

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

February 8, 2023; 3:00 PM

Minutes

I. **Call to Order: Mr. Dowdy called the meeting to order at 3:00 pm.**

Mr. Dowdy introduced the new members of the Planning Commission, Mr. Ronald Curran and Mr. Luke Farrell.

II. **Roll Call:**

Present: Bill Dowdy
Andy Capelli
Ronald Curran
Luke Farrell
Joanne Hennessy
Larry Iwan
Madeleine Kaye

Also Present: John Taylor, Jr., *Planning Manager*
Joe Wilson, *Town Attorney*
Stephanie Tillerson, *Town Administrator*
Michael Heidingsfelder, *Council Liaison*

III. **Approval of Minutes:**

A. **Planning Commission Meeting Minutes of January 11, 2023**

Mr. Iwan made a motion to table the minutes of the January 11, 2023, Planning Commission Meeting to the next meeting. Ms. Kaye seconded the motion, and it was unanimously approved.

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

None

V. **Old Business:**

A. **Election of 2023 Planning Commission Officers**

Mr. Dowdy stated that at the January meeting, the election of officers was tabled until there was a full Commission.

Mr. Iwan made a motion to approve the nomination of Mr. Dowdy to serve as the 2023 Chairman of the Planning Commission. The motion was seconded and was unanimously passed.

Mr. Capelli made a motion to approve the nomination of Mr. Iwan to serve as the 2023 Vice Chairman of the Planning Commission. Ms. Kaye seconded the motion, and it was unanimously passed.

B. **2023 Planning Commission Rules of Procedure Review & Approval**

Mr. Taylor stated that the approval of the Planning Commission Rules of Procedure was also tabled at the January meeting.

Mr. Taylor stated that the Commission annually reviews the Rules of Procedure. The current Planning Commission's Rules of Procedure were revised in September 2022 to include language on principles of serving and standards of integrity. Commission Members review a draft of the 2023 proposed amendments.

Mr. Capelli questioned why the last bullet point was added to the *Principles of Serving and Standards of Integrity*.

- *Always be prepared for meetings by having read and studied all the meeting materials provided.*

Mr. Taylor stated that the recommendation comes from the list of aspirational standards reviewed at the September session and is an expectation for all Commission members.

Mr. Capelli indicated that he found it personally insulting. The Planning Commission is comprised of a group of professionals volunteering their time to serve on the Commission. They attend regularly and are prepared, and if a member does not, then the Chairman has the option to remove them from the Commission. He saw no reason that a reminder to read the materials had to be put in writing.

Mr. Taylor highlighted and reviewed the 2023 Rules of Procedure changes.

Article 1 - Section 7 (e)(1)

- Regular meeting information is to be mailed or emailed to each member of the Commission ~~five (5) days at least seven (7) business days~~ prior to the scheduled Commission meeting.

Article 1 - Section 7 (g)

- Mail notices to property owners within ~~300-500~~ feet of subject property on all zoning change applications.

Ms. Kaye recommended that language be added to Section 4 that requires the Chairman "to provide a proper and detailed onboarding process for new commission members." It was her view that providing a standardized and formalized process would be beneficial to new members. Mr. Taylor agreed that over the past three years, state-mandated six-hour training sessions had been done virtually and, therefore, not as substantive and personalized, indicating that Staff would support a more structured forum.

Ms. Kaye made a motion to approve the 2023 Planning Commission Rules of Procedure as submitted. Mr. Curran seconded the motion.

Ms. Kaye made a motion to amend the 2023 Planning Commission Rules of Procedure by adding language to Article 1, Section 4 – Chairman "to provide a proper and detailed onboarding process for new commission members." Ms. Hennessy seconded the motion. The motion passed by a 6 to 1 vote, with Mr. Capelli voting "No."

Mr. Farrell questioned whether the public notice amendment to 500' was driven by the Town or for consistency. Mr. Taylor stated the Town was driving the initiative noting that across most municipalities, 300 to 350' is the standard used for public notification requirements. The change to 500' provides consistency for all public hearing processes.

Mr. Capelli referred to the change in Section 4(c), adding the language "Ensure meetings are conducted orderly with respect for all commissioners, the public, and all meeting attendees," questioning who would determine the subjectiveness. He noted that subjective terms are difficult to put into rules without a definition. Commissioners discussed that the change is duplicating what is already in the rules.

Mr. Capelli made a motion to remove the language added to Section 4 as item (c). Ms. Hennessy

seconded the motion. The motion passed by a 5 to 2 vote, with Ms. Kaye and Mr. Farrell voting “No.”

Mr. Capelli referred to Section 7 (e), questioning if the process change made to the Rules of Procedure is to be consistent with the change to the distribution of information to the Council. Mr. Taylor stated that absent of the Town Council, the focus for the change is how the Planning Commission would operate.

