

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

March 5, 2025, 1:00 pm

Minutes

I. **Call to Order:** *Mr. Iwan called the meeting to order at 1:00 pm.*

II. **Roll Call:**

Present: Larry Iwan, Vice Chairman
Joanne Hennessy
Gene Babinec
Sandy Devine
Maribeth Schmersal

Also Present: Ross Appel, Attorney
John Taylor, Jr., Planning Director
Daniel Vincent, Planner 1
Patea St. John, Landscape and Tree Preservation Specialist

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of January 8, 2025

Ms. Hennessy made a motion to approve the minutes of the January 8, 2025, Planning Commission meeting. Mr. Babinec seconded the motion, and it was unanimously approved.

B. Planning Commission Meeting Minutes of February 5, 2025

Ms. Devine made a motion to approve the minutes of the February 5, 2025, Planning Commission meeting. Ms. Hennessy seconded the motion, discussion of attorney's review of the Rules of Procedures did include a focus on maintaining impartiality and avoiding ex-parte communications. The minutes were amended to include this and was unanimously approved.

C. Planning Commission Meeting Minutes of February 26, 2025

Ms. Schmersal made a motion to approve the Planning Commission Meeting Minutes of the February Special Call Planning Commission meeting. Mr. Babinec seconded the motion. Ms. Hennessy abstained. The motion was approved with 4 to 0 vote.

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

V. **Presentation - Kiawah Resiliency Partnership Efforts – Mingo Point Oyster Reefs Restoration Project:** Kiawah Island Golf Resort, Kiawah Conservancy and South Carolina Department of Natural Resources' Oyster Recycling and Enhancement Program (SCORE) Liz King, KIGR and Sean Cannon, Kiawah Conservancy. Mr. Cannon presented an update on this project.

VI. **Old Business**

A. **KiawahNext Update**

1) **Comprehensive Plan Update:** Mr. Taylor stated that he is hopeful that in a couple of weeks the final edits will be complete, and staff will meet with the smaller planning commission

workgroup to review prior to presenting to the full planning commission in a workshop form.

VII. New Business:

A. Executive Session

Executive session to receive legal advice protected by the attorney client privilege (S.C. Code Ann. 34-4-70-(a)(2)) concerning mediation with Kiawah Resort Associates, LP - CASE NO.: 2024-CP-10-03809, CASE NO. 2024-CP-10-00491, and CASE NO.: 2024-CP-10-03812; and to receive legal advice for matters concerning subdivision application #SBD25-000001 – A Preliminary Subdivision Plat (TMS# 209-11-00-050).

Mr. Babinec made a motion for the Planning Commission to go into Executive Session. Ms. Hennessy seconded the motion. The motion was unanimously approved.

Ms. Hennessy made a motion for the Planning Commission to come out of executive session. Mr. Babinec seconded the motion. The motion was unanimously approved.

Mr. Iwan stated that during executive session the only items covered were those listed above, and no decisions or actions were taken.

B. Subdivision Applications

- | | |
|------------------|---|
| 1) #SBD24-000005 | Kiawah Resort Associates
Southeastern Land Surveying LLC
An Abandonment Plat
Cape Point Right of Way
TMS #207-05-00-0011; 207-05-00-001; -124 |
| 2) #SBD24-000006 | Kiawah Resort Associates
Southeastern Land Surveying LLC
A Subdivision Plat - Service Vehicle Access ROW
Requested Waiver pursuant to Sec. 12-254.
TMS #207-05-00-0011; 207-05-00-001; -124 |

Mr. Taylor presented the case information for the above two applications which included three action items:

- 1) SBD24-000005 Proposed Abandonment Plat
- 2) SBD24-000006
 - a. Waiver Request
 - b. Service Vehicle Access Subdivision Plat

The applicant's representative, Mr. Pantlik of South Street Partners, provided additional information regarding the applications including the waiver request for the turnaround radius of the proposed service vehicle access and the proposed gate location and function, and further clarification of the access to Ocean Pines proposed development. After the inquiry by Ms. Hennessy, Mr. Pantlik also shared that a copy of the proposed deed restriction will be before the Planning Commission in approximately 30 days.

Following discussion, Ms. Devine made a motion to approve #SBD24-000005 Cape Point Right of Way Abandonment Plat TMS# 207-05-00-0011; 307-05-00-001; 207-05-00-124. Ms. Schmursal seconded the motion. The motion was approved unanimously.

Ms. Schmersal made a motion to approve the requested waiver pursuant to Section 12-254 for the Service Vehicle Access ROW for #SBD24-000006 Subdivision Plat TMS# 207-05-00-0011; 207-05-00-001. 207-05-00-124. Mr. Babinec seconded the motion. The motion was approved unanimously. Ms. Hennessy made a motion to approve #SBD24-000006 Subdivision Plat – Service Vehicle Access ROW TMS# 207-05-00-0011; 307-05-00-001; 207-05-00-124 with the following conditions:

- The applicant shall add to the plat the following note: The subject parcel (TMS#207-05-00-124) shall not be used as vehicular access to Parcel 12B (Captain Sam’s Spit) as described in the previously executed 2013 Amended and Restated Development Agreement by and between Kiawah Resort Associates L.P. and the Town of Kiawah Island.
- The applicant shall add to the plat the following note: “The Service Vehicle Access shall not have vehicular access into the Cape Club except for the smaller utility vehicles transporting items back and forth between the terminus and the Cape Club connecting across the property line to the Cape.
- The applicant shall provide a copy of a recorded separate deed restriction or covenant on the new access parcel prohibiting its use for vehicular access to parcel 12B (Captain Sams Spit) as described in previously executed ARDA.
- Prior to construction the applicant shall formally record an access easement agreement between the subject parcel and the adjacent property owner (The Cape) crossing property lines.

