

The Planning Commission of the Town of James Island met on Thursday, August 10, 2023 at 6:35 p.m. in person at the James island Town Hall, 1122 Dills Bluff Road, James Island, SC 29412.

Commissioners present: Deborah Bidwell, Ed Steers, and Bill Lyon, Chairman, who presided. Absent: Mark Maher and Zennie Quinn (gave notice). A quorum was present to conduct business. Also present: Kristen Crane, Planning Director, Flannery Wood, Planner II, Niki Grimball, Town Administrator, and Frances Simmons, Town Clerk and Secretary to the Planning and Zoning Commission. Town officials present: Mayor Bill Woolsey and Councilmember Dan Boles.

Call to Order: Chairman Lyon called the meeting to order at 6:35 p.m.

Compliance with the Freedom of Information Act: Chairman Lyon announced that the meeting was duly noticed in compliance with the SC Freedom of Information Act. This meeting was also live-streamed on the Town's YouTube Channel with information provided to the public.

Introductions: Chairman Lyon introduced the members of the Planning Commission, Town Staff, and Town Officials.

Approval of April 13, 2023 Meeting Minutes: The minutes of the April 13, 2023 meeting were approved upon a motion by Commissioner Steers, seconded by Commissioner Bidwell and passed unanimously.

General Public Comments No one signed in to speak.

Staff Comments: None.

Chairman Lyon introduced the case for a PD (Planned Development) Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Residential (RSL) Zoning District (TMS# 425-12-00-185) and the Community Commercial (CC) Zoning District (TMS #425-12-00-298) to the Marsh Walk Village (PD-201) Planning Development District:

Planning Director Kristen Crane presented the staff's review that follows:

**History and Overview:**

The proposed PD-201, Marsh Walk Village, is located near the corner of Dills Bluff Road and Camp Road. The properties are currently wooded with no structures located on them and are adjacent to an existing shopping center and two established neighborhoods (Whitehouse Plantation and Camp Center Villas). The parcels included in the current Zoning Map Amendment Request are a combined 6.52 acres in size and are in the RSL Zoning District and the Community Commercial Zoning District. The property owner for both parcels is the James Island Public Service District. There is no critical area designated by DHEC-OCRM on the subject parcels. TMS #s in the proposed PD are 425-12-00-185 and -298.

The applicant is seeking to rezone from the RSL and CC Zoning Districts to the Planned Development Zoning District (PD-201) to "create flexibility in design to create a mixed-use community that maintains the natural aesthetic and character of James Island". Specifically, PD-201 requests the following:

- A maximum of 20 single-family attached traditional units (density of 3.07 units per acre), or 25 single-family attached workforce units (density of 3.83 units per acre);

- Residential Area: Uses as allowed in the RSL Zoning District, with additional uses allowed by right such as single-family attached units, Parks and Recreation, Special Events, Sewage Collector or Trunk Lines, Water Mains, and Model Home to be used as a sales office for homes in the PD;
- Village Commercial Area: Uses as allowed by right in the CC Zoning District, with additional allowances for the sale of beer, wine, and liquor without Special Exception requirements, as well as pet services including pet stores and grooming saloons without Special Exception requirements. Uses that shall be prohibited include pet and animal kennels, daycare and/or boarding, automotive sales and repairs, and gun/firearm sales;
- Community open space areas that will comprise at least 20% of the parcel and will be conveyed, owned and maintained by the Marsh Walk Village HOA in the Residential Area, and owned and maintained by the commercial property owner in the Village Commercial Area;
  - Smaller lot size requirements;
  - Smaller front/street side, rear, and interior side setbacks; and
  - Increased maximum building cover in the Residential Area (increase from 30% to 80%).

**Adjacent Zoning:**

Surrounding properties on the west side of Dills Bluff Road are in the Low-Density Suburban Residential (RSL) Zoning District and the Community Commercial (CC) Zoning District in the Town of James Island, as well as Diverse Residential (DR- 1F) in the City of Charleston. On the east side of Dills Bluff Road, properties are in the Preserve at Dills Bluff Planned Development (PD-101) Zoning District in the Town.

