



PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

October 4, 2023; 2:00PM

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of September 6 , 2023 [Tab 1]
- IV. **Public Comments**
(Agenda Items Only)
- 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. KiawahNext Update [Tab 2]
- VII. **New Business:**
 - A. **Comprehensive Plan Amendment - Future Land Use Map** [Tab 3]
 - 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** [Tab 4]
 - 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
- VIII. **Correspondence/Staff Comments:**
- IX. **Council Liaison Comments:**
- X. **Public Comments:**
- XI. **Commissioner Comments:**
- XII. **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/>

Town of Kiawah Island Planning Commission

Town of Kiawah Island Municipal Center
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

October 4, 2023



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Purpose

Addition of Base Zoning Districts within Code for Specific

ARDA defines dual land use categories zoning districts for several parcels. The zoning code does not currently hold specific dual zones categories as a specific zoning category. Create base zoning district as allowed by current uses. Add these to the base zoning districts within zoning code.

Ordinance 2013-14

This ordinance adopts ARDA as part of zoning code. The purpose Ordinance to amend to remove the DA as part of the Zoning Code. Notes also includes Freshfields Village rezoning so this amendment should accommodate to allow the zoning standards of Freshfields Village to remain apart of the zoning code.

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Review Process & Procedures

Town staff has outlined recommendations for each of the presented amendments for consideration. These amendment requests will be heard by the Town of Kiawah Island Planning Commission who will then provide a recommendation to the Town Council. Town Council has the final decision-making authority on comprehensive plan and zoning amendment requests.

Schedule of Public Meetings

- **September 26, 2023 (1:00PM) | Planning Commission Workshop**
- **October 4, 2023 (9:00AM) | Planning Commission Workshop**
- **October 4, 2023 (2:00PM) | Planning Commission Recommendation**
- **October 24, 2023 (1:00PM) | Public Hearing & 1st Reading**
- **November 4, 2023 (1:00PM) | 2nd Reading**

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Review Process & Procedures

Actions of the Planning Commission: Planning Commission is a recommending body

Comprehensive Plan Amendment Requests:

Pursuant to §12-157 (4) of the Land Use Planning and Zoning Ordinance “The Planning Commission shall review the proposed amendment and adopt a resolution **recommending** that the Town Council approve, deny or 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.”

Zoning Ordinance and Zoning Map Amendment Requests:

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.”

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Review Process & Procedures

Comprehensive Plan Amendment Requests:

Pursuant to §12-157(6) of the Land Use Planning and Zoning Ordinance “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.”

Zoning Ordinance and Zoning Map Amendment Requests:

Section 12-158(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 the 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 amendment until the Town Council has rendered its decision on the proposed amendment.”

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FUTURE LAND USE & REZONING

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Kiawah Island Development Agreement Timeline

The Town and Kiawah Island Company (KP) entered into the first development agreement in 1994, replacing the entitlements outlined within the original Planned Development District with Charleston County.

In 2005, a new development agreement was entered between the Town and the developer. This development agreement updated development patterns and parameters based on new information and newly developed neighborhoods since 1994.

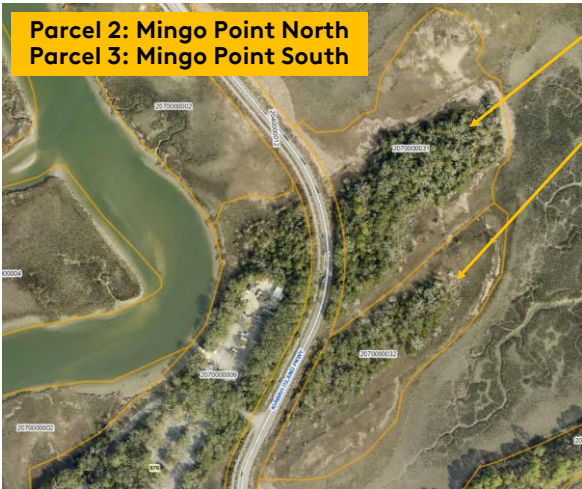
The current development agreement in place was amended in 2013. This 2013 Amended and Restated Development Agreement guides planning and development for the remaining property holdings of the developer.

On November 1, 2022, the development agreement was amended to change the terms of the agreement, setting the Termination Date to December 4, 2023.

