

**Town of Kiawah Island Comprehensive Plan Amendment Request**  
**Case ACP-05-17-00108 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Kiawah Tennis Club

Representative: Mark Permar

Location: Sparrow Road and Shipwatch Road

Parcel Identification: 207-06-00-407 and 207-06-00-402

Property Size: 10.9 acres total

Application: The applicant is requesting to amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use, to change the future land use designation for the subject properties from "Active Recreation and Open Space" to "Resort."

The Comprehensive Plan defines Active Recreation and Open Space Future Land Use Category as "This category provides and is intended to promote the development of community parks and recreational facilities including parks, golf courses, and tennis courts. This category also provides for lands that are intended to remain in their natural state; this includes land that have been protected through conservation easements or that are publicly or privately owned. Some examples include the Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center."

The Comprehensive Plan defines Resort Future Land Use Category as "This category is intended to promote the development of high quality recreational use structures that provide a range of activities for residents and guests of Kiawah Island. A typical development with a Resort designation would include The Sanctuary Hotel."

Adjacent Properties:

The Comprehensive Plan designates the subject properties as Active Recreation and Open Space. Future Land Use for the adjacent property to the south of parcel 207-06-00-407 is also designated "Active Recreation and Open Space". The adjacent property to the north is designated "Resort" and its east and west extents northern adjacent properties are designated "High Density Residential".

Across Shipwatch Road to the south of parcel 207-06-00-402, Future Land Use for the properties is designated "Resort" and "High Density Residential". Adjacent to the east and north the designation is also "High Density Residential".

**RECOMMENDATION BY THE PLANNING COMMISSION**

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be

required to approve the amendment."

#### **DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(6) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (7) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

#### **APPROVAL CRITERIA AND APPLICANT'S RESPONSE**

Pursuant to §12-157(7) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, "Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive plan. Any amendment to the land use diagram and/or other maps shall be consistent with the vision and goals in the text of the comprehensive plan."

The applicant's letter of intent states the following in response: *"The proposed map amendment for the Resort land use category will allow for a more comprehensive plan organization for the resort in West Beach resulting in a more sensitive site organization of appropriately scaled buildings. The amendment will maintain the core resort area while allowing for more integrated open space with building placement."*

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### **Notifications:**

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.

**Town of Kiawah Island Zoning District Map Amendment Request**  
**Case ZREZ-05-17-00057 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Kiawah Tennis Club

Representative: Mark Permar

Location: Sparrow Road and Shipwatch Road

Parcel Identification: 207-06-00-407 and 207-06-00-402

Property Size: 10.9 acres total

Application: The applicant is requesting to amend the zoning district map for the subject properties from the Parks and Recreation (PR) Zoning District to the RST-2, Resort Zoning District.

Zoning and Land Use Information:

The subject properties fall within the Parks and Recreation (PR) Zoning District and fall under the Resort Overlay District. Parcel 207-06-00-407 is currently undeveloped; however multiple boardwalks traverse the property for access to the beach. The adjacent property to the north of this subject property (207-06-00-407) is zoned "RST-2, Resort"; and the properties north of the subject property's east and west extents are zoned "R-3 Residential" (Shipwatch Villas and Beach Townhomes).

Parcel 207-06-00-402 is the site of the West Beach Tennis Center; including an amenity building, tennis courts and community pool. The adjacent properties to the north and east of the subject property are zoned "R-3 Residential". Properties across Shipwatch Road, south of the subject property are zoned "Commercial" (*Straw Market*), "RST-2 Resort" and "R-3 Residential" (*Shipwatch Villas*). Across Kiawah Beach Drive due west, properties are zoned "RST-2 Resort" and "Parks and Recreation" (*Cougar Point Golf Course*).

**RECOMMENDATION BY THE PLANNING COMMISSION**

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment."

**DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(5) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion,

invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

#### **APPROVAL CRITERIA AND APPLICANT'S RESPONSE**

Pursuant to §12-158(6) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;

*Applicant's Response:* "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."

- B. The proposed amendment is consistent with the purposes and intent of this article;

*Applicant's Response:* "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."

- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

*Applicant's Response:* "The proposed map amendment will allow for building and site design that is more flexible to provide an environment that is consistent with contemporary standards of better living within a natural setting."

- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

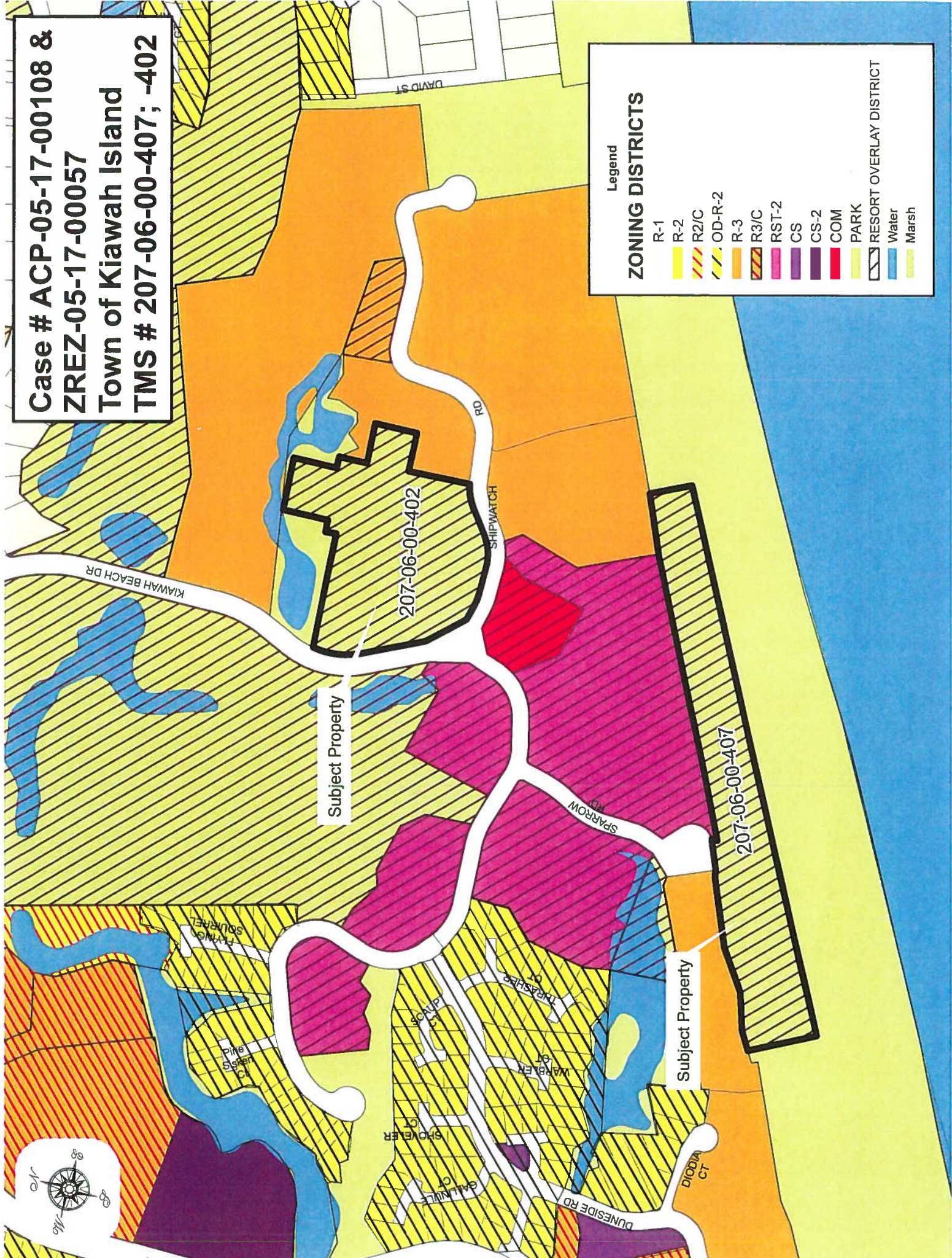
*Applicant's Response:* "The proposed amendment does not correct an error or inconsistency; however, it does provide greater flexibility to plan and design to contemporary resort guest services in the competitive world market. The program requirements for resort settings of today are far more demanding than those of the original Kiawah Island Inn. The proposed map amendment will allow for siting and design of buildings that are more intimate in scale with the environment."

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.