**Staff Recommendation:**

According to Section §153.075 (F) (5) (i) of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for PD Development Plan approval may be approved only if Town Council determines that the following criteria are met:

- a. The PD Development Plan complies with the standards contained in this Article;**

Staff's response: The proposed Planned Development Zoning District complies with the requirements of the ZLDR. Additionally, the proposed density is equal to the density allowed by the current zoning districts and the flexible lot standards proposed will allow for greater flexibility in site design.

- b. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents;**

Staff's response: The proposed Planned Development Zoning District is consistent with the intent of the *Comprehensive Plan, Future land Use Categories* which state, "Incentives to

*retain the suburban character of the area such as site planning guidelines and conservation design should be provided in the zoning ordinance to preserve open space and protect natural and historic features” in the Residential Category and “to allow diverse retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community” in the Commercial Category.*

- c. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**

Staff’s response: The applicant has included in the proposed PD document letters from service providers stating that they will be able to adequately serve the proposed development.

Staff recommends approval of this request with the following conditions:

1. The applicant must provide an updated Letter of Coordination from DHEC-OCRM as part of land disturbance permitting before any zoning permits can be issued.
2. The applicant must provide a Letter of Coordination from the South Carolina Department of Transportation.
3. Remove allowance for beer, wine, and alcohol sales without the need for a Special Exception from the BZA.
4. Remove sentence that allows slab on grade construction. Prohibit slab on grade construction in the Residential Area.

Ms. Crane announced that the Town Council will tentatively hold a Public Hearing and First Reading on this rezoning at their September 21<sup>st</sup> meeting, and the Second Reading at its October 19<sup>th</sup> meeting.

Questions from the Planning Commission:

Comm’r Bidwell asked Ms. Crane to clarify the setbacks in residential vs. the setback proposed for this development. Ms. Crane responded that an RSL lot size is 1/3 acre lot (14,520) and the setbacks are 25 ft. on the front; 15 ft. in the rear. She said that would mean attached buildings would not be allowed in RSL so these would be 10 in the front vs. 25; 10 in the rear vs. 15 and 3 on the side vs. 10.

Chairman Lyon asked how much of the 6.25 acres is zoned commercial and Ms. Crane replied 1.64 acres (25%). He also asked the number of residential units planned for the development. Ms. Crane said 20 conditional detached or with the workforce it could be 25. Chairman Lyon asked if they would have the option of having 20 or 25 depending on type of construction and Ms. Crane confirmed.

Chairman Lyon asked if the Preserves at Dills Bluff (subdivision across the street) was 10 acres and Ms. Crane said yes and has 30 homes. Chairman Lyon said he remembered that the Preserves paid for sidewalks on one side of the road. He asked if sidewalks were planned for the Marsh Walk Village Development. Ms. Crane said yes, on both sides of the interior road with connectivity from the existing shopping center and Dills Bluff Road.

Comm’r Bidwell asked for verification of how much of the 6.25 acres is in a flood zone. Ms. Crane

answered 20% in the back area near the circle and pointed to the area on the map shown.

Applicant Presentation:

Kyle A. Taylor, PE  
KT Properties, LLC

Mr. Kyle Taylor, the applicant, said this has been an extensive Planned Development he's worked on since the beginning of this year. He informed the Planning Commission that three workshops were held in the community as well as a workshop before the Planning Commission. He noted that considerable planning, time, and effort, has gone into this development. He thanked the staff for their time and effort. A 3-D tour of the development was shown to the Planning Commission on an iPad while the public viewed the presentation via screen. Mr. Taylor described and explained the five panoramas and the vision for the development.

Mr. Taylor reiterated that the development is 6.25 acres and is zoned commercial at the front, and residential in the rear. The plan is to rezone the property into a comprehensive planned development to be cohesive and walkable for the residents. The commercial area is intended for retail space for local businesses with a square footage of 19,200. Mr. Taylor said this began as a little more but through the process of the community workshops, the parking area was reduced and a pond was added for stormwater management. He said a list of concerns have been worked through and feels an outstanding job has been done. Stormwater is the number one priority and they have made sure that is being taken care of. Also the coordination of other items have been done, i.e., architecture, trees (they are trying to eliminate as few as possible) along with the site layout, he thinks they have an outstanding product.