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Parcel 2: Mingo Point North
Parcel 3: Mingo Point South

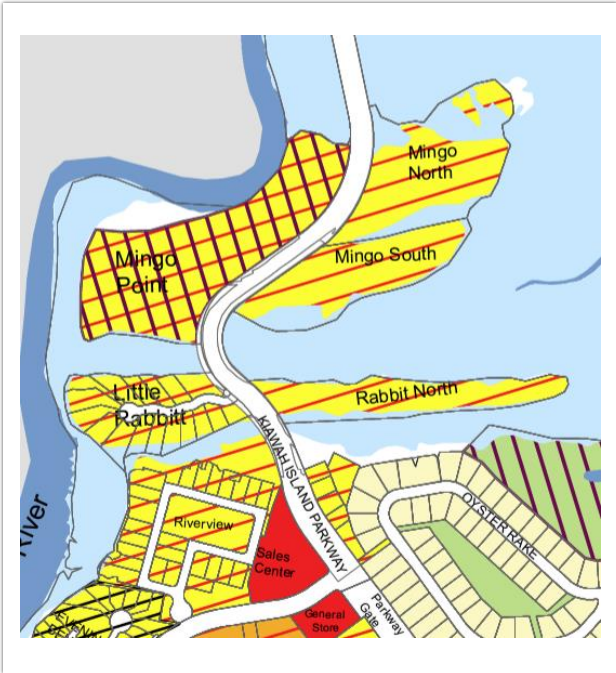


Parcel 2: Mingo Point North

Parcel 3: Mingo Point South

- **Parcel Information:**
 - MP North: TMS# 207-00-00-031
 - MP South: TMS# 207-00-00-032
 - Undeveloped parcels which sit adjacent to the Kiawah Island Parkway
 - Existing Conservation Easements
- **Property Owner:**
 - Acquired by KICA in 2017 (*KP Land Swap*)
- **Property Size:**
 - MP North (Approx. 7.69 acres)
 - MP South (Approx. 5.56 acres)
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Conservation
- **Proposed Zoning:**
 - KC, Conservation

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Parcel 2: Mingo Point North

Parcel 3: Mingo Point South

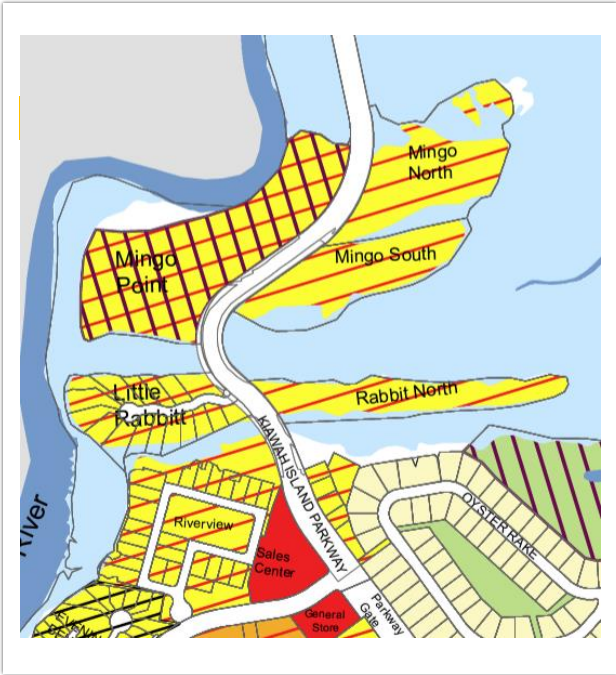
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- **Current Zoning:**
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- **Proposed Future Land Use:**
 - Conservation
- **Proposed Zoning:**
 - KC, Conservation



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Parcel 4: Little Rabbit

- **Parcel Information:**
 - Common Name The Pointe Neighborhood
 - 17 created lots on Little Rabbit Lane (14 single family homes) with Neighborhood Dock
 - Adjacent to Kiawah River to the west
- **Property Owner:**
 - Multiple Owners
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Medium Density Residential
- **Proposed Zoning:**
 - R-2, Residential



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- **Current Future Land Use:**
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- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Medium Density Residential
- **Proposed Zoning:**
 - R-2, Residential

