

The Planning Commission of the Town of James Island met on Thursday, September 14, 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, Vice Chair, Mark Maher, Zennie Quinn, Ed Steers, and Bill Lyon, Chairman, presided. A quorum was present to conduct business. Also: 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: Bill Woolsey, Mayor and Darren “Troy” Mullinax, and Cynthia Mignano, members of Town Council.

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 this 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 and information was provided to the public.

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

Approval of August 10, 2023 Meeting Minutes: The minutes of the August 10, 2023 meeting were approved upon a motion by Commissioner Steers and a second by Commissioner Quinn. Passed unanimously.

Chairman Lyon asked for a motion to take the current motion of August 10 off of the table in order to resume discussion. The motion was made by Commissioner Bidwell, seconded by Commissioner Steers and the **motion passed unanimously**.

Mayor Woolsey addressed the Commission that he did not intend to speak in favor of the proposal and that he should’ve spoken during Public Comments. He is here to thank the Planning Commission for the job that they are doing. He said a lot of controversial rezonings have not come before the Planning Commission but we have one now. He asked them to please come to a recommendation tonight in order to move forward with the process. He asked them to think about what is allowed in the current zoning, the proposal, and the criteria that is set forth in the Town’s Comprehensive Plan.

Public Comments: The following person spoke **In Support**:

Dave Schaefer, Manager, James Island Public Service District (JIPSD) *spoke and submitted letter* of support from Commissioner Marilyn Clifford at the August 10 meeting.

Public Comments: The following persons spoke **In Opposition**:

James Luby, 1330 Whitehouse Blvd. *also asked that a correction be made to the August 10, 2023 PC meeting minutes correcting the number of persons that signed petitions to reflect 893 signatures; not 500.*

Catherine Moore, 1059 Quail Drive:

Fred Brown, 2084 Wappoo Hall Rd; *also submitted statement*

John Peters, 1301 Hampshire Rd., *also submitted email*

Wendy Teal, 1290 Hampshire Rd.

Sandrine Camporro, 1267 Hampshire Rd.

Ashley Cook, 1120 Fort Lamar Rd., *submitted email*

Julian and Paulette Mikell, 880 Ft. Johnson Rd, *submitted email*

Valerie Simson, 1204 Cecil Circle, *submitted email*

Staff Comments: None

Planned Development (PD) Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Request to rezone property located on Dills Bluff Road from the Low-Density Suburban 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 (OD-201) Planned Development District:

Applicant Presentation:

Kyle A. Taylor, PE
KT Properties, LLC

Commissioner Steers asked for additional time for Mr. Taylor to make his presentation. He said 16 people spoke during the last meeting and another group is here tonight. He did not think the five (5) minute time allotted would be fair for the applicant to answer the questions posed to him. Chairman Lyon stated that an additional two (2) minutes is given for a rebuttal and that could be added to the five (5) minutes. Commissioner Steers moved to allow Mr. Taylor seven (7) minutes to make his presentation. Commissioner Bidwell seconded and the **motion passed unanimously**.

Mr. Taylor addressed the Commission and stated that he undertook this venture to produce a flagship project for this area of the Town that is zoned commercial and some residential. He shared that he covered a lot of details at last month's meeting and recapped the meetings previously held: three (3) community meetings; Planning Commission Workshop; Planning Commission meeting August 10; and tonight's meeting (September 14).

After addressing the Commission, Mr. Taylor said he would go through a few educational points about the development and the property. Not so much about the project but he is happy to answer those questions. He touched on the fact that the property is not owned by the Town and that the Town and the JIPSD are two separate entities, but some people may not be aware of that. He said the Town owns two parks, however, the primary park service in the community is Charleston County Parks & Recreation that owns the James Island County Park, two miles away. The PSD is not in the park business. Mr. Taylor said they are doing their best to add open space to the plan and he believes the open space faces the buffers and constitutes about 1/3 of the property plus or minus. Those details are in the Plan Development documents. He said with all due respect, requests to make a park on the property is not going to happen. The current property owner (PSD) has attempted to self-develop the property for their own purpose as is their right. He believes it was some 5 or 10 years ago when they tried to get the Town Council to rezone the use but it was turned down. The PSD is now selling the property and he is the third or fourth purchaser with this company being under contract. Mr. Taylor said that he is the GM, broker, and the developers' representative for the property.