Mr. Babinec seconded the motion. The motion was approved unanimously.

3) #SBD25-000001 1CM LLC | Southeastern Land Surveying LLC
A Preliminary Subdivision Plat
Captain Maynards Island (Lots 1-2, Tract 26, Phase 3)
TMS #209-11-00-050

Mr. Vincent presented the case information for #SBD25-000001 A Captain Maynards Preliminary Subdivision Plat which contains two lots with shared 30’ access and utility easement.

The applicant’s representative, Mr. Pantlik provided additional information concerning a proposed gate width and was available for questions.

Following discussion, Mr. Babinec made a motion to approve the Preliminary Subdivision Plat Captain Maynards Island (Lots 1-2, Tract 26, Phase 3) TMS# 209-11-00-050 with the following conditions:

- The applicant shall maintain a vertical clearance for the driveway of not less than 14’ to accommodate ladder trucks and high-water rescue vehicles.
- The following statements should be placed on the plat: “The approval of this plat does not oblige the Town of Kiawah Island in any way to accept for maintenance any of the roads or easements shown hereon” and “Warning! Approval of this plat by the Planning Commission does not indicate approval nor adjudicate title of the access to right of way shown hereon.”
- If the subject property shall maintain gated access to the property, prior to the issuance of any zoning permit for future development shall increase the width from 11’ 7” to no less than 20’.

Ms. Schmersal seconded the motion. The motion was approved unanimously.

C. Zoning Text Amendments

- 1) #AZO25-000002 Development Agreement Review Procedure.

Mr. Taylor presented the case information for the request to amend the Town of Kiawah Island Land

Use Planning and Zoning Ordinance to modify Section 12-160. Development agreements to modify review procedures. Mr. Taylor outlined the proposed amendment clearly outlines the review procedure for development agreements allowing for a pre-application meeting with applicants to review these requirements and incorporates a Planning Commission workshop to allow for discussion and feedback prior to a formal Planning Commission review and recommendation to the Town Council. In addition, this amendment outlines approval criteria, definition and process to address major and minor modifications to the agreement.

Ms. Devine made a motion to consider the text amendment #AZO25-000002 Development Agreement Review Procedure. Ms. Hennessy seconded the motion. The motion was approved unanimously.

Discussion of the amendment included some grammatical corrections. A question regarding planning commission ability to request additional workshops was affirmed that the planning director would be responsive to requests by the commission.

Mr. Babinec made a motion to approve the amended text amendment # AZO25-000002 Development Agreement Review Procedure. Ms. Hennessy seconded the motion. The motion was approved unanimously.

2) #AZO25-000003 Waterfront Development Standards & Lot Coverage.

Ms. St John presented the case information for the request to amend Section 12-76- Waterfront Development Standards applying to properties adjacent to saltwater marshes, wetlands, waterways and Section 12-374 Definitions to modify required buffer standards and to modify lot coverage and associated definitions.

Ms. Hennessy made a motion to approve the request to amend the Waterfront Development Standards and Lot coverage. Mr. Babinec seconded the motion. The motion was approved unanimously.

D. Enhance Protections for Beachfront and Environmentally Sensitive Areas.

Mr. Taylor introduced current efforts to review and provide enhanced protection for oceanfront and marsh front properties with a priority on the beachfront at this time. He stated Ms. Hennessy and Ms. Schmersal are currently working on studying the entire beachfront and how to maintain the common spaces and development setback lines. Next year the state of South Carolina will be studying the jurisdictional lines, and the Town will be updating the Beach Management Plan this year. Ms. Schmersal indicated that it is still in a discovery phase.

E. Comprehensive Review of Use Regulations

Mr. Taylor introduced another current planning effort, the Review of Land Use Planning and Zoning Ordinance Article 11.- Zoning, Division 3 Use Regulations. Ms. Devine and Ms. Hennessy are reviewing the current use table and it is anticipated that there will be a workshop to review recommendations.

VIII. Election of 2025 Officer

A. Election of Planning Commission Chair

Mr. Babinec made a motion to nominate Ms. Hennessy to be Planning Commission Chair. Ms. Schmersal seconded the motion. The motion was approved unanimously.

IX. Correspondence/Staff Comments

Mr. Taylor provided the Planning Commission with a Monthly Planning Update Memorandum and highlighted a few items from that document.

X. Public Comments: none

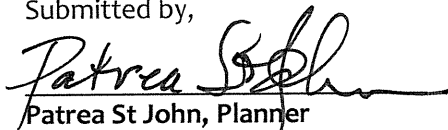
XI. Commissioner Comments:

Mr. Babinec shared with the Planning Commission that he, Mr. Iwan, Councilmember Kaye and staff met to discuss the pervious surface ordinance status. It was a consensus that a more holistic approach to stormwater management might be a better approach, with pervious surfaces being just one BMP (best management practice) that could be proposed by the licensed professional. The planning commission can anticipate a workshop to review possible stormwater standards specific to Kiawah Island.

XII. Adjournment

Mr. Babinec made a motion to adjourn the meeting. Ms. Hennessy seconded the motion. The motion was approved unanimously at 3:25 pm.

Submitted by,


Patrea St John, Planner

4/4/25
Date