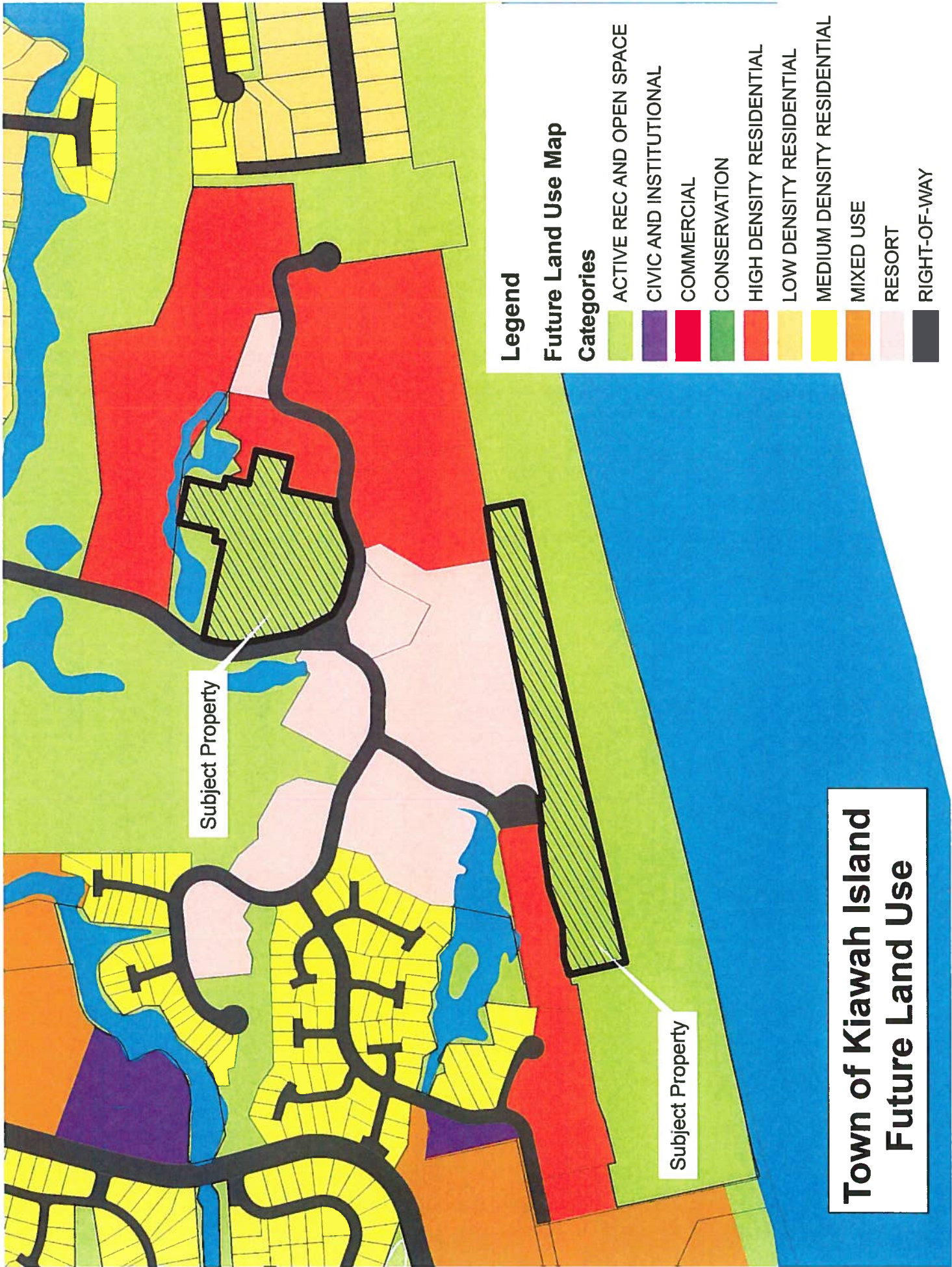
**Case # ACP-05-17-00108 &  
ZREZ-05-17-00057  
Town of Kiawah Island  
TMS # 207-06-00-407; -402**



**Legend**

**ZONING DISTRICTS**

- R-1
- R-2
- R2/C
- OD-R-2
- R-3
- R3/C
- RST-2
- CS
- CS-2
- COM
- PARK
- RESORT OVERLAY DISTRICT
- Water
- Marsh



**Town of Kiawah Island  
Future Land Use**

## **Town of Kiawah Island Comprehensive Plan Amendment and Zoning Map Amendment Applications**

**Planning Commission Meeting: June 7, 2017  
Public Hearing and First Reading: June 22, 2017  
Second Reading: July 7, 2017**

