

**SPECIAL CALLED
PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
October 19, 2023; 10:30 AM**

Minutes

I. Call to Order: *Mr. Dowdy called the meeting to order at 12:16 pm.*

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*
Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*

III. Approval of Minutes:

- A. Planning Commission Meeting Minutes of September 6, 2023
- B. Planning Commission Meeting Minutes of October 4, 2023

Approval of the minutes was deferred until the next regular Planning Commission meeting.

IV. Public Comments (*Agenda Items Only*)
None

V. Executive Session:

- A. Executive Session to receive legal advice regarding the 2013 Amended and Restated Development Agreement and Vested Rights pursuant to South Carolina Code Section 30-4-70(a)(2).

VI. Old Business:

A. Comprehensive Plan Amendment - Future Land Use Map

- 1) #ACP23-000003 | Request to Amend the Comprehensive Plan – Comprehensive Plan Map IX.2, Future Land Use; To change the Future Land Use designation for specific parcels within the 2013 Amended and Restated Development Agreement

B. Zoning Map Amendment

- 1) #REZ23-000003 | Request to Amend Chapter 12 - Land Use Planning And Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by rezoning specific parcels within the 2013 Amended and Restated Development Agreement

Mr. Taylor stated that December 4th is the expiration date of the 2013 Amended and Restated Development Agreement, and there have been a number of workshops, including one just prior to this meeting, to provide recommendations on the zoning of those impacted parcels after the expiration. The Planning Commission has already approved the recommended zoning for some of the parcels, and today's focus will be the remaining parcels, including parcels adjacent to Beachwalker Drive.

Mr. Taylor stated that he would provide a detailed review of each of the parcels, including the proposed Future Land Use and Zoning recommendations, followed by a motion for recommendation if it is desired.

Mr. Taylor stated that the Upper Beachwalker area includes Parcel 8, Parcel 9, parcel 10, and Parcel 11, which is the Beachwalker Lagoon. He noted that Parcels 8 and 10, identified in the ARDA as separate parcels, share the same TMS number. Parcel 9, which is adjacent to the General Store, is the former Beach Walker Office Park, and the two parcels to the south are undeveloped and currently under site plan review for multi-family developments.

Upper Beachwalker

- Parcels 8 and 10
 - Recommended Future Land Use: Mixed-Use
 - Recommended Zoning: BW-1

The recommendation is to establish BW-1, which is a mixed-use zoning category that would allow both commercial and residential uses.

- Parcels 11
 - Recommended Future Land Use: High-Density Residential
 - Recommended Zoning: R-3, Residential
- Parcels 9
 - Recommended Future Land Use: Medium-Density Residential
 - Recommended Zoning: R-2, Residential

The recommendations, as stated, are based on the initial staff recommendation that has been modified slightly based on feedback from the Commissioners.

- Former Church Parcel
 - Recommended Future Land Use: Medium-Density Residential
 - Recommended Zoning: R-2, Residential

Parcel 11 and the former Church parcel are currently under site plan review, and the proposed zoning would not impact those site plans; however, based on what is being proposed would create non-conformities if those plans are approved.

Mr. Taylor stated that the Lower Beachwalker area includes Parcel 13 (Lot 1), which is under site plan review; The Cape, which is under construction; and The Timers, which is already built.

Lower Beachwalker

Parcel 13 (lot 1) is undeveloped and currently under site plan review; the Cape is currently under construction, and the Timbers already built have two proposed categories.

- Parcel 13 (lot 1)
 - Recommended Future Land Use: High-Density Residential
 - Recommended Zoning: R-3, Residential

- The Cape
 - Recommended Future Land Use: Mixed-Use
 - Recommended Zoning: BW-2

- The Timbers
 - Recommended Future Land Use: Mixed-Use
 - Recommended Zoning: BW-2

The recommendation is to establish BW-2, a mixed-use category that would allow three stories in height, a 50 ft maximum allowance, and seven dwelling units per building with the caveat that structures within 30 ft of any property line would be subject to a 40 ft maximum height standard.

