

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

March 6, 2024, 2:00 pm

Minutes

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

II. Roll Call:

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

Present via Zoom: Gene Babinec

Also Present:
Stephanie Tillerson, *Town Administrator*
John Taylor, Jr., *Planning Manager*
Boone Aiken, *Town Attorney*
Ross Appel, *Consulting Attorney*

III. Approval of Minutes:

A. Planning Commission Meeting Minutes of January 10, 2024

B. Planning Commission Meeting Minutes of February 7, 2024

Minutes of the January 10th and February 7, 2024 meeting were deferred to the next meeting.

IV. Public Comments

(Agenda Items Only)

Sheri Gallagher - 119 Spartina Court – KICA Director-Elect

Ms. Gallagher spoke to the comment made during the workshop on the rezoning of Captain Sam's Spit, zoning it Conservation with an overlay as a logical way to get the best result.

Mr. Capelli made a motion to go into executive session to receive legal advice regarding the 2013 Amended and Restated Development Agreement and the rezoning of parcel #TMS 207-05-00-0011 (Captain Sam's Spit). Mr. Iwan seconded the motion, and it was unanimously approved.

V. Executive Session:

A. Executive Session pursuant to South Carolina Code Section 30-4-70(a)(2) to receive legal advice regarding the 2013 Amended and Restated Development Agreement and the rezoning of parcel #TMS 207-05-00-0011 (Captain Sam's Spit).

Mr. Farrell made a motion to come out of the Executive Session. Mr. Capelli seconded the motion and unanimously approved it.

Mr. Dowdy stated that during the executive session, no actions were taken, no decisions were made, and no voting took place. The discussion was regarding the rezoning of Captain Sam's Spit.

VI. Old Business

A. KiawahNext Update

B. Comprehensive Plan Amendment Request

- 1) #ACP24-000001 | Request to Amend the Comprehensive Plan – Comprehensive Plan Map IX.2, Future Land Use to change the future land use designation for the subject property TMS# 207-05-00-0011 from Low-Density Residential to Active Recreation and Open Space. (Captain Sam’s Spit); and for the subject property TMS# 207-05-00-001 from Medium Density Residential to Active Recreation and Open Space.

C. Zoning Map Amendment Request

- 1) #REZ24-000001 | Request to amend Chapter 12- Land Use Planning and Zoning Ordinance Article II. – Zoning, Division 2. – Zoning Map/Districts, Section 12.62. Zoning Map to rezone the subject property TMS# 207-05-00-0011 from R-1, Residential to PR, Parks, and Recreation; and to rezone the subject property TMS#207-05-00-001 from R-2, Residential to PR, Parks, and Recreation.

Ms. Hennessy made a motion to table further discussion of the Future Land Use and Rezoning of Captain Sam’s Spit. Mr. Capelli seconded the motion.

Ms. Hennessy stated that she personally was very confident that tabling was the right thing to do and that the community should please be patient.

Following the discussion, the motion was unanimously approved.

VII. New Business:

A. Subdivision Application

- 1) SBD24-000001 | A Subdivision Plat and Waiver Request
KDP II LLC
Ocean Front Highland (Captain Sam’s Spit)
TMS# 207-05-00-0011

Mr. Taylor stated that KDP II LLC is requesting a Subdivision Plat and Waiver for lands identified as Oceanfront Highlands Parcel 12B #TMS207-05-00-0011, more commonly known as the Captain Sam’s Spit parcel. The property is currently zoned R-1, and the Beachwalk Park lease site is zoned R-2. Mr. Taylor provided a breakdown of the case information, which included the location and surrounds, noting that

- The subject parcel has been historically identified into two planning areas (Parcel 12A: Beachwalker Park and Parcel 12B: Captain Sam’s Spit) based on the formerly executed 2013 ARDA. The subject area would be sited on Parcel 12B.
- The subject parcel is principally undeveloped; however, a portion of the parcel is developed in Beachwalker County Park (leased to Charleston County, operated by (CCPRC). Beachwalker County Park is open to the public.
- The subject area identified as Oceanfront Highlands is a portion of beachfront highlands measured from the primary oceanfront dune to mean high water.
- The applicant intends to subdivide a portion of the subject parcel for the purposes of conveyance to the Kiawah Island Community Association (KICA). This conveyance is pursuant to Section 16(f) Captain Sam’s Spit – Parcel 12B of the formerly executed 2013 ARDA.

Mr. Taylor provided maps and graphics to give the Commissioners context on a typical beach profile. Stating that the subdivision request is inconsistent with the standard subdivision regulations and is why the waiver is before the Commission. He presented Section 12-154 – Waivers reviewing the approved criteria for the Planning Commission. Should the Planning Commission grant approval of the Subdivision plat, it must be granted through this waiver. The staff has recommended that if the Commission grants a waiver, the language provided in your materials to the Subdivision plat should be approved.