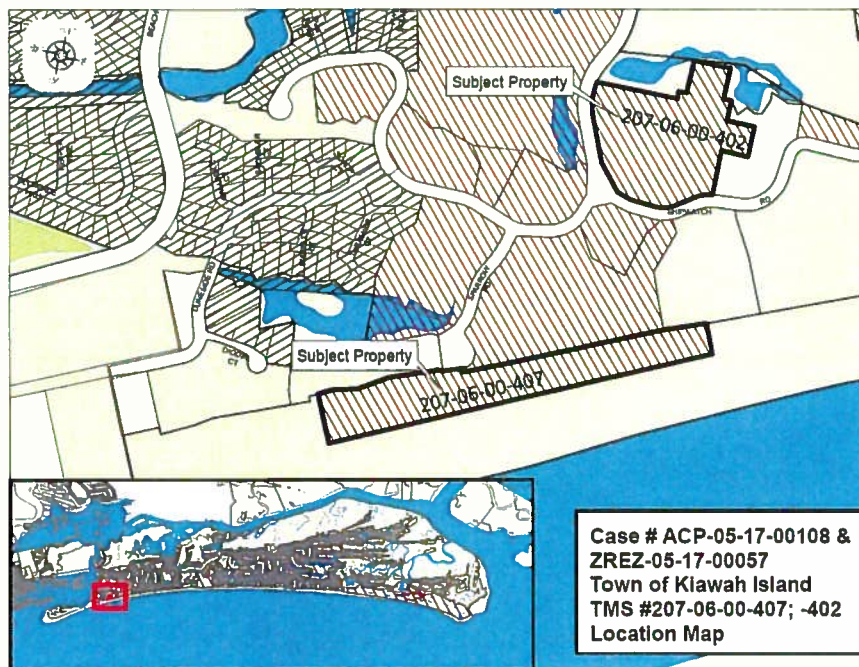
### **Application Information**

**West Beach 1/2**

- Comprehensive Plan Amendment Application, Case # ACP-05-17-00108: Request a map amendment to change the Future Land Use Designation for the properties at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from Active Recreation and Open Space to Resort.
- Zoning District Map Amendment Application, Case # ZREZ-05-17-00057: Request to rezone the properties located at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from the Parks and Recreation (PR) Zoning District to the RST-2, Resort Zoning District (Total size: 10.90 acres).

## Property Information

- Applicant/Owner: Kiawah Island Inn Company and Kiawah Tennis Club, Inc.
- Representative: Mark Permar
- Address: Sparrow Rd. and Shipwatch Rd.
- Parcel I.D.s: 207-06-00-407 (5.4 acres; Parcel 2D);  
207-06-00-402 (5.5 acres; Parcel H)
- Properties Size: 10.9 acres total
- Zoning District: Parks and Recreation (PR)