- Parcel 12a - Beachwalker Park
 - Recommended Future Land Use: Active Recreational and Open Space
 - Recommended Zoning: R-2

- Parcel 12b - Captain Sam's
 - Recommended Future Land Use: Active Recreational and Open Space
 - Recommended Zoning: R-1

- Parcel 16 – The Settlement
 - Recommended Future Land Use: Low-Density Residential/Active Recreational and Open Space
 - Recommended Zoning: R-2 – PR

The proposed zoning for Parcel 16 would remove the specific commercial allowance based on the development agreement. Staff is recommending clarifying with a Text Amendment the conditional uses within the PR category for spa and improvement services.

- Parcel 41 – Osprey Beach
 - Recommended Future Land Use: Low-Density Residential/Active Recreational and Open Space
 - Recommended Zoning: R-1 – PR

Mr. Taylor provided a review of each of the two new zoning district categories that were recommended by staff. The proposed Beachwalker 1 and Beachwalker 2 zoning district categories were recommended to provide for the unique circumstances based on the location of the particular parcels and establish a mixed-use category that would allow residential of all densities along with limited commercial uses.

Mr. Capelli made a motion to approve the amendment of the zoning map to include the BW-1 and BW-2 categories. Mr. Iwan seconded the motion.

Commissioners engaged in an in-depth discussion of their views on establishing the BW-1 and BW-2 categories, posing questions to Mr. Taylor and Mr. Wilson. Mr. Taylor clarified that the motion would be to establish these zoning categories where Commissioners could then recommend the uses and standards within the proposed categories.

Mr. Capelli made a motion to call the question. Ms. Hennessy seconded the motion, and it was unanimously passed.

The motion to approve the amendment of the zoning map to include the BW-1 and BW-2 categories failed by a 4 to 3 vote.

<i>Andy Capelli</i>	<i>Yes</i>
<i>Luke Farrell</i>	<i>No</i>
<i>Larry Iwan</i>	<i>Yes</i>
<i>Bill Dowdy</i>	<i>Yes</i>
<i>Madeleine Kaye</i>	<i>No</i>
<i>Joanne Hennessy</i>	<i>No</i>
<i>Ronald Curran</i>	<i>No</i>

Mr. Farrell made a motion to go through these Parcels using the existing codes R-1, R-2, R-3, and designate them as such, and include a discussion of the parameters that are included in what R-1, R-2, and R-3 mean. Mr. Iwan seconded the motion, and it was unanimously approved.

Commissioners reviewed each parcel and discussed their recommended Future Land Use and Zoning designations.

Upper Beachwalker

Ms. Kaye made a motion for Parcels 8 and 10 to be zoned Parks and Recreation. Ms. Hennessey seconded the motion.

Commissioners discussed their views on changing the zoning category to Parks and Recreation.

Ms. Kaye withdrew her motion, and Ms. Hennessy withdrew her second.

Mr. Farrell made a motion that the Future Land Use and Zoning for Parcels 8 and 10 be Commercial. Mr. Iwan seconded the motion.

Commissioners discussed their views on the recommended Future Land Use and Zoning change to Commercial, along with additional suggestions.

Mr. Farrell withdrew his motion.

Mr. Farrell made a motion to designate Parcels 8, 9, and 10 to the R-2 zoning category. Mr. Iwan seconded the motion.

Commissioners discussed their views on changing the zoning category to R-2, along with a comparison of the R-1 and R-2 categories.

Following the discussion, the motion was unanimously passed. (4:04:26)

Ms. Hennessy made a motion to designate the Future Land Use of Parcels 8, 9, and 10 to the Medium Density category. Ms. Kaye seconded the motion, and it was unanimously passed.

Mr. Taylor stated that Parcel 11, Beachwalker Lagoon, is currently under site plan review. The proposed Zoning District is R-3, and the proposed Future Land Use Designation is high-density residential.

Mr. Iwan made a motion to designate Parcel 11 as High-Density Residential/R3. Dr. Curran seconded the motion.

Commissioners discussed the standards for the R-3 category, and if the site plan is approved, the proposed zoning would create non-conformities.

Following the discussion, the motion was unanimously passed.

Mr. Taylor stated the former Church parcel is currently under site plan review and is being recommended as High-Density Residential/R-3.

Commissioners discussed setbacks from the roadway, as well as current R-3 standards.

