

MAYOR:

John Labriola

TOWN ADMINISTRATOR:

Stephanie Monroe Tillerson

TOWN ATTORNEY:

Joseph Wilson

TOWN OF



TOWN COUNCIL MEMBERS:

John Moffitt

Bradley D. Belt

Michael Heidingsfelder

Russell A. Berner

MEMORANDUM

TO: Town of Kiawah Island Planning Commission Members

FROM: John Taylor, Jr., Planning Manager

DATE: January 6, 2023

SUBJECT: Wednesday January 11, 2023 Planning Commission Meeting Packet

Attached you will find the following items:

- Agenda of the January 11, 2023 Planning Commission Meeting
- Draft meeting minutes of the December 7, 2022 Planning Commission Meeting
- Packet of case materials for your consideration. Please find enclosed the staff review and supporting documentation for the following subject meeting.
 - Annual Review of Planning Commission Rules of Procedure
 - 2023 Planning Department Priorities Memo

Please feel free to call or email me at (768-9166) jtaylor@kiawahisland.org if you have any questions or concerns prior to the meeting. Please call or email Petra Reynolds, Town Clerk at (768-9166) preynolds@kiawahisland.org if you are unable to attend this meeting.



PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
January 11, 2023; 3:00PM

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of December 7, 2022 [Tab 1]
- IV. **Executive Session:**
 - A. Executive Session to receive legal advice on vested rights related to recently approved Beachwalker Commons Preliminary Plat and Beachwalker Ocean Parcel 13 – Lot 1 Preliminary Plat pursuant to S.C. Code Ann. §30-4-70(a)(2).
- V. **Old Business:**
 - A. *KiawahNext Plan Updates* [Tab 2]
- VI. **New Business:**
 - A. Election of 2023 Planning Commission Officers [Tab 3]
 - B. 2023 Planning Commission Rules of Procedure Review & Approval [Tab 4]
 - C. 2023 Planning Department Priorities [Tab 5]
- VII. **Correspondence/Staff Comments:**
- VIII. **Council Liaison Comments:**
- IX. **Public Comments:**
- X. **Commissioner Comments:**
- XI. **Adjournment:**

FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island. Meeting materials available for public view online at: <https://www.kiawahisland.org/meetings-minutes/planning-commission/>

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center
Council Chambers
December 7, 2022; 3:00 PM

Minutes

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

II. **Roll Call:**

Present: Fred Peterson, *Chairman*
Larry Iwan
Andy Capelli
Bill Dowdy
Michael Heidingsfelder
Madeleine Kaye
Joanne Hennessy

Also Present: John Taylor, Jr., *Planning Manager*
Joe Wilson, *Town Attorney*
Stephanie Tillerson, *Town Administrator*
Blake Reeves, *Urban Designer and Planner, LS3P*
Abigail Gillan, *Urban Designer, LS3P*
Nicole Elko, Ph.D., *President, Elko Coastal Consulting*
Keith Bowers, *Biohabitats*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of October 5, 2022

Mr. Kaye made a motion to approve the minutes of the October 5, 2022, Planning Commission Meeting. Mr. Dowdy seconded the motion.

Ms. Hennessy reviewed the specific language she requested be added to the minutes regarding the question of the applicable ordinance under which Beachwalker plats were to be approved. Mr. Capelli indicated he felt the inclusion of questions asked and answers received were not necessary as part of the meeting summary in the minutes. Commission members agreed that the additional language would add clarification to the discussion.

Following the discussion, the motion to approve the minutes as amended by Ms. Hennessy was passed by a six to one vote, with Mr. Capelli voting "No."

IV. **Public Comments:**

(Agenda Items Only)
None

V. **Presentation:**

A. TOKI Comprehensive Plan Update Kickoff

Mr. Taylor stated that prior to the Planning Commission meeting, a workshop was held with the consultant team to discuss the Comprehensive Plan Update in-depth. Mr. Reeves and Ms. Gillan will provide an overview of the scope and Plan that will be used to navigate the update. Mr. Reeves gave a presentation that included background on the two firms working with the Town on the update. The project team includes **LS3P** working in Architecture, Urban Design, and Planning, and **Kimley Horn** working in Planning, Economics, and Infrastructure. He provided an overview of the individuals providing expertise in:

- Architecture
- Master Planning Design & Engagement
- Traffic & Transit
- Land Use
- Economics

Mr. Reeves reviewed the following:

- Project Objective – “A plan everyone can get behind.”
- Project Structure –
 - Processes
 - Plan Components
 - Optional Opportunities
- Project Schedule –
 - Phase 1 – Assess
 - Phase 2 – Empower
 - Phase 3 - Implement
- Project Approach
- Approaches to Engagement –
 - kiawahnext.com

Commissioners were able to provide comments on the updated Plan to LS3P at the workshop held before the PC meeting. Following the presentation, additional suggestions included coordinating Town communications with the Community Association and providing a more detailed project schedule.