**Aerial Photo**



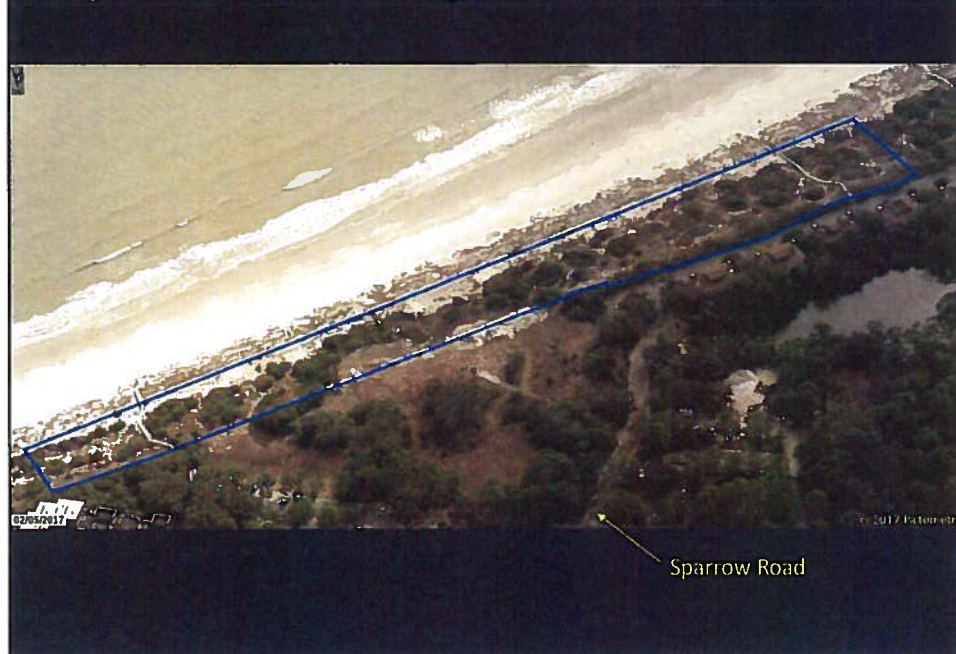
**Aerial Photo (207-06-00-407)**



**Aerial Photo (207-06-00-402)**



**Subject Parcel (looking to the South)**



## Subject Parcel (looking to the South)



## Comprehensive Plan Amendment Application

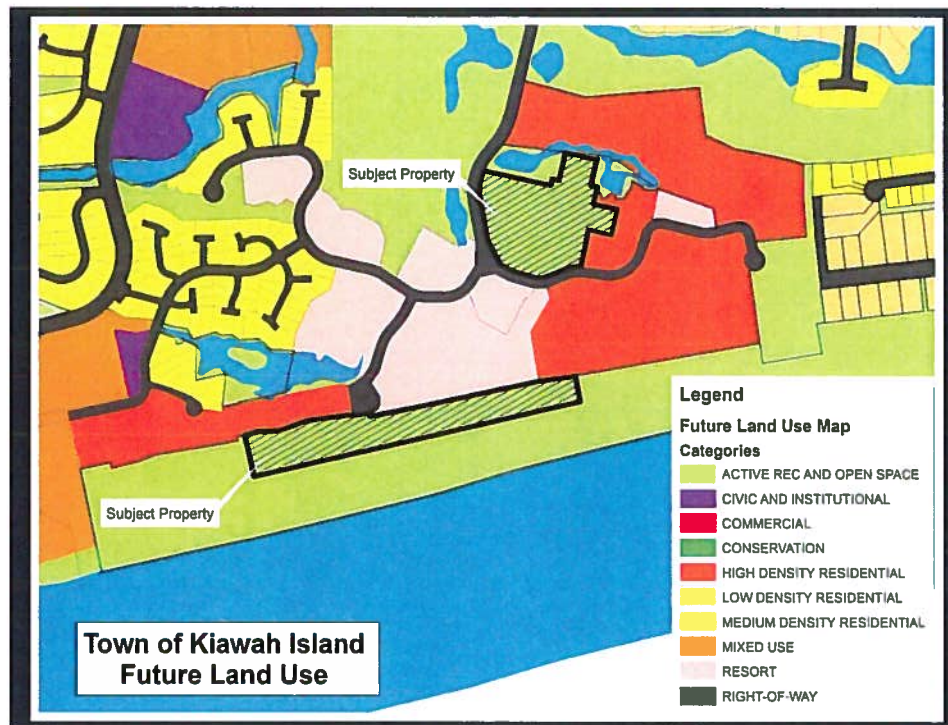
- Case #ACP-05-17-00108: Request to amend the Town of Kiawah Island Comprehensive Plan Land Use Element-IX, Map IX.2 Future Land Use to change the Future Land Use Designation for the subject properties at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from “Active Recreation and Open Space” to “Resort”.

### Comprehensive Plan Amendment Application (cont'd)

- The Comprehensive Plan defines Active Recreation and Open Space Future Land Use Category as "This category provides and is intended to promote the development of community parks and recreational facilities including parks, golf courses, and tennis courts. This category also provides for lands that are intended to remain in their natural state; this includes land that have been protected through conservation easements or that are publicly or privately owned. Some examples include the Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center."
- The Comprehensive Plan defines Resort Future Land Use Category as "This category is intended to promote the development of high quality recreational use structures that provide a range of activities for residents and guests of Kiawah Island. A typical development with a Resort designation would include The Sanctuary Hotel."

### Comprehensive Plan Amendment Application (cont'd)

- As shown on the Town's Future Land Use Map, The Comprehensive Plan designates the subject properties as Active Recreation and Open Space.
- The Future Land Use for the adjacent property to the south of parcel 207-06-00-407 is designated "Active Recreation and Open Space". The adjacent property to the north is designated "Resort" and its east and west extents adjacent properties designated "High Density Residential".
- Across Shipwatch Road to the south of parcel 207-06-00-402, Future Land Use for the properties is designated "Resort" and "High Density Residential". Adjacent to the east and north the designation is also "High Density Residential".



## Comprehensive Plan Amendment Application: Recommendation by the Planning Commission

- Section 12-157(4) of the Zoning Ordinance states “The Planning Commission shall review the proposed amendment and adopt a resolution recommending that the Town Council approve, approve with conditions the proposed amendment, based on the approval criteria of subsection (7) of this section. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. A simple majority vote of Planning Commission members present and voting shall be required to approve the amendment. Following an unfavorable finding on the application, the Planning Commission shall notify the applicant and report the reasons for the finding.”

## Comprehensive Plan Amendment Application: Decision on Amendment by the Town Council

- Section 12-157(6) states "Following receipt of a copy of the proposed comprehensive plan text or land use diagram amendment from the Planning Commission, along with the Planning Commission's report and recommendation, the Town Council shall schedule one or more public hearings in accordance with State Law to decide whether to adopt the amendment. For amendments to the land use diagram, personal and posted notice also shall be given in the manner provided in section 12-156. Any time after the close of the public hearing, Town Council shall act to approve, approve with conditions, or deny the proposed comprehensive plan amendment, based on the approval criteria of subsection (7) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment."