Mr. Capelli made a motion to designate the former Church parcel as High-Density Residential/R-3. Dr. Curran seconded the motion.

Following discussion, the motion was unanimously passed.

Lower Beachwalker

Mr. Taylor stated that Parcel 13 (lot 1) is currently under site plan review, and the proposed recommendation is High-Density Residential/R-3.

Mr. Farrell made a motion to follow the staff recommendation to designate Parcel 13 (Lot 1) as High-Density Residential/R-3. Dr. Curran seconded the motion.

Commissioners engaged in an in-depth discussion regarding the current standards of the R-3 zoning district and the potential impacts of a new zoning category with modified standards specifically for this parcel, which could be accomplished with the creation of a new zoning category. Mr. Taylor and Mr. Wilson clarified with the parcel being under site plan review, the standards allowed under the Development Agreement would apply to the parcel and that approval of the recommended zoning is for the future.

Following the discussion, the motion was passed by a 6 to 1 vote, with Mr. Capelli not voting. (4:26:46)

Mr. Taylor stated that the subtract of Parcel 13, where the Cape is developed, has a mixed-use Future Land Use designation and a current Zoning designation of R-3/C under the ARDA. It was requested that the Timbers, also a subtract of Parcel 13, be included in the consideration.

Ms. Hennessy made a motion to designate The Cape and The Timbers parcels as High-Density Residential/R-3. Mr. Farrell seconded the motion.

Commissioners discussed the recommendation made by staff for the parcels and considered developing a new zoning category, deferring the current recommendation.

Following the discussion, the motion was passed by a 6 to 1 vote, with Mr. Capelli not voting. (4:34:23)

Mr. Taylor stated that Parcel 12A, leased by the property owner to Charleston County as Beachwalker Park, currently has an R-3/C zoning designation and mixed-use Future Land Use designation. The recommendation is R-2 residential zoning and Active Recreation and Open Space Future Land Use designation.

Commissioners discussed the recommendation of the Active Recreation and Open Space Future Land Use designation for what is currently a public beach and the Medium-Density Residential, which is more appropriate to the R-2 zoning being recommended.

Dr. Curran made a motion to follow the staff recommendation to designate Parcel 12A as Medium-Density Residential/R-2. Mr. Iwan seconded the motion. The motion passed by a 5 to 2 vote, with Mr. Farrell and Ms. Kaye voting "No."

Mr. Taylor stated that Parcel 12B is the entire area of Captain Sam's, including the area adjacent to the County Park entrance. The staff recommendation is R-1 Residential zoning and Low-Density Residential Future Land Use designation.

Commissioners discussed using the KC Zoning district and Conservation Future Land Use designation to protect the area, the concern that the Commission is perceived as in any way encouraging the development of the parcel, and using the Active Recreation and Open Space designation for both.

Dr. Curran made a motion to designate Parcel 12B as Low-Density Residential/R-1. Mr. Capelli seconded the motion. The motion passed by a 4 to 3 vote, with Mr. Farrell, Ms. Hennessy, and Ms. Kaye voting "No."

Mr. Taylor stated that Parcel 16, The Settlement, had a staff recommendation for the R-2/PR designation. The R-1 designation was discussed in the workshop and recommended. Staff included an asterisk for a proposed text amendment to the use table and conditions of uses that would clarify the existing club facilities and spa.

Ms. Kaye made a motion to follow the workshop recommendation to designate Parcel 16 as Low-Density Residential/Active Recreational and Open Space R-1 and PR with conditions of use text amendment to the PR category. Ms. Hennessy seconded the motion.

Commissioners discussed the text amendment language.

Following the discussion, the motion was unanimously passed.

Mr. Taylor stated that Parcel 41, Osprey Beach, is currently designated Low-Density Residential/Active Recreation Open Space, and the current zoning is R1/PR.

Dr. Curran asked for clarification on what was included in the parcel. Mr. Permar stated that it included not only the Beach Club but also the lots on both sides of the road that lead to the Club.

Dr. Curran made a motion to designate Parcel 41 as Low-Density Residential/Active Recreational and Open Space/R1 and PR. Ms. Hennessy seconded the motion, and it was unanimously passed.

