



TOWN OF
Kiawah Island

Mayor

Craig E. Weaver

Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

Town Administrator

Stephanie Monroe Tillerson

MEMORANDUM

TO: Town of Kiawah Island Planning Commission Members

FROM: John Taylor, Jr., Planning Director

DATE: June 19, 2019

SUBJECT: Wednesday July 3, 2019 3:00 p.m. Planning Commission Meeting Packet

Attached you will find the following items:

- Agenda for the July 3, 2019 meeting of the Planning Commission
- Meeting minutes of the June 5, 2019 Planning Commission meeting
- Packet of case materials (1) amendment request for your consideration. Please find enclosed the staff review and supporting documentation for this case:
 1. ACP19-000001 | Comprehensive Plan Amendment Request
Request to amend the Town's Comprehensive Plan to address implications of Flood Mitigation and Sea Level Rise based upon the 2018 Town of Kiawah Island Flood Mitigation and Sea Level Rise Adaptation Report.

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.



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PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

July 3, 2019; 3:00PM

AGENDA

- I. Call to Order:
- II. Roll Call:
- III. Approval of Minutes:
 - A. Planning Commission Meeting Minutes of June 5, 2019 [Tab 1]
- IV. Old Business:
- V. New Business:
 - A. Comprehensive Plan Amendment Applications: [Tab 2]
 - 1) ACP19-000001: Request to amend the Comprehensive Plan to address implications of Flood Mitigation and Sea Level Rise.
- VI. Correspondence/Staff Comments:
- VII. Council Liaison Comments:
- VIII. Public Comments:
- IX. Commissioner Comments:
- X. 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

June 5, 2019; 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

Bill Dowdy

Andy Capelli

Gale Messerman

John Moffitt

Absent:

Brit Stenson, *Vice Chairman*

Also Present:

John Taylor, Jr., *Planning Director*

Petra Reynolds, *Town Clerk*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of March 6, 2019

Mr. Dowdy made a motion to approve the minutes of the March 6, 2019 Planning Commission Meeting as amended. The motion was seconded by Mrs. Messerman and unanimously passed.

IV. **Old Business:**

None

V. **New Business:**

A. Subdivision Applications

1) #SDP-000026-2019

Kiawah Resort Associates, LP

A Preliminary Subdivision Plat

Ocean Park Putters Row (7 Lots)

TMS# 207-05-00-0011; -118; -122; -123 and -124

Mr. Taylor stated the applicant, Kiawah Resort Associates, LP, has submitted an application for the approval of a preliminary subdivision plat for Ocean Park Putters Row, Lots 327-339. The proposed subdivision request is situated at the eastern end of the island along Victory Bay Lane, has a total area of approximately 1.798 acres in size, and is zoned R-2. The application proposed seven lots out the existing four lots that were approved in 2015 and proposed shared driveway access easements.

Mr. Taylor stated that the Planning staff had reviewed the application and found it consistent with Article 12c, Subdivision Regulations.

Mr. Capelli made a motion to approve the preliminary subdivision plat for lots 327 to 339 on Putters Row. The motion was seconded by Mr. Dowdy.

Following discussion, the motion was unanimously approved.

- 2) #SBMa-21175-P Kiawah Resort Associates, LP
A Preliminary Subdivision Plat - Cape Charles
TMS #207-05-00-001; -0011; -118
Vested Rights Annual Extension Request

Mr. Taylor stated that the preliminary subdivision plat, Planning Case #SBMa-21175-P, Subdivision 410, parcels 12A, 12B and 13, identified as Cape Charles was approved by the Planning Commission in July of 2015. Cape Charles, parcels TMS #207-05-00-001; -0011; -118 has a total area of approximately 193.455 acres, zoned R-1, with 50 proposed lots. Last year the owners, KDP II, LLC, and Kiawah Report Associates, L.P. submitted a request for a one-year approval extension of the preliminary subdivision plat, as per Section 12-194(3) - Vested Rights, of the Town's Land Use Planning and Zoning Regulations. He indicated that the Planning Commission approved the first extension in June of 2018, and this request is the second extension of the five allowed.

Pursuant to Section 12-194 (3) f. of the Town's Land Use Planning and Zoning Regulations

"No sooner than three months, and no later than 45 days prior to the expiration of the two-year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the authorized official or body for an annual extension of the vested right. The authorized official or body must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval. No more than five annual extensions of the vested right may be approved."

Commission members discussed the details of the vested rights period, the effect of any changes within the five-year vested right period, and that the applicant would have to submit a new preliminary plat application at current standards if the five-year vested right period expires.

Mr. Dowdy made a motion to approve the vested rights annual extension request for Cape Charles. The motion was seconded by Mr. Iwan and was unanimously approved.

VI. Correspondence/Staff Comments:

Mr. Taylor reviewed the following handout presented to the Commission Members:

- ✓ At the June 4th Town Council meeting, an extension of the Amended and Restated Development Agreement between Kiawah Resort Associates, LP., and the Town was approved by Council. The terms of the Development Agreement were set to expire January 1, 2023, and was approved to extend to January 1, 2026. If highlands within the Real Property owned by the Property Owner as of January 1, 2016, is 250 acres or greater, an extension is warranted.
- ✓ The Flood Mitigation and Sea Level Rise workgroup consisting of Mr. Stenson, Mr. Capelli, and Mr. Dowdy, have neared final drafts to bring back to the full Planning Commission meeting for review. Subject to no additional changes, do anticipate the July agenda to review those drafts.
- ✓ Planning Staff recorded two plats with the Charleston County ROD office administratively;
 1. A series of drainage easements along Oyster Rake Drive Properties
 2. Property Line Abandonment 546 Oyster Rake Dr.
- ✓ Planning staff is currently working with the Environmental Department to update the Town's Beach

Management Plan.

- ✓ Town has received first set of improvements associated with Duneside Southern Pines connection including Site Plan Review application for Boardwalk Beach Access between Timbers and Duneside.
- ✓ Upcoming Continuing Education Opportunities

Mr. Capelli questioned where the property line abandonment on Oyster Rake Drive is in proximity to four lots that are not buildable. Mr. Taylor clarified the plat was towards the northern area closer to the marsh. He noted that the Planning Department has not received any developments on the non-buildable lots. Mr. Capelli questioned how many lots are still buildable in that area with the three that are now under construction. Mr. Taylor indicated that he did not have the number available at this time but would provide him an answer after the meeting.

VII. Council Liaison Comments:

None

VIII. Public Comments:

Diane Lehder – 306 Palm Warbler

Ms. Lehder asked for clarification on the timeline of the Cape Charles preliminary plat approval. Mr. Peterson indicated that the initial approval in 2015 was for three years. The applicant then has the vest right for five, one-year extensions; the first extension was in June of 2018, and the second in June of 2019.

Ms. Lehder asked if there is any work that the Partners can request the Town to do on this parcel in terms of additional approvals before the challenges have gone through the courts. Mr. Peterson indicated that there is nothing more than the Town can do; it was up to the applicant on how they would proceed.

IX. Commissioner Comments:

None

X. Adjournment:

Mr. Capelli made a motion to adjourn the meeting at 3:15 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

Date