## Applicant's Letter of Intent

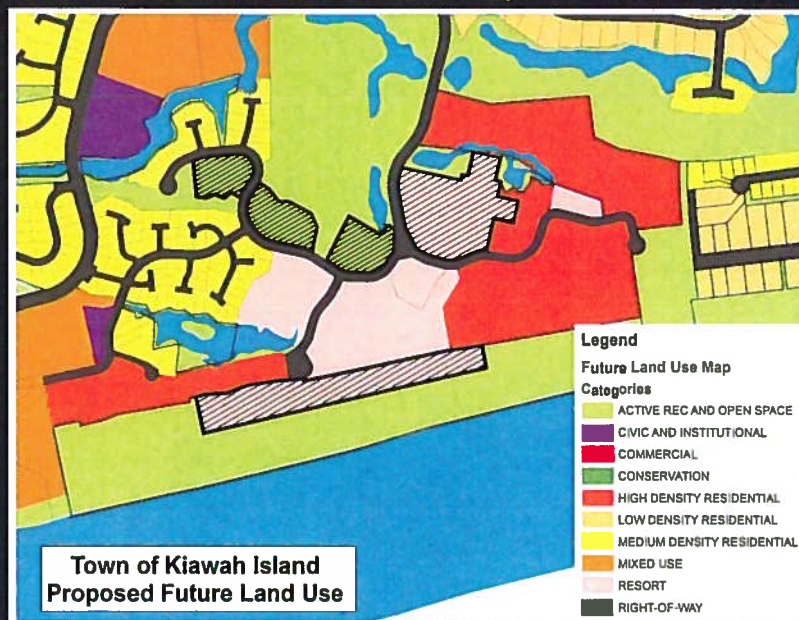
The letter of intent from the Town of Kiawah Island states...

- *"The proposed map amendment of Land Use Element-IX, Map IX.2 Future Land Use to the Resort land use category for select parcels within West Beach is intended to allow for the integration of recreation and hospitality uses consistent with a world-class resort. The amendment will allow for the proper flexibility to integrate a broad range of guest services within a short walking distance of primary guest rooms."*
- *The proposed map amendment to the RST-2 district is intended to provide more flexibility to plan and develop high quality hospitality and guest services consistent with the goals and objectives of the vision for the Town of Kiawah Island."*

## Comprehensive Plan Amendment Application: Approval Criteria and Response

- Pursuant to §12-157(7) of the Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance), "Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive plan. Any amendment to the land use diagram and/or other maps shall be consistent with the vision and goals in the text of the comprehensive plan."
- The applicant's letter of intent states the following in response: *"The proposed map amendment for the Resort land use category will allow for a more comprehensive plan organization for the resort in West Beach resulting in a more sensitive site organization of appropriately scaled buildings. The amendment will maintain the core resort area while allowing for more integrated open space with building placement."*

## Comprehensive Plan Amendment Application: Proposed West Beach Future Land Use Map



## Zoning District Map Amendment Application

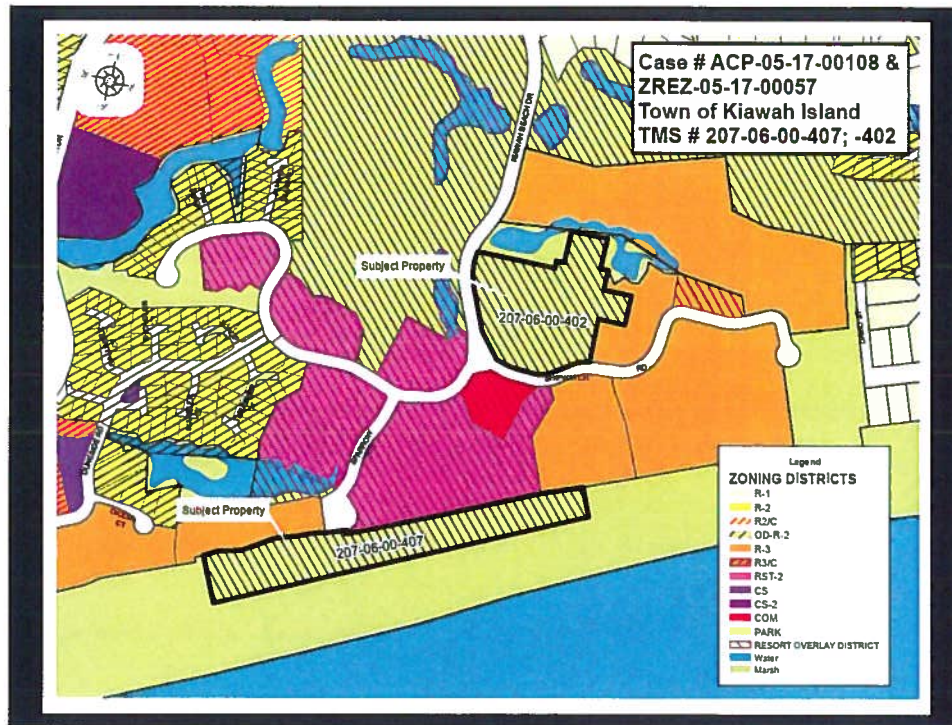
Case # ZREZ-05-17-00057: Request to rezone the subject properties from the Parks and Recreation (PR) Zoning District to the RST-2, Resort District.