"This subdivision does not provide access (ingress and egress) by means of streets which are constructed in conformance with standards and specifications prescribed within the Town of Kiawah Island's Land Use Planning and Zoning Ordinance and was and was granted a waiver by the Planning Commission pursuant to § 12-254. Waivers."

Ms. Hennessy made a motion to approve the Subdivision Application Waiver. Dr. Curran seconded the motion. The motion was passed by a 6 to 1 vote, with Mr. Capelli abstaining.

B. Zoning Text Amendment Requests

Mr. Taylor stated that at the February meeting, Commissioners were introduced to language changes to the zoning code brought forth by members of the Town Council. Staff indicated that those changes would be reviewed and brought back for Commission consideration.

Mr. Taylor presented the staff's comments and redlines. In the document, the red text is the proposed new language, and the blue text is pending Town Council approval.

Mr. Taylor provided a detailed review of each of the proposed languages and answered Commissioner questions in each section:

1) #AZO24-000002 (Zoning General)

Request to amend Sec. 12-20. – Authority and Purpose, Sec. 12-23. Planning Commission. and Sec. 12-25 – Planning Director to modify provisions of zoning permit applications.

Planning staff comments:

- Clarifies language of protection regarding density and potential development impacts.
- Modifies provisions of zoning permit applications and provides a mechanism for additional review for large-scale development projects
- Connects Planning Commission to applicable site plan review process
- Maintains objectivity for review. The previous language provided no standards for review.
- Staff recommends the Commission consider modifying specific zoning standards in lieu of a subjective approach or unmeasurable criteria.
- Considers the timeline of procedures associated with plan review. Avoid development delays
- Incorporates the proposed Landscape and Tree Preservation Board administration

Commissioners discussed the proposed changes to Section 12-20.

Mr. Farrell made a motion to accept Section 12-20 as edited. Ms. Hennessy seconded the motion.

Following discussion, the motion was unanimously approved.

Commissioners discussed the proposed changes to Section 12-23.

Ms. Hennessy made a motion to accept Section 12-23 as edited. Dr. Curran seconded the motion. The motion was passed by a 6 to 1 vote, with Mr. Capelli voting "no."

Commissioners discussed the proposed changes to Section 12-25.

Mr. Farrell made a motion to accept Section 12-23 as edited. Mr. Iwan seconded the motion. The motion was passed by a 6 to 1 vote, with Mr. Capelli voting "no."

2) #AZO24-000003 (Impact Fees)

Request to amend Sec. 12-31. – Impact Fees to further define impact fee assessment studies for potential levied impact fees.

Planning staff comments:

- The proposed amendment modifies the maximum lot coverage requirements for various housing types in the R-2 and R-3 zoning districts.

- Staff does not recommend approval of these proposed changes. The proposed change would considerably impact the character of existing neighborhoods.
- Planning staff recommends utilizing the future recommendations of the Comprehensive Marsh Management Plan to consider new standards regarding pervious/impervious surfaces regarding stormwater management.
- Planning staff recommends consideration of stormwater runoff standards to address concerns of coverage.

Commissioners engaged in an in-depth discussion of the proposed changes to Section 12-31 and requested that stormwater management and further delineations be added to the section.

Mr. Iwan made a motion to table Section 12-23 to allow Mr. Taylor to do more study on Impact Fees. Dr. Curran seconded the motion.

Following further discussion, the motion was unanimously approved.

3) #AZO24-000004 (Zoning Maps. District)

Request to amend Sec. 12-65. – R-1, Residential District, Sec. 12-66. – R-2, Residential District, and Sec. 12-67. – R-3, Residential District to modify lot coverage standards.

Mr. Taylor stated that the recommended changes mostly revolved around lot coverage designation and switching those to 33% for all different property types. He provided a detailed explanation of the reasons staff did not recommend moving those changes.

Commissioners engaged in an in-depth discussion of the impact of the proposed change to Sections 12-65, 12-66, and 12-67.

Ms. Hennessy made a motion to table Sections 12-66 and 12-67 to allow for a broader review of the proposed change. Mr. Farrell seconded the motion.

Following further discussion, the motion was unanimously approved.

4) #AZO24-000005 (Use Regulations)

Request to amend Sec. 12-102. – Principal Uses and Use Regulations, Sec. 12-103. – Conditional Uses, and Sec. 12-106. – Temporary Uses to further refine allowed uses, conditional uses, and temporary uses.

Planning staff comments:

- Planning staff recommends a comprehensive review of all allowed uses (by-right, conditional, and special exception).
- The scope of work for the prepared RFP outlines this comprehensive review, which will assist the Town in updating its zoning ordinance and subdivision regulations.
- The proposed amendment refines language for temporary uses, specifically structures and storage areas associated with construction purposes.
- The proposed amendment strengthens the time frame for which temporary use is allowed.
- The proposed amendment also strengthens pre and post-development conditions of a temporary use.