VII. New Business:

A. Zoning Text Amendment

- 1) #AZO23-000002 | Request to amend Sec. 12-61. Establishment of Zoning Districts.
- 2) Request to establish new zoning category BW-1, Beachwalker Zoning District.
- 3) Request to establish new zoning category BW-2, Beachwalker Zoning District.
- 4) Request to amend Sec. 12-102. Principal Uses and Use Regulations.

B. Zoning Text Amendment

- 1) #AZO23-000003 | Request to amend Ordinance 2013-14 relating to the 2013 Amended and Restated Development Agreement.

Mr. Taylor stated that based on what has been recommended by the Planning Commission for the Future Land Use destinations and zoning categories for all the subject parcels, they will move on to the Council for the first reading. The recommendation will also include some modifications to make sure the language is consistent.

Mr. Taylor stated that the draft of Ordinance 2023-23 references the current Ordinance 2013-14, which made the Development Agreement a part of our zoning code as an appendix. He stated that

the staff recommendation is that the Development Agreement be removed from the zoning code as the Town moves toward its expiration. He reviewed the points covered and the changes and updates to be made in the ordinance draft.

Ms. Henessy made a motion to recommend to the Town Council to accept Ordinance 2023-23 subject to the edits that Mr. Taylor is going to make. Mr. Farrell seconded the motion, and the motion was unanimously passed. (5:14:14)

VIII. Correspondence/Staff Comments:

Mr. Taylor stated that he had a conversation with Blake and had some revised working documents that he would send to the Commission to review and then would work on scheduling the next meeting.

IX. Council Liaison Comments:

None

X. Public Comments:

Mark Permar – 81 Dungannon Hall

Mr. Permar commented about the non-conforming, stating it would be a burden borne by the property owners and an unnecessary action. He commented on the action taken on the various parcels adjacent to the General Store and the action taken on parcels 8 and 9, stating there was no fundamental explanation of why the use was changed, removing the most suitable land use type by history, existing conditions, and anticipated conditions.

Lance

Mr. Lance commented on what he felt was a presumption being made by the Town with the development agreement ending in December, the concern about the potentially developed units being short-term rentals, and the impact on traffic, infrastructure, and use of the properties in the surrounding communities and the beach. He also stated that the scope of what was going to be discussed was a surprise, and there would have been much better participation had there been much more notice of perhaps the most consequential decision being made by the Town since the decision to develop Kiawah.

XI. Commissioner Comments:

Ms. Kaye thanked Mr. Lance for his comments. In her estimation, there had been a lot of communication about these several workshops and this meeting. She was sorry if that word was not getting out and would do her best to increase the communication.

Ms. Kaye also thanked the members of the Inlet Cove Sparrow Pond Community for their intense involvement in this whole process.

Mr. Farrell thanked Mr. Wilson for his guidance in the executive session. Thanks again to Mr. Taylor for a ton of work on all this stuff and for dealing with us time and time again over the same issues. Thank you very much for your patience and your diligence.

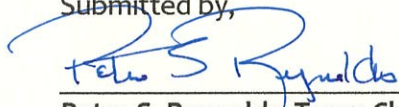
Mr. Capelli commented on the emails that have been received directly as opposed to coming through the Town and the need to reply to everyone when getting boilerplate emails with an almost word-for-word recitation of their views. Nevertheless, we will continue to recognize the fact that we get them and will respond.

As for the second point, he wanted to correct the perception that it seemed that not much consideration had been given to what had been built on the island over the last number of years. Some may not be aware of the rights to this property having been talking about for the last eight months, but there have been numerous public hearings or open workshops that people have attended, so they know what is going on. The question that nobody seemed to recognize is that that property was permitted originally as a hotel. There would have been a lot more traffic, a lot more rooms, and a lot more concerns about a hotel being on that property than what was proposed initially. There was a lot of consideration given to the importance of the rights of property owners, the importance of the rights of the community and trying to balance those views. Hopefully, something was developed that most people will consider balanced.

XII. Adjournment:

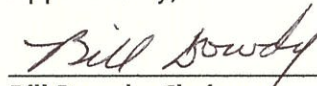
Ms. Hennessy made a motion to adjourn the meeting at 2:25 pm. The motion was seconded and was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Bill Dowdy, Chairman

2-16-2024
Date