Zoning and Land Use Information: The West Beach Area is primarily zoned resort with medium to high residential communities; and historically contains resort and parks and recreation and residential uses including the Cougar Point Golf Course.

- The subject properties fall within the Parks and Recreation (PR) Zoning District and fall under the Resort Overlay District. Parcel 207-06-00-407 is currently undeveloped, however multiple boardwalks traverse the property for access to the beach. The adjacent property to the north of this subject property is zoned "RST-2, Resort"; and the properties north of the subject property's east and west extents are zoned "R-3 Residential" (*Shipwatch Villas and Beach Townhomes*).

## Zoning District Map Amendment Application (cont'd)

- Parcel 207-06-00-402 is the site of the West Beach Tennis Center; including an amenity building, tennis courts and community pool. The adjacent properties to the north and east of the subject property are zoned "R-3 Residential". Properties across Shipwatch Road, south of the subject property are zoned "Commercial" (*Straw Market*), "RST-2 Resort" and "R-3 Residential" (*Shipwatch Villas*). Across Kiawah Beach Drive due west, properties are zoned "RST-2 Resort" and "Parks and Recreation" (*Cougar Point Golf Course*).



### Zoning District Map Amendment Application (cont'd)

- The *Ordinance* defines the Parks and Recreation District as “The purpose of the PR, Parks and Recreation District is to provide community parks and recreation facilities, including parks, open spaces, golf courses and tennis courts. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses.”
- Typical uses allowed include:
  - Community recreation
  - Parks
  - Golf Courses
  - Botanical Gardens
  - Historical Sites
  - Nature Exhibitions

## Zoning District Map Amendment Application (cont'd)

- The *Ordinance* defines the RST-2, Resort District as “The purpose of the RST-2 zoning district is to provide for development of high quality resorts and associated uses providing a wide range of activities for guests of Kiawah Island.”
- Typical uses allowed include:
  - Recreation and entertainment
  - Museums
  - Golf Courses
  - Hotels/Inns
  - Retail or personal services
  - Real estate services
  - Food & beverage services

## Zoning District Map Amendment Application: Recommendation by the Planning Commission

- Section 12-158(3) of the Zoning Ordinance states “The Planning Commission shall review the proposed text amendment and/or zoning map amendment and **take action, recommending that the Town Council approve or deny the proposed amendment**. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-126. **The Planning Commission’s recommendation shall be based on the approval criteria of subsection (6) of this section.** The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. **A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment.**”

## Zoning District Map Amendment Application: Decision on Amendment by the Town Council

- Section 12-158(4) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions..."

## Zoning District Map Amendment Application: Approval Criteria and Applicant's Response

Pursuant to §12-158(6) of the Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance), Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;  
Applicant's Response: "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."

## **Zoning District Map Amendment Application: Approval Criteria and Applicant's Response** (cont'd)

- B. The proposed amendment is consistent with the purposes and intent of this article;

Applicant's Response: *"The proposed amendment is consistent with the purposes as described in Sec. 12-20. Authority and Purpose with particular attention to the following select initiatives:*

*(1) Implementing the vision and goals of the Comprehensive Plan of a '...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT...'*

*(5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings*

*(7) Promoting desirable living"*

## **Zoning District Map Amendment Application: Approval Criteria and Applicant's Response** (cont'd)

- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

Applicant's Response: *"The proposed map amendment will allow for building and site design that is more flexible to provide an environment that is consistent with contemporary standards of better living within a natural setting."*

- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

Applicant's Response: *"The proposed amendment does not correct an error or inconsistency; however, it does provide greater flexibility to plan and design to contemporary resort guest services in the competitive world market. The program requirements for resort settings of today are far more demanding than those of the original Kiawah Island Inn. The proposed map amendment will allow for siting and design of buildings that are more intimate in scale with the environment."*

### **Zoning Ordinance Text Amendment Application:**

Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.

## **Town of Kiawah Island Comprehensive Plan Amendment, Zoning Ordinance Text and Map Amendment Applications**

**Planning Commission Meeting: June 7, 2017  
Public Hearing and First Reading: June 22, 2017  
Second Reading: July 7, 2017**

**Town of Kiawah Island Comprehensive Plan Amendment Request**  
**Case ACP-05-17-00109 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Marsh Point Golf Company

Representative: Mark Permar

Location: Kiawah Beach Drive

Parcel Identification: 207-06-00-405; 207-06-00-404 and 207-06-00-013

Property Size: 5.01 acres total

Application: The applicant is requesting to amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use, to change the future land use designation for the subject properties from "Resort" to "Active Recreation and Open Space".

