

# PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

March 7, 2018; 3:00PM

## AGENDA

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

II. **Roll Call:**

Present:

Fred Peterson, *Chairman*

Dan Prickett, *Vice Chairman*

Andy Capelli

Bill Dowdy

Larry Iwan

Brit Stenson

Absent:

Gale Messerman

Also Present:

Stephanie Tillerson, *Town Administrator*

John Taylor, *Charleston County Planning & Zoning*

Mark Permar, *Kiawah Island Golf Resort*

Ray Pantlik, *Kiawah Partners*

III. **Approval of Minutes:**

A. **Planning Commission Meeting Minutes of November 8, 2017**

*Mr. Prickett made a motion to approve the minutes of the November 8, 2017 Planning Commission Meeting. The motion was seconded by Mr. Dowdy and unanimously passed.*

IV. **Old Business:**

None

V. **New Business:**

A. **Election of 2018 Officers**

*Mr. Iwan made a motion to appoint Mr. Peterson Chairman of the Planning Commission. Mr. Capelli seconded the motion and it was unanimously passed.*

*Mr. Peterson made a motion to appoint Mr. Prickett Vice Chairman of the Planning Commission. Mr. Iwan seconded the motion and it was unanimously passed.*

B. **2018 Rules of Procedure**

*Mr. Prickett made a motion to accept the 2018 Rules of Procedure. The motion was seconded by Mr. Dowdy and it was unanimously passed.*

Mr. Peterson noted that the address to the Municipal Center needs to be updated.

*The motion was unanimously passed.*

### C. 2018 Planning Commission Meeting Schedule

Mr. Peterson stated the 2018 Planning Commission meeting schedule follows the Town Council meetings each month.

***Mr. Prickett made a motion to approve the 2018 Planning Commission meeting schedule. The motion was seconded by Mr. Iwan and the motion was unanimously passed.***

### D. SUBDIVISION APPLICATIONS

1) #SBDV-01-18-00711

Kiawah Resort Associates, LP  
A Preliminary Subdivision Plat  
Subdivision Waiver Request  
Open Space Parcel  
TMS# 207-05-00-024; 207-00-00-002

Mr. Taylor stated the presented application is a request for the approval of the preliminary subdivision plat for an Open Space Parcel. The applicant and owner is Kiawah Resort Associates, LP and the Surveyor is SWA-Surveying, LLC. Parcels 207-05-00-024 and 207 00-00-002 are in the R-2/C zoning district and includes 1.405 total acres, with five non-buildable lots (0.988 acres) and residual lands (0.417 acres). The subdivision contains a 50' wide limited access easement adjacent to the Kiawah Island Parkway and a 20' wide utility easement at the northern edge of the residual land.

Mr. Taylor presented an aerial map and plat of the subject property and stated the Planning Department reviewed the application document for preliminary approval of this subdivision to be known as Open Space Parcel and find that it is inconsistent with Article 12c, Subdivision Regulations. The Town of Kiawah Island Subdivision Regulations Ordinance excludes a provision for the creation of non-buildable lots.

Mr. Taylor stated the applicant submitted a Subdivision Waiver Request from the utility, drainage, and street improvements requirements of the Town's Subdivision Regulations Ordinance. He reviewed the applicant's reason for the waiver request.

***Mr. Prickett made a motion to accept/approve the Subdivision Waiver Request. The motion as amended was seconded by Mr. Iwan.***

Members engaged in an in-depth discussion with Mr. Pantlik on the reasoning behind the request for five non-buildable lots. Mr. Capelli express his concern the loss of the natural buffer along the Parkway at the entrance to the Island if those lots were to be developed in the future. He suggested that an additional provision, for a notation to be placed on the deed, be included with the presented conditions.

***Following further discussion, the motion for the approval of the wavier was unanimously passed.***

Mr. Taylor reviewed the condition to be considered for the preliminary plat approval, that the plat be recorded with the provisions that:

- i. No construction of any structure or building contemplated under article 9-Buildings and building codes of the Town of Kiawah Island Municipal Code is permitted for the lots shown on this plat.
- ii. The combination or recombination of lots in any form within the proposed subdivision shall retain the same note that no construction of any structure or building considered is permitted for the lots shown on this plat.
- iii. The approval of this plat by the Planning Commission does not obligate the Town of Kiawah Island to issue a building permit for any proposed structure or building.

