

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

October 2, 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: Mac McQuillin, *Town Attorney*
John Taylor, Jr., *Planning Manager*
Daniel Vincent, *Planner 1*
Patera St. John, *Landscape and Tree Preservation Specialist*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of July 3, 2024

Mr. Iwan made a motion to approve the minutes of the July 2, 2024, Planning Commission meeting. Mr. Babinec seconded the motion, and it was unanimously approved.

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

None

Mr. Capelli made a motion to move into the Executive Session to receive legal advice protected by the Attorney-Client Privilege concerning pending litigation matters. Ms. Hennessy seconded the motion, and it was unanimously approved.

V. **Executive Session:**

A. Executive Session to receive legal advice protected by the Attorney-Client Privilege (S.C. Code Ann.34-4-70-9a)(2)) concerning pending litigation matters.

Mr. Iwan made a motion to exit the Executive Session and return to the regular session. Mr. Connolly seconded the motion, and it was unanimously approved.

Mr. Dowdy stated that during the Executive Session, no decisions were made, and no votes were taken.

VI. **Old Business**

A. **KiawahNext Update**

Mr. Taylor provided a status update on the KiawahNext Comprehensive Plan project. He indicated that it continued to be an evolved process, with the established workgroup of Commissioners having reviewed all the elements to advance the document to the point where it needs to be provided to the

full Commission. The first draft of the complete Comprehensive Plan, still undergoing some minor changes from the workgroup, should be considered a new document and will be provided to the Commission in advance of the workshop scheduled for October 29th.

Mr. Taylor thanked Ms. Hennessy, Doctor Curran, and Mr. Iwan for all the work they have done to assist staff in getting to this point.

Commissioners engaged in an in-depth discussion of the approval process, including the Planning Commission's role in scheduling a Public Meeting to obtain feedback and comments from the public on the document prior to a formal approval recommendation to the Town Council for the required Public Hearing and two readings.

VII. New Business:

A. Zoning Text Amendment

- 1) **AZO24-000008** | Request to amend Section 12-192. Nonconforming Structures. and Section 12-193. Nonconforming Uses. to modify nonconforming standards for developed properties.

Mr. Taylor stated that the purpose and intent of the proposed zoning text amendment is to allow for nonconforming structures to have standards and aims to facilitate rebuilding for property owners after significant casualties. The amendment underscores the non-issue of nonconformity for existing structures during rezoning, clarifying rebuilding rights. It incorporates standards regarding building height requirements, a detailed process that includes a 180-day acknowledgment, and an 18-month permit application timeline, applicable island-wide. It revises terminology from 'discontinued' to 'abandoned' for nonconforming uses to align with neighboring jurisdictions, enhancing clarity and consistency.

Mr. McQuillin addressed the question on the terminology change, stating that it was a statute that was used in many neighboring jurisdictions. The commission deliberated on legal terminology, preferring 'abandon' for consistency.

Ms. Hennessy made a motion to approve the request to amend Section 12-192. Nonconforming Structures. and Section 12-193. Nonconforming Uses. to modify nonconforming standards for developed properties. Mr. Babinec seconded the motion, and it was unanimously approved.

B. Discussion Item

- 1) Continued Stormwater Management Strategies and Proposed Regulatory Changes

Based on the recent Stormwater Management Workshop, Mr. Taylor shared with the Commission a document recapping some of the takeaways from the meeting. He indicated that resiliency and stormwater management have many parts, highlighting several initiatives and actions that are already in progress. Mr. Taylor stated that the staff would like to hear the Planning Commission's thoughts and feedback on the discussion, along with the staff recommendations from the workshop as the next steps.

Mr. Taylor stated that one of the key takeaways he heard about was a greater need for education or awareness about resiliency, stormwater management, the nuance of permitting, and what property owners can do with their property independent of any proposed recommendations or regulation changes. The Comprehensive Marsh Management workgroup's initiatives were highlighted, underscoring the importance of community education and engagement in sustainable stormwater practices.

Mr. Taylor discussed an upcoming podcast series that will discuss previous elements, an update of the 2018 Flood Mitigation and Sea Level Rise Report, Stormwater Management regulatory changes, and a recommendation for a continuing services agreement with an engineering firm for stormwater review. Also mentioned were bulkheads, berms, retaining walls, and living shorelines, and the recommendation in the Marsh Management Plan to consider how to regulate or administer the construction of bulkheads.

Commissioners agreed with the need to educate the public and discussed;

- Concerns about barriers to getting permeable projects going
- Bulkhead strategies or options
 - bulkhead discussions will be assigned to the Marsh management workgroup
- Will the 130+ recommendations listed as Best Management Practices in the Flood Mitigation and Sea Level Rise Report be used as a roadmap for resiliency sectors, and will the Planning Department have oversight over the process?
- As part of Stormwater Management, whether there will be a focus on enhancing water quality
 - practices like pervious surfaces and onsite retention.
- The suggested strategy to focus efforts on specific areas, particularly pervious vs. impervious surfaces.
- Long-term mitigation strategies include a focus on tidal flooding.
- The suggestion to prioritize the 130+ recommendations underscored the need for a strategic, focused approach to flood risk management.

VIII. Correspondence/Staff Comments:

A. Presentation:

1) Landscape and Tree Preservation Standards - Phase II Update

Ms. St. John stated the Landscape Workgroup's final meeting was scheduled for October 11th to finish the draft of the landscape standards. The draft would be reviewed by the Landscape and Tree Preservation Board, followed by review and recommendation by the Planning Commission, aiming for a text amendment to the existing tree preservation ordinance to be approved by the Town Council.

B. Development Project Updates

Development updates included MUSC's site plan review conditional approval, Seafields continuing with vertical construction, and Andell West's transition to a new engineering firm amid internal cost evaluations, permitting, and construction. The project's Planned Development was approved, but no drawings or site plan have been approved.

IX. Public Comments:

None

X. Commissioner Comments:

Dr. Curran addressed public comments on what would be done at the workshop and Ms. Tillerson's clarification that the workshop's focus was on discussion without formal voting. Mr. Taylor stated that the workshop's intent was to discuss the document, identify any staff changes, and amend it in preparation for a formal recommendation at the next meeting. Commissioners debated strategies for public engagement, including web publication and email alerts. The

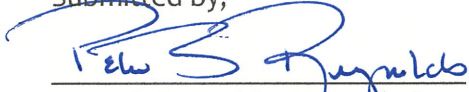
effectiveness of past engagement efforts was also mentioned.

Mr. Iwan praised the people working on the island, stating that the presentations made by KICA employees and the Conservancy left him feeling good about who is handling community issues.

XI. Adjournment:

Ms. Hennessy made a motion to adjourn the meeting at 3:16 pm. Mr. Babinec seconded the motion, and it was unanimously approved.

Submitted by,


Petra S. Reynolds, Town Clerk

11-6-2024
Date