The following persons voiced their opinions in support of and opposition to the proposed PD (Planned Development) Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Residential (RSL) Zoning District (TMS# 425-12-00-185) and the Community Commercial (CC) Zoning District (TMS #425-12-00-298) to the Marsh Walk Village (PD-201) Planning Development District:

In Support:

Dave Schaeffer, Manager, James Island Public Service District (JIPSD): read an email from JIPSD Commissioner, Marilyn Clifford. (attached)

Betty Norman, 573 Water Turkey Retreat

Bruce Root, 1030 Ft. Sumter Dr.

Opposition

Mindy Schneider, 1020 Monticello Dr.

James Luby, 1330 Whitehouse Blvd; also provided a petition (attached)

Fred Brown, 2084 Wappoo Hall Rd., email (attached)

Catherine Moore, 1059 Quail Dr.

John Peters, 1301 Hampshire Rd .

Dan Boles, 1016 Foxcroft Rd.

Carl Kennedy, 1426 Wexford Sound Dr.

Ken Godwin, 950 Valley Forge Dr.

Audrey Brown, 1327 Hermitage Rd.

Lynett Mincy, 1301 Hampshire Rd.

Scott Edwards, 1301 White House Blvd. (presented photos, attached)

Wendy Teel, 1290 Hampshire Rd.

Judy Upton, 1540 Clark Sound Cir.

*\*Full comments recorded on the Town's You-Tube Channel:*

<https://www.youtube.com/channel/UCm9sFR-ivmaAT3wvHdAYZqpw/>

*\*Public Comments submitted via email available at Town Hall in hard copy*

Applicant's Rebuttal: Chairman Lyon announced since there was opposition the applicant would have a two (2) minute time limit for a rebuttal.

In Mr. Taylor's rebuttal he stated that three (3) community workshops have been held. He has also engaged in discussions with some people who are present tonight in what he hope is good faith discussions. Mr. Taylor said he could not address all of the concerns expressed in the two minutes he is allowed to speak but would be happy to address them later tonight. Mr. Taylor said stormwater was the biggest issue. They want to save as many of the 39 Grand Oak trees as possible on the site. He said a few of them are rated "D" depending on where they come up from the base. The density is below the allocation they are allowed to do. The stormwater analysis is based on what the property does today. There is also a runoff from adjacent properties. The stormwater analysis is intended to meet the pre-development rates and reduce them. They have been working around the clock to make sure everything is being taken care of. He said there is a strong direction of where the water would go; there are two directions. He noted having worked with stormwater issues for more than a decade and feels good about their approach to stormwater.

Questions from the Planning Commission:

Comm'r. Bidwell asked about the metrics of stormwater management. She explained, there is a parcel of land that is treed and how much water it absorbs can be measured. She asked will the development meet or exceed the absorbed water as currently met by the forested area?

Mr. Taylor answered 'yes, that there are different metrics in stormwater. He explained there is a CFS flow rate two-year; with 10, 25, 50 or 100 years. He believes the Town adopted higher stormwater precipitation numbers in 2020 than other areas in the community. Under the soil is 11 inches so it is the highest of many regulations they're going to need. They have already done the analysis and feels good about it but they will need to go through the entire process with the Town, County MS4, DHEC, and OCRM. They have also done a Downstream Report that contains over 500 pages.

Comm'r Bidwell spoke to the fact that water absorption should be the standard. She stated that a parcel of land that absorbs water keeps the neighborhood from flooding. That is the standard and it can be measured. If trees are planted and there are pervious surfaces, if the water absorption rates are at/or exceed what is already there, it might comfort people.