VI. Old Business:

A. Comprehensive Marsh Management Plan Recommendation

Mr. Taylor indicated that the Comprehensive Marsh Management Plan draft had been distributed to the Commission. Following the presentation, staff will ask the Planning Commission for a recommendation for the Town Council to move forward with a public hearing and two readings to approve and adopt the Marsh Management Plan.

Mr. Taylor provided a presentation following the process of resiliency planning that began with the 2018 Flood Mitigation Sea Level Rise (FMSLR) Adaption Report and recommendations and the 2019 FMSLR Implementation Strategy Plan and Comprehensive Plan Amendments.

One of the recommendations from the FMSLR Report was the development and adoption of a Marsh Management Plan. *The purpose of the Marsh Management Plan is to explore various methods of protection for the Island’s marsh including management strategies for managing the interface between highlands and critical areas that is vital to a healthy salt marsh. It is critical that the community is prepared for potential risks to a significant natural resource.*

Biohabitats along with Elko Coastal Consulting was selected as the consultant team to work on the development of the Plan, and in April, they kicked off engagement with a charrette at Town

Hall and a Marsh Tour. A survey was created to gauge concerns, and an interactive story map was created to pinpoint erosion hot spots.

The survey showed that there were extreme concerns about threats to Kiawah marshes and prioritized as:

- Property loss/marsh bank erosion
- Ability to sustain fisheries /wildlife/ecosystem
- Bulkheads impact on adjacent properties
- Marsh migration pathways, sea level rise
- Stormwater runoff/drainage (pollution)
- Unregulated public accesses

Ms. Elko presented an overview of the *Salt Marsh Management Plan for Kiawah Island*, discussing and giving examples for each of the goals of the Plan.

- Engage
 - Educate the public, property owners, and decision-makers about undesirable marsh changes
- Monitor
 - Detect changes in wetland vegetation species composition and structure within the salt marsh over time
- Protect
 - Prevent or correct trajectories leading to impairments to the marsh by adopting marsh management regulations.
- Restore
 - Manage vulnerable areas and mitigate against future issues and undesirable changes
- Adapt
 - Revisit implementation strategy annually; revise Plan every five years

Ms. Elko reviewed the next steps:

- Adoption process through Planning Commission and Town Council
- Implementation Work Session
- Continue to leverage the resources and expertise
- Engage

Commission members discussed the requested recommendation to Council and how the Marsh Management Plan would be implemented and regulated. Mr. Capelli called attention to the referenced Kiawah Island Inter-Entity Executive Committee comprised of island stakeholders with marsh interests. He noted there was minimal detail in the committee structure and that he was reluctant to recommend adoption until more information was provided. Mr. Taylor stated that the details and coordination would be worked out at the Implementation Work Session. Further discussion consisted of Mr. Capelli's concern that the Committee needed to be in place with authority to implement the Plan prior to recommendation, clarification of the recommendation, the intent of the Inter-Entity Committee, and the implementation of the Plan requires the collaboration of the key entities. Mr. Heidingsfelder agreed that even though a good plan and details need to be worked out, encouraged the commissioners to make the recommendation to move the approval process forward. He stated that the Town is in a position to, along with Kiawah entities, start the initiative and have a significant impact. Mr. Peterson also stated the Town should take lead in this effort.

Ms. Hennessy made a motion to recommend to the Town Council the adoption of the Comprehensive Marsh Management Plan. Ms. Kaye seconded the motion. The motion was passed by a six to one vote, with Mr. Capelli voting "No."

A. Approval of Planning Commission 2023 Meeting Schedule

Mr. Dowdy made a motion to approve the 2023 Planning Commission meeting schedule. Mr. Capelli seconded the motion, and it was unanimously passed.

VIII. Correspondence/Staff Comments:

Mr. Taylor stated that the Andell West proposal scheduled to be considered by Charleston County Planning and Public Works Committee in December had been rescheduled for January 13, 2023.

IX. Council Liaison Comments:

None

X. Public Comments:

Alex Fernandez –148 Snowy Egret

Mr. Fernandez applauded the Planning Commission's decision to recommend the Marsh Management Plan to the Town Council and felt the Town needed to take the lead. As a property owner on the marsh, he has witnessed what can happen, losing eight feet in the last twenty years.

XI. Commissioner Comments:

Mr. Heidingsfelder stated that at the October Planning Commission meeting, in the discussion of the preliminary subdivision plat application for Beachwalker Commons, legal counsel was questioned on the legal framework regarding the timing of the preliminary subdivision plat. At that time, Mr. Wilson was not prepared to offer a legal opinion on the vest time as it was unclear in state statute. After two months, he asked if a clear legal state could be received on the timeframe for the approved plats. Mr. Wilson stated that the discussion could be put on an agenda, but since it involves legal advice, consideration would need to be given to whether it should be done in an executive session. Mr. Heidingsfelder asked that the topic be put on the next Planning Commission agenda.

