for the next three meetings due to his children's weddings in Colorado. He mentioned that his contact information is available online for anyone who needs to reach him during his absence.

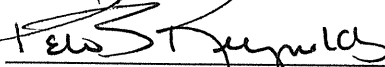
Mr. Capelli expressed the need to understand the current actions of the Council with respect to their role versus the Planning Commission versus the need to do things on the island. He questioned the need for everything to be an ordinance and the Council's intent, especially in areas regarding individual properties and individual property rights.

Mr. Capelli also sought clarification on the differences between what the Council believes its role is and what the KICA role is understood to be. He emphasized the importance of clarifying these roles before writing rules and ordinances that challenge each other and ensuring that recommendations are not only accepted but also effectively implemented to avoid conflicts and expenses.

X. Adjournment:

Dr. Curran made a motion to adjourn the meeting at 3:46 pm. Mr. Babinec seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

7-9-2024

Date