Mr. Taylor said from the "get-go" they have been wanting to do this fantastic project because he is from James Island 100%. The property is currently zoned for development, and there is a Development Ordinance for the Town. "Like it or not", he said it is one of the most restrictive Ordinances based on Charleston County's Ordinance in general with a few upgrades. He said frankly, he is what is standing in the way of this property going into the hands of someone from New York, out-of-state, or any developer because it has been on the market and he could sign a piece of paper and assign the contract to whoever he sees fit but want to do this fantastic project on the property that it is currently zone for. He reiterated that the property owner is not the Town of James Island.

Mr. Taylor said by right the property allows 21 principal dwelling units that could be 21 million dollar homes. What they propose from comments from the workshops is affordability. He recalled one of the workshops that was held before the Planning Commission that three options were discussed, one of which was a detached option and through feedback they felt that attached products would be more affordable, save more trees, allow for more open spaces, and a more desirable product for the Commission, Council and the

Town but could do detached units based on the current allowable density; 21 dwelling units is the current maximum density and could see the product being up to half the price of what it is across the street at The Preserves that is about \$800,000. Mr. Taylor said have been doing their best to respond to the public's input.

He commented on the roadway and at the last Planning Commission meeting a stack of signatures that was allegedly a petition was dropped off that was not vetted or audited. He would appreciate it if those sorts of documents are audited in some way before simply being put into the record or the minutes. The petition stated there were 800 or some number of people opposed to the project. He peaked through the document and there was a signature from someone with a Hanahan address listed on it and at the top of the petition it stated that all of the undersigned people are opposed to the connection to White House Plantation Boulevard. He said as a result of their meetings they have been willing to comply with that request and the current plan terminates at the cul-de-sac. Mr. Taylor said they have no intention to connect their road to any road in White House Plantation. There was a clause in the Planned Development (PD) that says if anyone in the future (i.e., Council) wants to do that, it would have to go through a process similar to this one. They are not proposing that so there is no roadway connection. He said a sidewalk connection is currently shown that was provided upon a request; however, they did not go out of their way to show sidewalk connections to White House Boulevard and if the Planning Commission sees fit to remove that as a condition they would agree with that; or if it is kept, they would agree with that.

Mr. Taylor presented a courtesy letter to the Planning Commission of the responses that he made in his presentation.

At this point in the meeting, Chairman Lyon moved to allow Mr. Taylor an additional three (3) minutes to further his presentation; the motion was seconded by Commissioner Steers and **motion passed unanimously**.

Mr. Taylor summed by stating that the project is residential and commercial. He said there are a variety of uses allowed by right that they did not propose. Some other uses includes: hotel/motel. He stated by right that someone could propose a hotel or motel on the property and the Planning Commission is the only thing stopping that from happening. Storage is also allowed. Whether it is vehicle storage, structured storage, or outdoor storage, those are allowed by right in the current zoning. Further other uses includes: oil change and car washes. He said the Planning Director could verify those uses, but that they are permitted per the zoning code. He said they have taken those uses off of the table and are not adding density to their project. This is for 20 units, which the property currently is for 21. There is currently a commercial area and they are providing commercial use and taking some of the more intense things off the table. There will be no impact to traffic, which was a concern of some residents. Mr. Taylor said they have listened and try to be a good neighbor. He realize there will be some people who will not be for the development. He thanked the Planning Commission for their time and would appreciate their support.

Questions from the Planning Commission:

Comm'r Quin asked how many units were proposed in the last proposal. Mr. Taylor answered that the current proposal is 20 dwelling units with a 25 maximum workforce units which will be skinnier/smaller square footage units. He said there is an exhibit in the PD that shows the difference between the 20 and 25 options (page 22). Comm'r Quinn noted if he hasn't decided whether it will be 20 or 25 and Mr. Taylor said correct.

Comm'r Steers said that there is a common concern about flooding. He has been through the subdivision a lot and on days after it rains it is obviously a flooding problem but being in the low country we all sort of have that. He asked what impact does the project have to do about flooding. Mr. Taylor replied that they will be addressing all flooding requirements for the Town, County for the 2, 10, 25, 50 and 100 year storm

events so that will be addressed. He said they started with a plan that had bit more impervious area a little bit more building, two ponds and as a result of the meetings they've added pond areas and intend to be very aggressive with pervious pavers for the commercial and working creatively with the drainage. He believes one individual who spoke tonight (or a month ago) who may be the owner of Camp Road Villas to the south. That pond also will be included in the analysis to insure that they do not adversely affect that pond. He is considering asking for maintenance covenants for that pond to make sure it is maintained and functions properly. He said there have been neighbors that lived next to the pond and it exists today and this site doesn't exist today. He concurs that there may be flooding issues. There has been some photos from neighbors that showed pond waters so he won't dispute that and the community downstream is also in a flood zone. He said there is a lot of information about that and will be addressing all of these concerns. The Town of James island in 2020 passed a very aggressive stormwater management plan. Comm'r Steers asked if the project would have to go through those government entities for approval and Mr. Taylor confirmed, which is separate from this process.