For Sections 12-102 and 12-103, the Staff recommendation is for the Commission to comprehensively review the sections and permitted use table to identify uses that would be either permitted by right conditionally or through a special exception for the entire island.

Commissioners engaged in an in-depth discussion of the proposed changes to Section 12-106, which included the staff recommendation that how temporary building and material storage areas would be treated pre- and post-site development be approved as part of the site plan process, ensuring that those lands are returned to the pre-site condition.

Ms. Hennessy made a motion to accept the proposed changes to Section 12-106. Dr. Curran seconded the motion. The motion was passed by a 6 to 1 vote, with Mr. Capelli voting “no.”

5) #AZO24-000006 (General Procedural Requirements)

Request to amend Sec. 12-162. – Site Plan Review and Sec. 12-164. – Administrative Permits to modify the approval process for site plan review.

Planning staff comments:

- Modifies provisions of zoning permit applications and provides mechanisms for additional review for large-scale development projects.
 - Large-scale projects subject to Planning Director review followed by Planning Commission review and approval
 - Commercial/ non-single family residential 25,000 sqft / 10 dwelling units or more
- Connects Planning Commission to applicable site plan review process
- Maintains objectivity for review. The previous language provided no standards for review.
- Staff recommends the Commission consider modifying specific zoning standards in lieu of a subjective approach or unmeasurable criteria.
- Consider the timeline of procedures associated with plan review to avoid significant development timelines.
 - Planning Staff, Tree Preservation Board, and Planning Commission will need to grant approval.

Commissioners engaged in an in-depth discussion of the proposed changes to Sections 12-162, heavily debating the proposed role of the Planning Commission in the site plan review and approval process and administrative approvals.

Mr. Farrell made a motion to table approval of the proposed changes to Section 12-162. Dr. Curran seconded the motion.

Following further discussion, the motion was unanimously approved.

Commissioners engaged in an in-depth discussion of the proposed changes to Section 12-164.

Mr. Farrell made a motion to table approval of the proposed changes to Section 12-164. Dr. Curran seconded the motion, and it was unanimously approved.

VIII. Correspondence/Staff Comments:

Mr. Taylor provided an update on the Tree Preservation Ordinance, stating that at yesterday’s Town Council meeting, they deferred approving the second reading, requesting clarity on the applicability of single-family residential and why the Planning Commission recommended that to the Council.

Mr. Taylor stated there had been a request to change the Planning Commission meeting time from Wednesdays to Mondays. Mr. Iwan stated that several years ago, the Town Council specifically asked to move the Planning Commission meetings to after the Town Council meetings. Mr. Capelli added that it was to allow the Planning Commission time to respond to anything referred to by the Commission for the next council meeting.

Mr. Taylor also stated that two years ago, the Commission considered moving the meeting time from 2:00 pm to 1:00 pm, settling on 2:00 pm based on the Commissioner’s time and availability. He asked if the Commission would currently want to make that time adjustment, and the Commission responded that they would not want to make the adjustment.

Mr. Taylor also noted that at the Town Council meeting, the first reading and public hearing were held for the Planning Commission and Board of Zoning Appeals term limits ordinance, with the

Council deciding to make those term limits retroactive rather than how the language was previously written.

IX. Public Comments:

None

X. Commissioner Comments:

Mr. Farrell stated that he had said it before, but there is no need to be afraid of transparency. He noted that over the past couple of years, the Town has tried to increase transparency and to be more communicative. It adds a little extra burden for some of the transparency to be accomplished, but to satisfy the public that good work is being done is a good thing.

Mr. Capelli stated that he did not disagree with transparency and was looking forward to staff's comments as to how to make it more transparent and not force a procedure on everybody that is not only costly, takes time, is inefficient, and completely duplicative of what staff is doing, and shows no confidence in staff.

Mr. Capelli stated that the memo on KiawahNext sent along with the revised draft mentioned that a meeting date might have been established and asked when that meeting would take place.

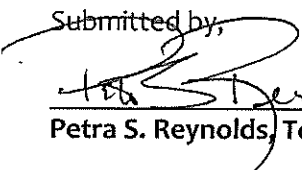
Mr. Taylor stated that the document he shared was essentially the debrief from the previous meeting to make sure that the Commissioners were able to see the changes that were made; he asked Commissioners to review the draft and make sure it was consistent with the feedback provided to Mr. Burke and his team, who was still working through the document to present them more comprehensively. A firm date has not been found to present those to the Commission, but after the date is confirmed, it will be the final opportunity for the Commission to review it before taking it public and to share any comments.

Ms. Tillerson wanted to take the opportunity to thank Joe Wilson, as this was his last Planning Commission meeting. She said he had been wonderful to work with over the three years he had been with the Town, thanked him for his service, and that she was very appreciative.

XI. Adjournment:

Dr. Curren made a motion to adjourn the meeting at 4:34 pm. Mr. Capelli seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

6-24-2024

Date