

# PLANNING COMMISSION MEETING

Municipal Center Council Chambers

May 8, 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*  
Eugene Babinec  
Andy Capelli  
Ronald Curran

**Absent:** Joanne Hennessy

**Also Present:** John Taylor, Jr., *Planning Director*  
Mac McQuillan, *Town Attorney*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of February 7, 2024

*Mr. Babinec made a motion to approve the Planning Commission meeting minutes of February 7, 2024. Dr. Curren seconded the motion.*

*Following the typographical errors pointed out by Mr. Capelli, the minutes were unanimously approved.*

B. Planning Commission Meeting Minutes of March 7, 2024

*Mr. Capelli made a motion to approve the Planning Commission meeting minutes of March 7, 2024. Dr. Curren seconded the motion.*

*Following the typographical errors pointed out by Mr. Capelli and Mr. Babinec, the minutes were unanimously approved.*

IV. **Public Comments**

*(Agenda Items Only)*

None

V. **Old Business:**

A. **KiawahNext Update**

B. **Zoning Text Amendments**

1) #AZO24-000003 | Request to amend Sec. 12-31. – Impact Fees to further define impact fee assessment studies for potential levied impact fees.

Mr. Taylor stated that the request to amend Section 12-31 – Impact Fees was tabled at the last meeting. The initial draft of the amendments was brought forth for consideration at the March 6th Planning Commission meeting and was tabled and then tabled again at the April 8<sup>th</sup> meeting.

Working with Mr. Farrell, now on the Town Council, the language was modified based on his suggestions at the previous meeting. He reviewed the substantive structural modification change, including a detailed description of traffic impact, stormwater, and environmental impact assessments, as well as two bullets under each section. He noted that the purpose and intent of the ordinance remained the same, not constituting that the Town will move down a path of collecting impact fees today, but sets the process in motion for things that would be considered as critical needs regarding impacts that the Town wants to pay attention to.

Mr. Capelli questioned whether the town government passed the resolution directing the Planning Commission to conduct the necessary studies and to recommend the Impact Fee Ordinance, pointing out that the Development Impact Fee Act of South Carolina contains procedural safeguards that have to be done similar to the procedures used to develop the Comprehensive Plan. Mr. Taylor clarified that the process to impose impact fees, being referenced and outlined in previous meetings, had not begun. The language has not been drafted, so the Town does not have a mechanism, a structure, and a platform to assess property owners with an impact fee for development, and there is no fee associated with it.

Mr. Capelli indicated that, at this point, the Town has not fulfilled the law's requirements regarding impact fees, and the Planning Commission cannot make a recommendation unless it does its work in accordance with the law.

Following a request to go into an Executive Session to discuss the legality of the amendment being considered and the fact that the agenda could not be amended, Mr. McQuillan asserted that the ordinance sets the foundation and the items that will be studied and assessed to decide whether impact fees are viable and which studies would be a priority for the Town.

Further discussion included the language in the current ordinance, which already outlines the steps that need to occur before considering impact fees. It states, "impact fee shall be levied in accordance with this article at such time as an impact assessment study has been completed." The ordinance amendment just defines the types of studies that need to be completed, not initiating any study. If the Town were to consider imposing impact fees, as a municipality, it would need to prove the burden of impacts on existing infrastructure.

Mr. McQuillan indicated that he and Mr. Taylor had consulted with Mr. Appel, who is well-versed in violations of the impact fee statute, and he was fine with the language.

***Mr. Babinec made a motion to approve the amendments to Sec. 12-31. – Impact Fees to further define impact fee assessment studies for potential levied impact fees. Mr. Iwan seconded the motion.***

***Following the discussion of Mr. Capelli's concerns, the motion was passed by a 4 to 1 vote, with Mr. Capelli voting "No."***

**VI. New Business:**

None

**VII. Correspondence/Staff Comments:**

**A. Development Project Updates**

Mr. Taylor provided the requested updates on development projects as follows:

- The Beachwalker projects are still outstanding, and approval has been granted.
- Meetings continue with the Medical University of South Carolina regarding their

freestanding emergency department to work through a few more additional hurdles that are anticipated to be nearly completed.

- Working with the Architectural Review Board on their landscape plan
- Working with the Town of Seabrook Island and their encroachment permit.
- Working with the Kiawah Island Golf Resort regarding the Night Heron Park project to provide all of the particulars needed to start with the activities building.

Mr. Taylor noted that there were no new updates regarding the Andell West project at this time.

Mr. Taylor stated that also highlighted at the Town Council meeting was

- Next week, on the 14th, there will be a meeting regarding Main Road Corridor Segment C. At that time, the county will share its revised alternatives for Bohicket Road toward Main Road.
- Updates regarding the Marsh Management Plan: In addition to the sub-committee working on the Kiawah River Bridge Project, another sub-committee is working on pervious and impervious surfaces, looking at as a community, to increase more pervious surfaces across the island.
  - Exploration of both incentives and regulatory changes
  - Potential recommendations that will filter the Planning Commission to the Town Council
  - The impact of majority of property owners on Kiawah considered it an impervious material for the driveway as opposed to an impervious material.
  - reducing the amount of runoff is one of the key strategies and ties into overall stormwater management

#### **B. Stormwater Management & Low Impact Development BMPs Introduction**

Mr. Taylor discussed, in detail, the draft of a program to be deployed that would allow an initiative for property owners to participate in the conversion of their existing driveway from impervious surface to pervious surfaces, which was modeled as a very successful community-led initiative in Oceanwoods Neighborhood. He discussed the importance of pervious materials and how that can benefit a community and that the sub-committee may also consider looking at more regulatory changes, noting many communities are already making those regulatory changes, having requirements as part of their codes where a certain percentage of parking is automatically required to be pervious.

Mr. Taylor answered questions posed by Commissioners on whether the use of impervious materials could provide relief on lot coverage, what properties this would apply to, and suggested recommendations when moving forward.

Mr. Taylor reported that the Town Council had approved the appointment of three members to the Landscape and Tree Preservation Board. The three appointments included two residents of Kiawah Island, Ms. Elisabeth St. John and Mr. Robert Ryan, who is a design professional, and Ms. Denise Graybill-Donohoe, another design professional who does not reside on the island. The Board still needs two additional members, and those openings will be advertised.

#### **VIII. Public Comments:**

None

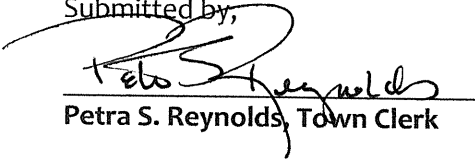
#### **IX. Commissioner Comments:**

Mr. Iwan expressed his respect for his colleague's research and his concern that the Commission might be overstating or overlooking things. Still, he was confident that when this goes to the

Town Council, legal counsel will ensure that the Commission is on the right track.  
X. **Adjournment:**

*Mr. Iwan made a motion to adjourn the meeting at 2:55 pm. Mr. Capelli seconded the motion, and it was unanimously approved.*

Submitted by,

  
Petra S. Reynolds, Town Clerk

7-9-2024  
Date