Mr. Taylor said the commercial with the road is pretty aggressive and pervious pavers would allow infiltration. He said the County requirement is being met, (.3 inches per hour). They will make sure joint specifications are included to allow infiltration. The soil is good and there is runoff that gets generated. It's not much and that is why they are having to provide this much pond area. Its three ponds and they are working hard to meet those numbers and is getting aggressive on infiltration and the runoff rates will be met in the Sighting and Downstream Analysis.

Chairman Lyon said he noticed that four of the five residential buildings are in the AE-11 flood zone and asked would there need to be fill to elevate the buildings. Mr. Taylor replied that the site has good topo and the top elevation for the commercial is 16 down to about 8; bottom of the ditch is about six, so this is actually a lot of topo for a site. The buildings will not have much fill. He said there was a comment about excluding slab on grade which he is happy to talk about. They are at the upper end of that flood zone so a lot of the sightings above the base flood elevation, and those parts of the property at/or below the base flood elevation are at that elevation. They propose having elevated slabs for the buildings which is an effective approach. Outside of the building would be at grade and the finished floors would be above. He said the bottom line is it does not require a lot of fill.

Chairman Lyon stated that flood insurance requires buildings in high risk flood zones, that the first floor is elevated to 11. Mr. Taylor said the finished floor living space would have to be above and can be accomplished in a few ways. They have been trying to avoid fully elevated homes. However, if that is desired, they may be open to that. But, fully elevated as a drive under they have tried to avoid because of some comments they received. He said they are at the top of the flood zone and some buildings are outside of the flood zone. As far as capacity in the flood zone, the ponds will provide tremendous storage capacity as well.

Comm'r Steers asked about affordability of the homes and the square footage. Mr. Taylor referred to the homes across the street (The Preserves at Dills Bluff) that are up to 3,000 square feet and in the \$700,000 range. Comm'r Steers mentioned the homes in Marsh Walk Village would be a plus because they would be smaller. Mr. Taylor said they will be smaller attached homes and by virtue of being attached, the product would have a lower price point. That is where the 30 ft. attached product seems to be more favorable than a 30 foot detached product. There will also be three saved areas between some of the buildings. He said the workforce housing, instead of 30 feet, has the 26 on the ends and 20 in the middle so those especially in the middle could be 2-3 bedrooms. The middle ones may be 1800 square feet and the 26 could be more. Comm'r Steers asked a ballpark figure someone could pay for an 1800 square foot, 3 bedroom, 2 bath home and Mr. Taylor said the price would be lower than what it is across the street but did give an estimated cost.

Chairman Lyon stated that the Development Guidelines indicates 1.8 acres of open space and he asked if that included the retention pond. Mr. Taylor said it does. They did a calculation for total open space, 28% of the property and on the 20, 15-20%, so they are currently at 28% that includes buffers and is purely open space.

Comm'r Steers asked how high up are the houses that backs onto the property (i.e., the single family homes in Encampment Court). Comm'r Steers said he walked the property and noted the inventory of the trees to be precise and thinks the applicant is trying to do the right thing. Mr. Taylor replied that the buffer against Encampment Court (that the owner had a question about); they are providing a 25 foot buffer for the commercial. Residential is a higher density than the development that is in the City. There is no Town buffer requirement against that comparable residential, but the commercial will provide 25 feet, perhaps more equivalent to what the current requirement would be.



Comm'r Bidwell asked for clarification for the connection of a fence, lack of a fence, sidewalk, passageway, pedestrian and vehicle. She asked what kind of connection would be between the proposed development and the existing development. Mr. Taylor said they propose having a fence and showed the area where it would be. He said pedestrian access was a request they received. They are happy to entertain moving it completely or fencing that part of the property out. Comm'r Bidwell said to clarify this question, she received emails from people concerned about ATV traffic, but want to promote pedestrian and bicycle traffic, so she understands there is dilemma. Mr. Taylor's responded that they do not want anyone going off-roading and they did receive a comment regarding this is why it was provided. If it is not desired they can devise another way, i.e., a wooden structure to help make it skinnier so there could be no motor vehicles.