Comm'r Bidwell asked for clarification how this development would not add water to the existing development. Mr. Taylor responded that no changes would be made to the pond or any offsite properties to the south. The analysis will include the offsite drainage area and how it interacts with the on-site drainage area to determine if the water level increases or decreases at various analysis points as it is determined by the Town and County critical review process.

Comm'r Quinn asked, once the 25 units are sold, who takes care of the public spaces? Mr. Taylor said the intent is to have a Homeowners Association to maintain the open spaces. Comm'r Quinn asked if the development company would be chair of the HOA or turn it over to the community. Mr. Taylor replied that generally the developer maintains control until a number of homeowners own the home then it is turned over to the community who establishes a board and makes decisions in the community.

Comm'r Bidwell asked for clarification on slab or raised foundations for water flow. Mr. Taylor replied that the intention is for an elevated slab and explained the requirements of FFE at 2.5 feet above the floodplain. They feel that elevated slabs are the best construction technique for this project.

Chairman Lyon called for a motion for discussion. The motion was made by Comm'r Steers, seconded by Comm'r Bidwell and **passed unanimously**.

Comm'r Bidwell commented she liked staff recommendation #4 which states removing the sentence that allows slab on grade construction vs. elevated slab.

Comm'r Quinn spoke about the parking space that there are two (2) parking spaces per unit. He said one of which is in the garage. He asked the Commission to consider having three (3) parking spaces per unit because due to it being such a small space and would like to see people be able to park two (2) cars outside. Mr. Taylor said for the 20 unit product everything would get into the two-car garage. For the workforce product the, the middle units are 20 feet wide so they may not have a two-car garage; but this may be offered an option.

Chairman Lyon moved that the Planning Commission require 20 units to be used rather than 25; motion was seconded by Comm'r Quinn. VOTE: Comm'r Maher, 'no; Comm'r Bidwell abstained. **Motion passed** Chairman Lyon said this will be added as one of the conditions.

Comm'r Steers spoke that is very impressive the number of people the applicant has engaged in this project. It shows that he did a lot of work and is passionate about the neighborhood which is obvious and he has been through there a lot. He does not know how (Newburg, NY); Brooklyn New York fits into the scheme of James Island but it took a lot of work to get the people to approve this project. One of the

misunderstandings that has been circulating a lot is the fact that this project was going to have an entry and exit into Whitehouse Plantation. People were going to say they don't want these houses going over there driving through my neighborhood and that is not going to happen. That was a misconception that some people had but that misconception changes a great deal if you would have a constant flow of homeowners and commercial going through the neighborhood I would understand that concern. He said the applicant did a great deal of good work. Also, he was concerned about flooding in the neighborhood but he sees that that will be a big part of the construction and will be governed by approvals. He added that we live in the low country and have issues such as that. He complimented the applicant on their hard work. Chairman Lyon said he thinks everyone struggled over this project in trying to make the correct decision.

Chairman Lyon moved to approve the Planned Development (PD) Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Request to rezone property located on Dills Bluff Road from the Low-Density Suburban 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 (OD-201) Planned Development District; seconded by Comm'r Bidwell based upon 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;
- 5) Remove allowance for "Workforce Residential" to keep maximum density at 20 attached traditional residential dwelling units.

VOTE:

Comm'r Bidwell	Aye
Comm'r Maher	Aye
Comm'r Quinn	Aye
Comm'r Steers	Aye
Chairman Lyon	Nay

Passed 4-1

Chair's Comments: Chairman Lyon thanked everyone for their hard work on this project.

Commissioners' Comments: Comm'r Steers announced that this Planned Development will be moving on to Town Council and hopes the Planning Commission has been a good stewardship of trying to give them a reasonable plan.

Next Scheduled Meeting Date: October 12, 2023.

Adjourn: There being no further business to come before the body, the Planning Commission meeting adjourned at 7:22 p.m.

Respectfully submitted:



Frances Simmons
Town Clerk and Secretary to the Planning Commission