Mr. Capelli also questioned if the Staff has encountered any problems meeting the deadline in five days or if the deadline is being moved to seven days to compensate for the staffing needs. Mr. Taylor clarified that the change is for the benefit of the Commission and Community, not for Staff. As a request to the Commissioners, Staff had no objections and supported the change.

Ms. Kaye referred to Section 7 (c), *“Provide members of the Commission with copies and updates of regulations, ordinances, rules, plans, and policies which govern or should be considered in the performance of their duties,”* stating that it would have been helpful to her in the past and moving forward to add language *“provide Commissioners with a reasonable set of conditions by an application should be approved.”* Mr. Taylor indicated that he did not oppose codifying the language, but Staff already provides information on approval conditions as part of the application materials in the staff review or staff report.

Mr. Capelli referred to Section 7 (g), questioning why it is different than what will be the Commission will be discussing and voting on with respect to the Zoning Ordinance Text Amendment. Mr. Taylor clarified that if approved within the Rules Of Procedure, Staff would want consistency within the Town’s zoning code. Mr. Capelli questioned the need for the proposed change when it is not required and not demonstrated to be an issue. Mr. Taylor stated that the current Council believes it is important to extend the public notices beyond current practices to reach more of the community. Commissioners discussed the need to include the language that specifies the radius number when the Commission is bound by the ordinance.

Mr. Farrell questioned using the language *“ mail notices subject to the rules of the Zoning Law Application rather than including the specific number.”* If the language in the Rules of Procedure is changed and the ordinance is not approved, the language in the Rules of Procedure will have to be amended again. Mr. Capelli suggested holding the specific change until after the ordinance discussion. Commissioners discussed if there was an objection to changing the public notice radius from 300 to 500 feet and changing the language to say, *“ per adopted ordinance.”*

Mr. Capelli made a motion to amend Article 1, Section 7 (g) mail notices to property owners in accordance with the applicable adopted ordinance. Mr. Farrell seconded the motion. The motion passed by a 6 to 1 vote, with Ms. Hennessy voting “No.”

Ms. Hennessy made a motion to approve the 2023 Planning Commission Rules of Procedure as amended. Ms. Kaye seconded the motion. The motion passed by a 6 to 1 vote, with Mr. Capelli voting “No.”

VI. New Business:

A. Zoning Ordinance Text Amendment

1) AZO23-000001: Request to amend Section 12-156. Public hearing procedures.

Mr. Taylor stated that the text amendment recommendation from Staff is based on the Planning Commission’s Rules of Procedure. The priority from Staff’s perspective is to ensure consistency and increasing public notifications to area property of a zoning application from a 300 to 500-foot radius.

Mr. Farrell made a motion to approve the Zoning Ordinance Text Amendment – to amend Section 12-156. Public Hearing Procedures. Mr. Curran seconded the motion.

Mr. Farrell expressed his concern with the inconsistency of using a radius measurement. It was his opinion that the metric is flawed because, in different areas, more people are not necessarily being notified.

Mr. Taylor reviewed the Town's current public notification requirements for any public hearing, which include the following:

- Posted Notice (Zoning sign posted on the property);
- Personal Notice (Properties within a 300' radius receive a mailed letter);
- Published Notice (P&C newspaper, Town's website); and
- Parties in Interest (Direct email sent to the list of interested parties, Town's eBlast)

To Mr. Farrell's point, Mr. Taylor stated that based on the density in different sections of the island, the radius increase might result in more notifications of an application being sent in some areas and the same number of notifications sent in others. He noted the intent is that the Town is increasing its communication efforts, and the number of people is not that substantive.

Ms. Hennessy stated that the last sentence in Section 12-156(2)(c), "Failure to provide this notice will not invalidate any action taken," should be taken out because it means that if the Town does not provide the proper notice, "no harm, no foul and this is a harm." The sentence is unnecessary if the Town plans to provide the required notice. Mr. Taylor stated that the minimum requirements are posing a property and notifying within the local paper, and the sentence refers to going above the requirements of state law.

Ms. Hennessy made a motion to remove the last sentence of Section 12-156(2)(c) "Failure to provide this notice will not invalidate any action taken." Mr. Capelli seconded the motion, and it was unanimously approved.

Mr. Capelli stated that there had been a constant reference to informing the community during the discussion. He suggested in Section 12-156(2)(a) additional language be added to require publication of notices in the Town's publications or communications in addition to newspaper publication rather than expanding the radius to cover the community.

In the discussion of the suggestion, it was noted that the Town's eblast communications do not reach all of the community, only those that have elected to receive them; only the Community Association has the complete list of property owners. Mr. Taylor stated that as an interested party, the Community Association receives the notification and has the opportunity to forward it to their list of residents and property owners. He noted that public hearing notification requirements are not targeted to residents but to notify any interested party that may want to make public comments on the record for a particular decision.