Chairman Lyon said it appears from the architectural renderings that the dwellings would have a two-car garage opening onto the egress of the street. What parking would be for additional residential vehicles? Mr. Taylor said they've done their best to pull the sidewalk slightly towards the curve to allow more overhang but the intent would be that every driveway could facilitate. The rendering shown is for two cars and the workforce that is 20 foot wide may not support two driveways. The intent is for two cars in the garage and two cars in the driveway.

Chairman Lyon stated that the parking seems limited. He also asked the types of commercial businesses that would be there. Mr. Taylor said at this time he could only comment on the uses because there are no tenants yet. Mr. Taylor said he grew up on James Island and local businesses would be interesting. Ultimately, they want to have tenants and uses the community would use and enjoy. They felt that having a restaurant without needing a special exception for beer and wine would be desirable. He said comments were mentioned about crime so they have excluded gun sales which may account for some of those concerns. He said ultimately he sees restaurants, coffee shops, and offices. Chairman Lyon noted that a special exception could be gotten through the BZA should they want to serve beer and wine in a restaurant.

Mr. Taylor ended by stating that they have held three workshops and appreciates those who participated. He knows they are not going to make everyone happy but did their best and tried to get resources and feedback from the community.

Chairman Lyon thanked Mr. Taylor for his presentation and for answering the Commission's questions. Chairman Lyon moved for a motion to approve the request as recommended by staff for discussion. Comm'r Steer seconded.

Chairman Lyon said his biggest concern is the density of the residential properties. The units across the street were 10 acres with 30 residences. He said one of the nice things about the property across the street is that they have a park behind it which offers nice green space.

Comm'r Bidwell expressed that her biggest concern is although the engineering firm seems to have done a great job trying to build a concept with the community and offered three opportunities during those meetings, she doesn't feel based on 500 petitions that the developers have adequately addressed the concerns of the citizens and she is concerned about that.

Comm'r Steers spoke of how impressive and detailed the plan is and how much work went into it. He has studied it, visited the property and neighborhood several times, walked the woods, and see the trash and other things that are back there. He is saying this because he is not just looking at this now. He has been looking at it. He said the plan seems to cover all of the questions that he had and some things about flooding, that we all have. But, the number of people that are unhappy is something he is impressed with. He did not come into the meeting thinking that way. He thought half of the people would be one way and half the other. His reason for saying this is that counts and there is some good. He said the fact that the PSD is getting the

money is not a bad thing because in theory that will help all of us in a positive way. We all live together; but he is not ready to vote.

Comm'r Bidwell said she feels they met and exceeded all of the legal processes that were required. She feels that a walkable community that tries to preserve green space, prevent flooding and is open, welcoming and serves James Island is desirable, local business is desirable, and affordable housing is needed in the Town. She is unsure that this is affordable housing but think it is more affordable than what would be low density zoned homes if that were to be developed there. She could think of worse things that could happen if this land were developed differently. There are pros and cons and she feels pensive.

Chairman Lyon said he spoke with Comm'r Zennie Quinn who had suggested that the Commission defer the decision since they have only had a few days to look over the information. Comm'r Steers said he has spoken with other people who aren't in the Whitehouse Plantation subdivision but are James Island residents and asked their thoughts. He hasn't been lame about it. He has been concerned about this.

The Commission discussed the disposition of the motion on the floor. Afterward, Comm'r Steers moved to amend the motion to table the Planned Development Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Residential (RSL) Zoning District (TMS# 425-12-00-185) and the Community Commercial (CC) Zoning District (TMS #425-12-00-298) to the Marsh Walk Village (PD-201) Planning Development District: Chairman Lyon seconded. Motion carried.

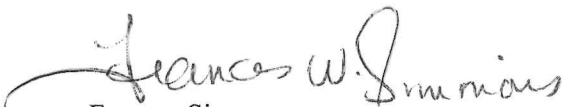
Chair's Comment: None.

Commissioners' Comments: None.

Next Scheduled Meeting: September 14, 2023.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:57 p.m.

Respectfully submitted:



Frances Simmons

Town Clerk and Secretary to the Planning Commission