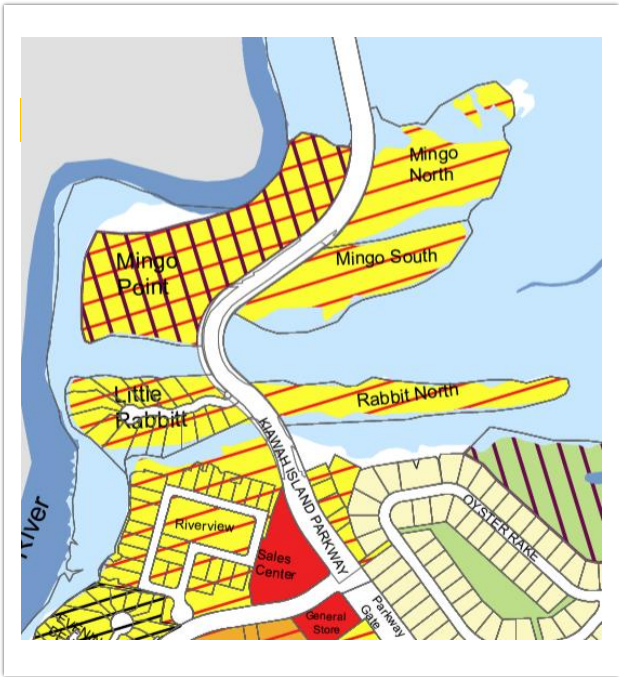
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Parcel 5: Rabbit North

- **Parcel Information:**
 - TMS# 207-00-00-033
 - Undeveloped parcel adjacent to Kiawah Island Parkway to the east
 - Parcel acquired by Kiawah Conservancy in 2018
- **Property Owner:**
 - Kiawah Conservancy
- **Property Size:**
 - Rabbit North (Approx. 4.62 acres)
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Conservation
- **Proposed Zoning:**
 - KC, Conservation

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Parcel 5: Rabbit North

- **Parcel Information:**
 - TMS# 207-00-00-033
 - Undeveloped parcel adjacent to Kiawah Island Parkway to the east
 - Parcel acquired by Kiawah Conservancy in 2018
- **Property Owner:**
 - Kiawah Conservancy
- **Property Size:**
 - Rabbit North (Approx. 4.62 acres)
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Conservation
- **Proposed Zoning:**
 - KC, Conservation

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Parcel 6: Kiawah River Commons (Riverview)

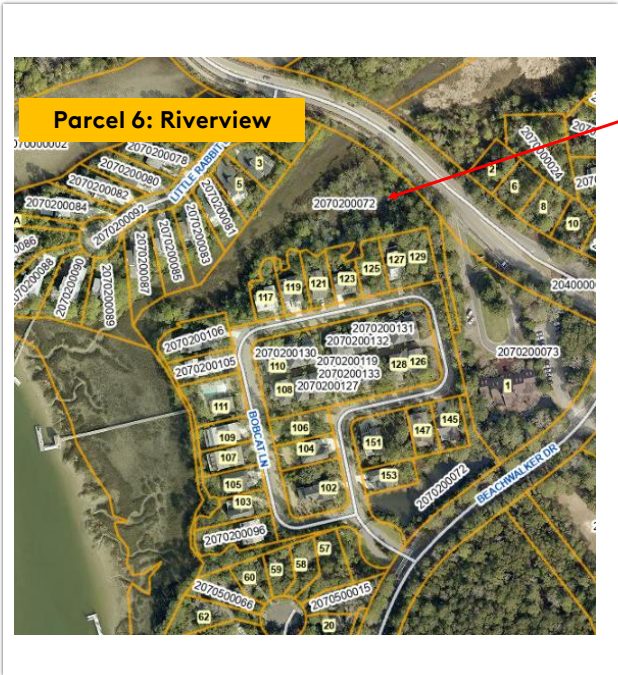
- **Parcel Information:**
 - Common Name Riverview formally Kiawah River Commons
 - Developed Neighborhood (Bobcat Lane) includes 33 single family detached and attached residences and open space parcel
- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Medium Density Residential
- **Proposed Zoning:**
 - R-2, Residential
 - *PR for Parcel 207-02-00-072

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Parcel 6: Kiawah River Commons (Riverview)

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 - Common Name Riverview formally Kiawah River Commons
 - Developed Neighborhood (Bobcat Lane) includes 33 single family detached and attached residences and open space parcel
- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Medium Density Residential
- **Proposed Zoning:**
 - R-2, Residential
 - *PR for Parcel 207-02-00-072



Parcel 6: Kiawah River Commons (Riverview)

- **Parcel Information:**
 - Common Name Riverview formally Kiawah River Commons
 - Developed Neighborhood (Bobcat Lane) includes 33 single family detached and attached residences and open space parcel
- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Medium Density Residential
- **Proposed Zoning:**
 - R-2, Residential
 - *PR for Parcel 207-02-00-072