Additional language requested by Mr. Capelli would be item iv.

- iv. Prior to the initial purchase and all subsequent purchases of any of the depicted non-buildable lots, the deed of record in accordance with this plat and any other sale documents must outline specific provisions including this and the provisions listed above so that the potential buyer is aware that the lots are designated non-buildable.

***Mr. Capelli made a motion to approve the preliminary subdivision plat for Open Space Parcel with the provisions as listed. The motion was seconded by Mr. Dowdy.***

***Mr. Capelli amended the motion to include an additional provision to require the lot deeds include the three provisions as listed on the preliminary plat. The motion was seconded by Mr. Iwan and was unanimously passed.***

2) #SBDV-01-18-00725

Kiawah Resort Associates, LP  
 A Final Subdivision Plat  
 Ocean Park Phase 8B  
 TMS# 265-16-00-16

Mr. Taylor stated the presented application is a request for the approval of the final Subdivision Plat for Ocean Park Phase 8B. The applicant and owner is Kiawah Resort Associates, LP and the Surveyor is SWA-Surveying, LLC. Parcels 265-16-00-165 is in the R-2 zoning district and includes one lot.

Mr. Taylor stated that the subdivision site is within the Ocean Park development at the far east end of the Island. The total area is approximately 23.821 acres in size containing 3.847 acres of highlands, 0.029 acres for a pump station, 19.512 acres of marsh, and 0.433 acres for the designated Right-of-Way. The Planning Commission provided preliminary approval in 2015 and authorized Final Approval for Phase 8A of the Ocean Park Development in 2017.

Mr. Taylor presented an aerial map and plat of the subject property and stated the Planning Department reviewed the application document for final approval of the subdivision, finds that it is consistent with Article 12c, Subdivision Regulations, and recommends approval.

***Mr. Iwan made a motion to approve the final subdivision plat of Ocean Park Phase 8B. Mr. Capelli seconded the motion and it was unanimously approved.***

## **E. ZONING ORDINANCE AND MAP AMENDMENT APPLICATIONS:**

### **1) ZONING ORDINANCE TEXT AMENDMENT REQUEST**

**ZLDR-01-18-00108:** Request to amend Section 12-78. Dock Key Locations. The property currently contains a fixed dock. The applicant/property owner is requesting this amendment to allow a floating dock for property located at 248 Eagle Point Road (TMS# 265-02-00-162).

Mr. Taylor stated the presented application is a text and map amendment request is to allow a floating dock for property located at 248 Eagle Point Road to access deep water. The applicant and owner is Eagle Point Partners, LLC and parcel 265-02-00-162 is in the R-1 zoning district, includes one lot of 11.53 acres and is located in Dock Key Location - G (fixed dock).

Mr. Taylor presented photographs and plats outlining the requested change which would create the new floating dock Designation #36, Eagle Point East, to Section 12-78, Dock Key Locations. The requested change would also modify the authorized shoreline of the existing fixed dock Designation G, Eagle Point, Est from 1,100 linear ft. to 600 linear ft.

Mr. Taylor reviewed the approval criteria which must be met and engaged in an in-depth discussion of request.

***Mr. Dowdy made a motion to recommend to Town Council the Zoning Ordinance Text Amendment Request to amend Section 12-78, Dock Key Locations to allow a floating dock for property located at 248 Eagle Point Road. Mr. Prickett seconded the motion and it was unanimously passed.***

### **2) ZONING MAP AMENDMENT REQUEST**

**ZREZ-01-18-00076:** Request to amend the Town of Kiawah Island Dock Key Locations Map for the property located at 248 Eagle Point Road (TMS# 265-02-00-162) from the Fixed Dock designation to a Floating Dock designation. (11.53 acres)

***Mr. Dowdy made a motion to recommend to Town Council the Zoning Map Amendment Request to amend the Dock Key Locations for the property located at 248 Eagle Point Road from the Fixed Dock designation to a Floating Dock designation. Mr. Prickett seconded the motion and it was unanimously passed.***

## **OCEAN COURSE**

### **3) COMPREHENSIVE PLAN AMENDMENT REQUEST**

**ACP-01-18-00111:** Request to create a new Future Land Use Category of Active Recreation, Residential and Open Space; and to change the existing Future Land Use designation for the property located at 1000 Ocean Course Drive (TMS 265-16-00-184) from Active Recreation and Open Space to Active Recreation, Residential and Open Space.