Mr. Iwan made a motion to recommend to Town Council to approve the Zoning Ordinance Text Amendment - Section 12-156. Public Hearing Procedures as amended. Ms. Hennessy seconded the motion, and it was unanimously approved.

VII. Correspondence/Staff Comments:

Mr. Taylor provided an overview of the next steps in the Comprehensive Plan Update:

- Survey to be released in February
- Stakeholder Listening Sessions with the consultant - February 15th, 21st, and 22nd. *The sessions are intended to provide an intimate forum and opportunity for organizations, agencies,*

key departments, homeowner associations, and the like to provide candid input on Kiawah's future concerns, long-term goals, and existing conditions from their respective lens as stakeholders. Additional dates and times will be available based on various unmet needs or scheduling.

Following Mr. Taylor's review, Ms. Hennessy asked that the Commission be provided with the final draft of the questionnaire, the list of entities and agencies that have signed up, a list of organizations or groups who have been reached out to, and how the questionnaire is going to be distributed.

Mr. Taylor stated that Town Council, at their February meeting, adopted the Town Marsh Management Plan. The first meeting of the workgroup is scheduled for March 3rd. The workgroup comprised of representatives of stakeholders, members of the community, and outside partners (DNR, OCDM, Clemson Extension) will be working on the implementation phase.

Mr. Taylor stated that the recommendation for a tree protection landscape ordinance would be introduced at the March meeting. The process, goals, importance, and outcomes sought of the ordinance will be included.

Mr. Taylor stated that on Monday, March 13th, Charleston County "Our Housing Our Future" will be present at Town Hall from 11:00 am to 1:00 pm. The Charleston County Housing Revitalization Department's plan is a regional effort to examine how the county addresses the housing crisis. As part of the plan, representatives are doing a community walk around the entire county to receive input on the plan.

VIII. Council Liaison Comments:

Mr. Heidingsfelder reported on some relevant items discussed during the Town Council Retreat:

- Council was aware and appreciative of the hard work of the Planning Commission on the Marsh Management Plan over the past year and also of the work that is ahead with the Comprehensive Plan
- Marsh Management Plan was approved:
 - Implementation of the plan upcoming
 - KIIEEC (Kiawah Island Inter-Entity) was changed to workgroup
 - Quicker implementation and taking actions
 - Member included in makeup both creating a formal committee
 - Support of the Conservancy by providing information and research projects for implementation
- Communications Workgroup created:
 - Focus on more open and direct communions with the entire island community
 - The newsletter does not reach every property owner
 - looking at the size of the gap
 - pursuing ideas to increase the number of people currently signed up
- Ordinance Workgroup created:
 - Are they still up to date, appropriate, too bureaucratic, serving the purpose
 - Review of newer ordinances to see if they have fulfilled the purpose
- Development Agreement Workgroup created:
 - Development Agreement with Kiawah Partners expires in early December 2023
 - Look at remaining items, requirements, handover responsibilities, properties

Mr. Heidingsfelder stated that the Town had recently been more involved in the designs for Andell West. It is seen as a good plan and respects a lot of the input from the community.

Mr. Heidingsfelder stated that the Environmental Committee would help with the upcoming tree ordinance by providing input and technical support on species of trees and bushes and working on the Marsh Management Plan.

In response to an earlier comment, Mr. Heidingsfelder stated that there was a strong commitment by the Council to be more involved with what is happening on John's Island.

Mr. Heidingsfelder congratulated the new Commissioners that were appointed to the Planning Commission at yesterday's Council meeting. He noted there was discussion and debate on an appropriate process for the appointment of Committee Members and Commissioners, and work would be done on making the process more transparent and professional in the future.

Mr. Heidingsfelder stated that a workgroup of Councilmember and Staff was created to study the potential movement of the ARB and what role the Town would play in the process.

Mr. Capelli provided additional comments on the updates provided by Mr. Heidingsfelder.

IX. Public Comments:
None

X. Commissioner Comments:

Mr. Capelli welcomed the new commission members and Mr. Dowdy as the new Chairman.

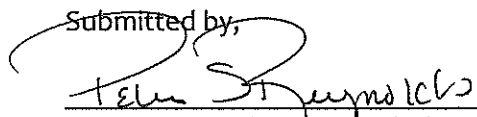
Mr. Farrell and Dr. Curran were excited to be on the Commission and looked forward to serving. They also thanked Mr. Dowdy for their nomination.

Mr. Dowdy commented on the recent Council Retreat, stating that he was impressed by how Council productively handled the large caseload.

XI. Adjournment:

Ms. Kaye made a motion to adjourn the meeting at 4:45 pm. Mr. Capelli seconded the motion, and it was unanimously approved.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by,


Bill Dowdy, Chairman

6-7-2023
Date