- **Parcel Information:**
 - Location of River Course, developed as single family residential
- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Low Density Residential, Active Recreation & Open Space
- **Current Zoning:**
 - R-2, PR, C
- **Proposed Future Land Use:**
 - Low Density Residential, Active Recreation & Open Space
- **Proposed Zoning:**
 - R-2, P-R



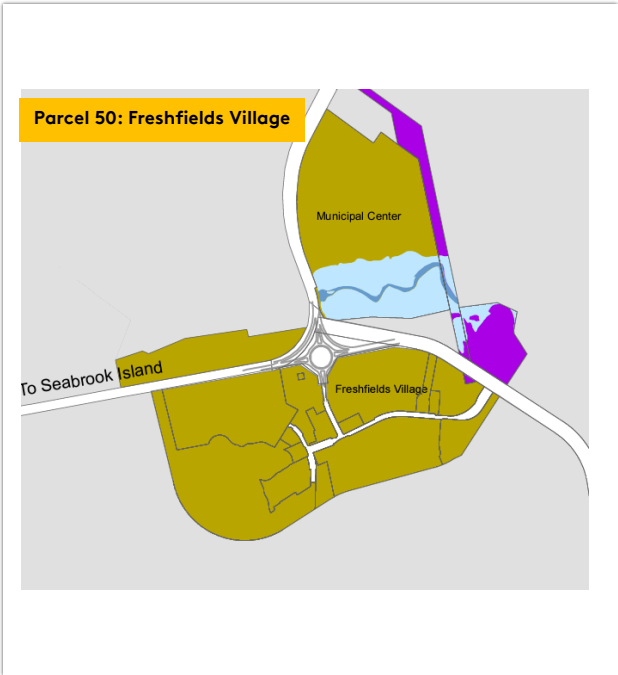
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- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Low Density Residential, Active Recreation & Open Space
- **Current Zoning:**
 - R-2, PR, C
- **Proposed Future Land Use:**
 - Low Density Residential, Active Recreation & Open Space
- **Proposed Zoning:**
 - R-2, P-R



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Parcel 50: Freshfields Village

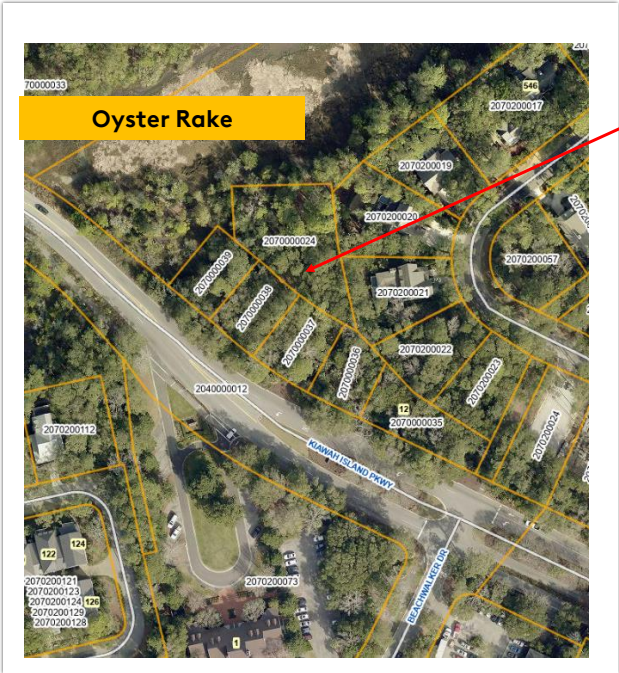
- **Parcel Information:**
 - Retail Commercial Village
- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - PD, Planned Development
- **Current Zoning:**
 - PD, Planned Development (FFV)
- **Proposed Future Land Use:**
 - PD, Planned Development
- **Proposed Zoning:**
 - PD, Planned Development (FFV)



