

KICA-KP Parcel 13 (The Cape and Ocean Pines) 2018 MOU Agreement: Amendment Proposal

Request

Kiawah Partners is requesting the KICA Board of Directors approve a temporary waiver of the MOU access restrictions in order to provide Kiawah Island Club Member access to the Cape Beach Club during the 2025 summer season. Collaboration in providing access will allow controlled Member and delivery access during the construction time period of permanent infrastructure improvements envisioned in the original MOU Agreement. The following is information provided for your review of the request.

Background

In 2018, following extensive discussions between KICA and KP related to future development plans within Parcel 13 (The Cape and Ocean Pines), a Memorandum of Understanding outlining performance was agreed to by both parties. This agreement addressed vehicular access, residential density limits, club member parking location, commercial deliveries/service and employee access in order to minimize impacts to nearby existing residents. Based upon approval of the MOU, the TOKI reviewed and issued building permits in 2021 for construction of The Cape (78 Residential Units) and in 2022 for the Beach Club (2 Cottages, Pool/Deck, Rest Rooms, Fitness Room and F&B).

Construction was initiated and approximately six months prior to completion, the TOKI contacted KP regarding alleged deficiencies of off-street parking for the Beach Club. Construction was completed and Certificates of Occupancy were issued for 78 of the residences, but the Beach Club was assigned a restricted CO that limited access for only Cape residents to the pool/deck, rest rooms and fitness room. Since completion of the Beach Club there has been no KIC Member access. Discussions between the TOKI and KP over a six-month period have led to provisions within a Settlement Agreement that, when constructed, will meet or exceed the parameters of the MOU. Formal building permit approval by the TOKI and construction of roadway improvements and parking by KP will not be completed until the middle of the 4Q 2025. **When construction is completed, KP will have met or exceeded the following provisions of the MOU:**

MOU Agreement Provisions (Note: Approved site plan on page 2 for reference)

- Vehicular Access Terminated with Cul-De-Sac at end of Southern Pines Lane with no connection to BWD: (TOKI Approved Southern Pines Ln Cul-De-Sac)
- Parcel 13B, Ocean Pines, limited to four buildings accessed from Southern Pines Ln: (TOKI Approved four buildings within Ocean Pines accessed from Southern Pines Ln)
- Density Limitation of no more than 120 DUs Accessed from Southern Pines Ln: (TOKI Approved 80 Cape DUs and 32 DUs Ocean Pines = 112 DUs)
- Additional Residential Units within Ocean Pines accessed from BWD: (TOKI Approved 37 DUs accessed from BWD, which included the elimination of two buildings/15 DUs)
- Up to 30-member parking spaces for the Beach Club, within Ocean Pines, may be accessed from Southern Pines Ln: (TOKI approved no more than 4 Beach Club Handicap and 4 Residential Spaces = 8 spaces)
- Additional member spaces, commercial/service deliveries and employee access shall be via BWD: (TOKI approved 51-member parking spaces accessed only from BWD, and all commercial/service and employee access will be via BWD)

Additional TOKI Settlement Agreement Provisions, not part of MOU, intended to minimize impact of future operation and member access to the Beach Club

- Integrate 16 additional member parking spaces within the former Beachwalker Office Park (West End)
- Design and construct a new turnaround at the end of Cape Point Road to integrate a permanent drop zone for member vehicular access and transfer location for commercial/service and employee access...inclusive of extensive landscape improvements to screen the drop zone

Formal Request

KP requests the KICA BOD approve the following temporary operating parameters for a time period from March 1, 2025 until construction completion anticipated in 4Q 2025:

- Member access to the Beach Club from Southern Pines Ln via a controlled van transportation system from/to remote parking area at the Cassique clubhouse grounds...it is anticipated many members within West Beach will walk or bike
- Employee access via a separate van transportation system from/to remote parking areas controlled by the KI Club
- Commercial/Service deliveries by KI Club cargo vans limited to no more than 15 per day
- Mid-summer review of operations to identify areas of improvement of the temporary operating parameters

Approved Parcel 13 Site Plan