The Comprehensive Plan defines Resort Future Land Use Category as "This category is intended to promote the development of high quality recreational use structures that provide a range of activities for residents and guests of Kiawah Island. A typical development with a Resort designation would include The Sanctuary Hotel."

The Comprehensive Plan defines Active Recreation and Open Space Future Land Use Category as "This category provides and is intended to promote the development of community parks and recreational facilities including parks, golf courses, and tennis courts. This category also provides for lands that are intended to remain in their natural state; this includes land that have been protected through conservation easements or that are publicly or privately owned. Some examples include the Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center."

Adjacent Properties:

The Future Land Use for the adjacent property to the north of parcels 207-06-00-405 and -404 is designated "Active Recreation and Open Space". Across Kiawah Beach Drive to the south of parcels 207-06-00-405 and -404, the Future Land Use designation for the properties are "Resort" (Sparrow Road) and "Medium Density Residential" (Duneside Road).

The adjacent property to the south of the subject property (parcel 207-06-00-013) is designated "Active Recreation and Open Space". Across Kiawah Beach Drive to the north, the Future Land Use designation for these properties are "Medium Density" (Flying Squirrel Court & Pine Sicken Court).

**RECOMMENDATION BY THE PLANNING COMMISSION**

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be

required to approve the amendment.”

#### **DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(6) states “After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (7) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the “pending ordinance doctrine” by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment.”

#### **APPROVAL CRITERIA AND APPLICANT’S RESPONSE**

Pursuant to §12-157(7) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, “Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive plan. Any amendment to the land use diagram and/or other maps shall be consistent with the vision and goals in the text of the comprehensive plan.”

The applicant’s letter of intent states the following in response: *“The proposed map amendment for the Active Recreation and Open Space land use category will allow for a more comprehensive plan organization for the resort in West Beach resulting in a more sensitive site organization of golf course clubhouse and related recreation buildings. The amendment will provide for uses compatible with the adjacent resort core area while allowing for more integrated active golf play areas and open space.”*

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### **Notifications:**

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.

**Town of Kiawah Island Zoning District Map Amendment Request**  
**Case ZREZ-05-17-00058 History**

Planning Commission Meeting: June 7, 2017  
Public Hearing and First Reading: June 22, 2017  
Second Reading: July 7, 2017

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Marsh Point Golf Company

Representative: Mark Permar

Location: Kiawah Beach Drive

Parcel Identification: 207-06-00-405; 207-06-00-404 and 207-06-00-013

Property Size: 5.01 acres total

Application: The applicant is requesting to amend the zoning district map for the subject properties from the RST-2, Resort Zoning District Zoning District to the Parks and Recreation (PR).

Zoning and Land Use Information:

The West Beach Area is primarily zoned resort with medium to high residential communities; and historically contains resort and parks and recreation and residential uses including the Cougar Point Golf Course.

The subject properties fall within the "RST-2 Resort" Zoning District where nearby properties are similarly zoned. The Cougar Point Golf Course (*PR Zoning District*) sits adjacent to the north of the subject properties (-405; -404). Properties to the south, across Kiawah Beach Drive also fall into the "RST-2 Resort" Zoning District (*Former Kiawah Inn*).

Across Kiawah Beach Drive to the north of the subject property (parcel 207-06-00-013) are residential communities (*Flying Squirrel Ct. and Pine Sicken Ct.*) which fall within the R-2-O Residential Overlay District. This parcel currently contains an open maintenance shed and metal building to serve the Resort. Parcel 207-06-00-405 houses a portion of the resort offices adjacent to the Cougar Point Clubhouse and parcel 207-06-00-404 currently contains a parking lot. To the south, across Kiawah Beach Drive properties are also zoned RST-2 Resort.

**RECOMMENDATION BY THE PLANNING COMMISSION**

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment."

**DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(5) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be

required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

#### **APPROVAL CRITERIA AND APPLICANT'S RESPONSE**

Pursuant to §12-158(6) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;

Applicant's Response: "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."

- B. The proposed amendment is consistent with the purposes and intent of this article;

Applicant's Response: "The proposed amendment is consistent with the purposes as described in Sec. 12-20. Authority and Purpose with particular attention to the following select initiatives:

(1) Implementing the vision and goals of the Comprehensive Plan of a '...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT...'

(5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings

(7) Promoting desirable living"

- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

Applicant's Response: "The proposed map amendment will allow for building and site design that is more flexible to provide an environment that is consistent with contemporary standards of better living within a natural setting."

- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

Applicant's Response: "The proposed amendment does not correct an error or inconsistency; however, it does provide greater flexibility to plan and design to contemporary resort guest services in the competitive world market. The program requirements for resort settings of today are far more demanding than those of the original Kiawah Island Inn. The proposed map amendment will allow for siting and design of buildings that are more intimate in scale with the environment."

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.