Mr. Heidingsfelder stated that the ARB's (Kiawah Island Architectural Review Board) Designing with Nature guidelines were also discussed at the October meeting. He would like to understand Mr. Wilson's statement that the guidelines are not something the Town can support or enforce. However, the guidelines are explicitly mentioned in the current 2015 Comprehensive Plan as an action item. Mr. Heidingsfelder asked to clarify the conflict, and the topic is also put on the next Planning Commission agenda.

Ms. Hennessy commented on Council's adopting the Fourth Amendment of the Development Agreement. She indicated there was a perceived confusion on expiration dates and what law was applied, but in the Town Notes and answers, it states that with the adoption of the amendment codified that all Town regulations in place in 2013 are now applied to all properties, therefore would they not apply to the new plats.

Mr. Peterson stated that the requested topics would be put on the next Planning Commission agenda and discussed at that time.

Mr. Iwan stated that by adopting the Marsh Management Plan, something would happen, and if not adopted, nothing would happen.

Mr. Capelli indicated that Mr. Heidingsfelder would not be a Commissioner at the next Planning Commission meeting, so he suggested that the answer to Mr. Heidingsfelder's issue is and has been answered in the three submissions to the court in the current litigation.

Mr. Dowdy made a motion to adjourn the meeting at 4:15 pm. Ms. Hennessy seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Fred M. Peterson, Chairman

Date

DRAFT

Town of Kiawah Island

Planning Commission Rules of Procedure

Preamble

Principles of Serving and Standards of Integrity

Members of the Planning Commission should adhere to the following values when serving in the public interest:

- Remember that their role is first and foremost to serve the community;
- Be at all times truthful with my colleagues, the public and others;
- Avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interest;
- Do not accept any gifts or other special considerations because of my public position;
- Do not knowingly use false, inaccurate, or biased information in support of my position;
- Do not use their public positions for personal gain; and
- Carefully consider any promises made and keep them.

Article I – Organization

Section 1 Rules – These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Kiawah Island Planning Commission

Section 2 Membership – The Commission is composed of 7 members appointed by Town Council, the Governing Body. Appointments are for four years duration, staggered in time so as to provide continuity.

Section 3 Officers – The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first meeting of the Commission in each calendar year. The Town Clerk will serve as the secretary for the Commission.

Section 4 Chairman – The chairman shall be a voting member of the Commission and shall:

- a) Call meetings of the Commission;
- b) Preside at meetings and hearings;
- c) Act as spokesperson for the Commission;
- d) Sign documents for the Commission;
- e) Transmit reports and recommendations to Council; and
- f) Perform other duties approved by the Commission.

Section 5 Vice-Chairman – The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 6 Secretary – The secretary shall:

- a) Provide the notice of meetings;
- b) Assist the chairman in preparation of agendas;
- c) Keep minutes of meetings and hearings;
- d) Maintain Commission records as public records;

- e) Attend to Commission correspondence;
- f) Perform other duties normally carried out by a secretary;
- g) Maintain a record of Commission members' attendance at meetings of the Commission; and
- h) Give or serve all notices required by statute or ordinances or by these Rules and Procedures or as directed by the Commission.

Section 7 Staff – Town of Kiawah Island Planning Department staff shall:

- a) Provide technical assistance to the Commission, where necessary, to conduct the business and fulfill the responsibilities of the Commission.
- b) Prepare analyses and recommendations for zoning, conditional use, and subdivision applications and other matters of business for consideration of the Commission.
- 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.
- d) Provide members of the Commission with publications and notices of seminars, presentations, and instructions on matters which may expand members' knowledge and understanding in areas that would promote the mission of the Planning Commission.
- e) Provide members of the Commission with copies of applications with support information, plats and maps, and staff analyses and recommendations.
 1. Regular meeting information is to be mailed or emailed to each member of the Commission five (5) days prior to the scheduled Commission meeting.
 2. Special meeting information shall be presented to each member of the Commission for review at least twenty-four (24) hours prior to the scheduled Commission meeting.
- f) Mail notices to applicants on all zoning and Comprehensive Plan amendments and subdivision applications including a copy of staff's analyses and recommendations. This notice shall be mailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be emailed or picked up by applicants at the Planning Department office and, in these cases, would not be required to be mailed.
- g) Mail notices to property owners within 300 feet of subject property on all zoning change applications.