Mr. Taylor stated the presented three application requests include a Comprehensive Plan, text, and map amendments for property located at 1000 Ocean Course Drive. The applicant and owner is The Ocean Course Golf Club, LTD and parcel 265-16-00-184 is in the Parks & Recreation zoning district, includes one lot of 28.753 acres.

Mr. Taylor presented photographs and plats outlining the requested changes and reviewed the approval criteria. He noted the applications were modified since its presentation to the Planning Commission last year.

*Mr. Iwan made a motion to recommend to Town Council the Comprehensive Plan Amendment Request to create a new Future Land Use Category Active Recreation, Residential and Open Space; and to change the existing Future Land Use designation for the property located at 1000 Ocean Course Drive from Active Recreation and Open Space to Active Recreation, Residential and Open Space. Mr. Dowdy seconded the motion and it was unanimously passed.*

4) ZONING ORDINANCE TEXT AMENDMENT REQUEST

ZLDR-01-18-00109: Request to create a new zoning district, PR-OC: Parks and Recreation - Ocean Course.

Mr. Taylor presented photographs and plats outlining the requested creation of a new zoning district, PR-OC: Parks and Recreation. He reviewed the purpose and intent, permitted uses and addition zoning district standards,

*Mr. Dowdy made a motion to recommend to Town Council the Zoning Ordinance Text Amendment Request to create a new zoning district, PR-OC: Parks and Recreation - Ocean Course. Mr. Capelli seconded the motion and it was unanimously passed.*

5) ZONING MAP AMENDMENT REQUEST

ZREZ-01-18-00077: Request to rezone the property located at 1000 Ocean Course Drive (TMS 265-16-00-184) from the Parks and Recreation (PR) Zoning District to the Parks and Recreation – Ocean Course (PR-OC) Zoning District. (28.753 acres)

Mr. Taylor presented photographs and plats outlining the request to rezone the subject property (TMS# 265-16-00-184) from the Parks and Recreation (PR) zoning district to the Parks and Recreation – Ocean Course (PR-OC)

*Mr. Dowdy made a motion to recommend to Town Council the Zoning Map Amendment Request to rezone the property located at 1000 Ocean Course Drive from the Parks and Recreation (PR) Zoning District to the Parks and Recreation – Ocean Course (PR-OC) Zoning District. Mr. Prickett seconded the motion and it was unanimously passed.*

VI. Correspondence/Staff Comments:

Mr. Taylor notified the Commissioners on two plats which were approved by Planning Department staff. The first was Planning Case #SBE-00727, combining lots 57 (TMS# 209-00-00-077) and lot 59 (TMS 209-00-00-078) Salthouse Lane. The second was Planning Case #SBE-00710, the West Beach Resort Complex combining lots TMS #207-06-00-404, 405 and a portion of TMS #207-00-00-017. Approval for both was granted under the provisions of the Town's Subdivision regulations on February 22, 2018.

VII. Council Liaison Comments:  
None

VIII. Public Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick asked for a clarification on process by which circumstance the Town Council could override language approved as a requirement by the Planning Commission.

Mr. Peterson stated it was his understanding that when the Planning Commission approves a preliminary, conditional or final plat, Town Council would have to go to circuit court to take any action.

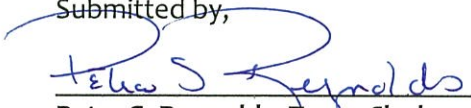
**IX. Commissioner Comments:**

Mr. Iwan commented that the completion of the Ocean Course requests was a good example of how the process is supposed to work.


**X. Adjournment:**

*Mr. Iwan made a motion to adjourn the meeting at 3:35 pm. The motion was seconded by Mr. Dowdy and was unanimously passed.*

Submitted by,

  
Petra S. Reynolds, Town Clerk

Approved by,

  
Fred M. Peterson, Chairman

5-17-2018

Date