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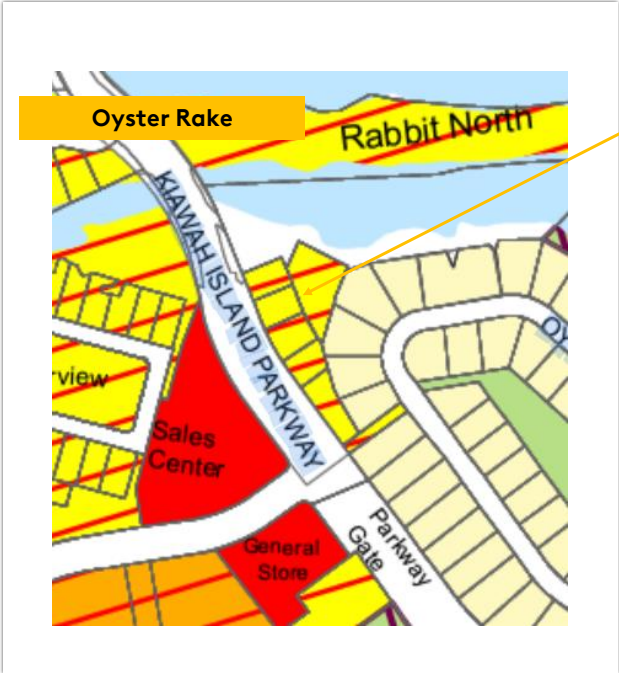
Parcel 50: Freshfields Village

- **Parcel Information:**
 - Retail Commercial Village
- **Property Owner:**
 - Varied
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - PD, Planned Development
- **Current Zoning:**
 - PD, Planned Development (FFV)
- **Proposed Future Land Use:**
 - PD, Planned Development
- **Proposed Zoning:**
 - PD, Planned Development (FFV)



Oyster Rake

- **Parcel Information:**
 - Residual lands and five lots formed in 2018 which sit
 - adjacent to KIP; conditioned to be nonbuildable (L18-0342);Kiawah Conservancy owns 3 of 5 lots; Adjacent to open space (Kiawah River) to the west
- **Property Owner:**
 - Multiple Owners
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Active Recreation and Open Space
- **Proposed Zoning:**
 - R-1, Residential and PR



Oyster Rake

- **Parcel Information:**
 - Residual lands and five lots formed in 2018 which sit
 - adjacent to KIP; conditioned to be nonbuildable (L18-0342);Kiawah Conservancy owns 3 of 5 lots; Adjacent to open space (Kiawah River) to the west
- **Property Owner:**
 - Multiple Owners
- **Property Size:**
 - Varied
- **Current Future Land Use:**
 - Mixed Use
- **Current Zoning:**
 - R-2/C
- **Proposed Future Land Use:**
 - Active Recreation and Open Space
- **Proposed Zoning:**
 - R-1, Residential and PR

2013 Amended and Restated Development Agreement Parcel Specific Comprehensive Plan Future Land Use Map and Zoning Recommendations							
ARDA Properties Considered for Rezoning	TMS #	Property Owner(s)	2013 ARDA Land Use Type	Existing		Recommended	
				Future Land Use	Zoning	Future Land Use	Zoning
Parcel 2 Mingo North	2070000031	KICA	R-2/C	Mixed Use	R-2/C	Conservation	Conservation
Parcel 3 Mingo South	2070000032	KICA	R-2/C	Mixed Use	R-2/C	Conservation	Conservation
Parcel 4 Little Rabbit (The Pointe)	**	**	R-2/C	Mixed Use	R-2/C	Medium Density Residential	R-2
Parcel 5 Rabbit North	2070000033	Kiawah Conservancy	R-2/C	Mixed Use	R-2/C	Conservation	Conservation
Parcel 6 Kiawah River Commons (Riverview)	**	**	R-2/C	Mixed Use	R-2/C	Medium Density Residential	R-2 (PR) ⁽⁴⁾
Parcel 16 Settlement	**	**	R-2, C,PR	Low Density Residential / Active Recreation and Open Space	R-2, C,PR	Low Density Residential / Active Recreation and Open Space	R-2, PR
Parcel 41 Osprey Beach	**	**	R-1,C	Low Density Residential / Active Recreation and Open Space	R-1,C	Low Density Residential / Active Recreation and Open Space	R-1
Parcel 43 Ocean Park	**	**	R-2	Medium Density Residential	R-2	Medium Density Residential / Active Recreation and Open Space	R-2, PR ⁽⁵⁾
Parcel 50 Freshfields Village	**	**	FVPD	Planned Development	PD (FFV)	Planned Developent	PD (FFV)
Oyster Rake	**	**	R-2/C	Mixed Use	R-2/C	Active Recreation and Open Space	R-1, PR ⁽⁶⁾
Notes:							
(4) Open Space Parcel 207-02-00-072 proposed for rezoning to PR							
(5) Only open space and park parcels proposed for rezoning to PR							
(6) Only residual Parcel 207-00-00-024 proposed for rezoning to PR, other proposed for R-1							
** Multiple Parcels / Property Owners							