Article II – Meetings

Section 1 Time and Place –

- a) An annual schedule of regular meetings shall be adopted, published, and posted at the designated Town office in December of each year.
- b) The Planning Commission will meet regularly on the first Wednesday, following the regular Town Council Meeting of each month at the Town of Kiawah Island Municipal Center, 4475 Betsy Kerrison Parkway, Kiawah Island, SC at 3:00 PM in the Council Chambers.
- c) Special meetings may be called by the chairman upon 24 hours' notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2 Agenda – The chairman shall set the agenda for all meetings of the Commission. A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting.

- Section 3 Quorum** – A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting, except for workshops where business and studies may be conducted without a quorum.
- Section 4 Rules of Order** – Robert’s Rules of Order, newly revised (currently in 12th ed.), shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.
- Section 5 Voting** – A member must be present to vote. A member attending virtually via video conferencing, teleconferencing, or web conferencing is considered present. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason of disqualification and refrain from deliberating or voting on the question. On a tie vote, the motion is lost, and in the case of a subdivision or zoning matter, the application is disapproved.
- Section 6 Conduct** – Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission chairman.
- Section 7 Executive Sessions** – It is a violation of the Town’s Code of Ordinances for a member of the Planning Commission or person in attendance to disclose to another person or make public any matter discussed in executive session. If the Commission enters executive session during a meeting, a member attending virtually shall adhere to executive session privileges, ensure that no other person can hear the executive session, and shall acknowledge upon request that there are no other persons present or able to hear the executive session. Failure to protect the privileged discussions of an executive session can result in the member’s removal from the Commission.

Article III – Public Hearings

- Section 1 Notice** – The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.
- Section 2 Procedure** – In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his agent or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission chairman. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission chairman shall determine.

Article IV – Records

- Section 1 Minutes** – The secretary shall record all meetings and hearings of the Commission. Recordings shall be preserved for a period of two years according to the South Carolina General Records Retention Schedules for Municipal Records; Sub article 4, Section 12-604.1. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 2 Reports – The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports, and forms shall be maintained as public records.

Section 3 Attendance – Commissioners are expected to attend each meeting. Should a commissioner be unable to attend, the secretary shall be notified.

Article V – Review Procedure

Section 1 Zoning Amendments – Per adopted ordinance.

Section 2 Plats – Per adopted ordinance.

Section 3 Comprehensive Plan – Per adopted ordinance.

Section 4 Reconsideration – The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the results of the review.

Article VI – Finances

Section 1 Budget – The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include, when applicable, an explanation and justification for proposed expenditures.

Section 2 Expenditures – Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Commission may adopt an authorization for specified expenditures. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

Article VII – Adoption and Amendment

Section 1 Amendment – These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

Section 2 Adoption – These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting [January 11, 2023](#)

Fred M. Peterson, Chairman
Kiawah Island Planning Commission

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Attest:

Petra S. Reynolds, Town Clerk

Date

DRAFT

MAYOR:
John Labriola

TOWN ADMINISTRATOR:
Stephanie Monroe Tillerson

TOWN ATTORNEY:
Joseph Wilson



TOWN COUNCIL MEMBERS:
John Moffitt
Bradley D. Belt
Michael Heidingsfelder
Russell A. Berner

MEMORANDUM

TO: Town of Kiawah Island Planning Commission Members

FROM: John Taylor, Jr., Planning Manager

DATE: January 6, 2023

SUBJECT: 2023 Planning Department Priorities

The Town Council Retreat is scheduled for February 2023. The annual retreat is for the Town Council and senior staff to evaluate plans from the previous year, review current projects, develop objectives for upcoming year, and discuss long-term strategic planning to support the mission and goals of the Town. Planning staff has outlined a brief review of department priorities of 2023. Priorities below are not complete or finalized but are staff outlined for direction provided by Town Council. There is no action required of the Planning Commission, however planning staff is asking if there are additional priorities that may be considered for the upcoming year. Town Council will ultimately set priorities.

Review of 2022 Planning Department Priorities

- Beyond The Gates:
 - o Regional Transportation Network
 - Main Road Corridor
 - o Complete Kiawah Island Parkway Corridor and Intersection Study
 - o KI Parkway Overlay District and additional concept recommendations
 - o Review Annexation and Zoning (Planned Development) Procedures
 - o Tree Protection Ordinance, Sign Ordinance
- Resiliency Planning:
 - o Marsh Management Plan
- Long Range Planning:
 - o Comprehensive Plan Update
 - o Development Analysis: Dwelling Unit Cap Assessment

Anticipated 2023 Planning Department Priorities

- Beyond The Gates:
 - o Regional Transportation Network
 - Main Road Corridor
 - o Tree Protection Ordinance, Sign Ordinance

- Resiliency Planning:
 - o Phase I of Implementation for Marsh Management Plan
 - o Betsy Kerrison Parkway Corridor

- Long Range Planning
 - o Comprehensive Plan Update Completion
 - o Development Analysis: Dwelling Unit Cap Assessment (KIGR)
 - o Land Use Planning & Zoning Ordinance Review