

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

December 5, 2018; 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*
Dan Prickett, *Vice Chairman*
Andy Capelli
Bill Dowdy
Larry Iwan
Gale Messerman

By Phone: Brit Stenson

Also Present: Stephanie Tillerson, *Town Administrator*
John Taylor, Jr., *Planning Director*
Petra Reynolds, *Town Clerk*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of August 8, 2018

Mr. Capelli made a motion to approve the minutes of the August 8, 2018, 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-000014-2018 Kiawah Resort Associates, LP
A Preliminary Subdivision Plat
Beachwalker East (Parcel 13)
TMS# 207-05-00-001; -118; -122; -123 and -124

Mr. Taylor presented application #SDP-000014-2018 and stated the request was for the approval of the Preliminary Subdivision Plat for Beachwalker East (Parcel 13) - Southern Pines Lane ROW. The applicant and owners are Kiawah Resort Associates, LP and the Surveyor is SWA-Surveying, LLC. Parcels 207-05-00-001; -118; -122; -123 and -124 are in the R-3/Commercial zoning district and encompasses four parcels. He stated that the subdivision request is situated at the western end of the island. The total area is approximately 22.604 acres in size of which 14.88 are highland acres, containing two (2) Lots (approximately 13.667 highland acres) and two (2) Right-of-Ways (approximately 1.215 acres).

Mr. Taylor presented an aerial map depicting the subject preliminary plat request area of the Southern Pines Lane. The proposed Southern Pines ROW alters the currently approved final plat for the area by proposing the connection of the existing Duneside Road to the existing

Southern Pines Lane along with disconnecting Southern Pines Lane with Cape Point. The terminus of Southern Pines Lane proposes a circular turnaround/cul-de-sac at the western end. Mr. Taylor reviewed an abbreviated timeline of Beachwalker East Parcel 13 and the submitted Memorandum of Understanding (MOU) between the applicant and the Kiawah Island Community Association.

Abbreviated Time Line of Beachwalker East Parcel 13

- The Planning Commission (PC) approved a preliminary subdivision plat at the May 2016 PC meeting. The PC agreed to have the applicant come to the following June 2016 PC meeting to address specific concerns raised (traffic, security and access).
- At the June 2016 PC meeting the applicant provided a detailed explanation of the Conceptual Master Plan for Parcel 13 including the depicted circulation pattern and residential (R-3) land use pattern also affirming there will be no connection to Duneside Road.
- Subsequently in the plat approval process, a conditional subdivision plat was approved by planning staff in August 2016. A revised conditional plat was approved in October 2017 conveying a portion of Parcel 12A to Parcel 13 Lot 2.
- A final subdivision plat was approved by the PC in May 2018, showing the placement of 5' vehicular non-access easement between Southern Pines and Duneside Road.
- **October 4, 2018 KRA submitted a preliminary subdivision plat for review. (SDP-000014-2018).**
 - The applicant prepared a summary of proposed development standards to be linked with the submitted preliminary plat, that was to be followed with a formal agreement between KRA and KICA. The summary of proposed development standards addressed concerns raised by KICA providing assurances to minimizing future development impacts within the immediate area of Parcel 13, by self-imposing restrictions during construction and occupancy of future development in the area.

November 20, 2018 KRA submitted a copy of the signed MOU between KP and KICA. The MOU outlines the following proposed development standards:

Proposed Development Standards

- Southern Pines Lane ROW will terminate in a cul-de-sac with no connection to Beachwalker Road/Cape Point Road, directly or through any adjacent property.

Access and Dwelling Units

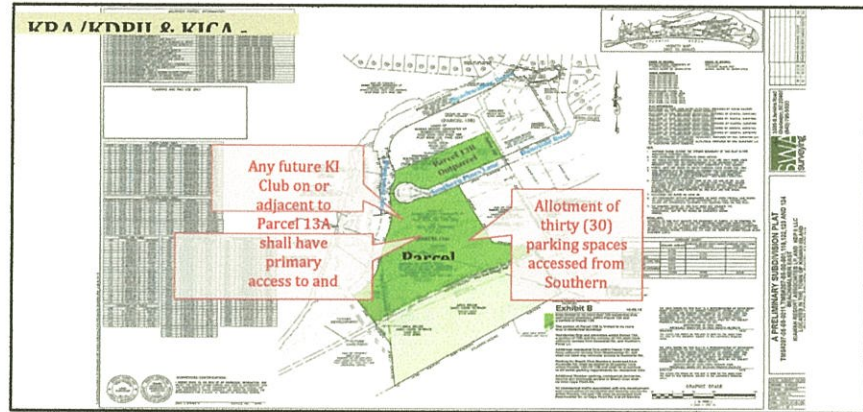
- Access via Southern Pines Lane to and from Duneside Road will be provided only to Parcels 13A, 13C and a portion of 13B "Parcel 13B Outparcel" as shown in Exhibit B. Additionally, Parcel 13B Outparcel (north of Southern Pines Lane) shall have access limited to four (4) buildings.



- Additional residential dwelling units within Parcel 13B shall be accessed from Beachwalker Road and/or Cape Point Road and shall not have vehicular access to and from Duneside Road and/or Southern Pines Lane.
- The MOU defines a specific area accessible by Duneside Road/Southern Pines Lane which is limited to no more than 120 residential dwelling units and related amenities. (ref. Exhibit B)
**Current D.A. has an allotment or entitlement of 234 units for Parcel 13. Timbers Ocean Club Residences was a 21 DU allocation so Parcel 13 holds a 213 remaining DU allowance.*

Potential Western Kiawah Island Club

- Any future west Kiawah Island “Club” located on or adjacent to Parcel 13A shall have primary access to and from Beachwalker Road but shall have the ability to offer up to thirty (30) parking spaces accessed from Duneside Road via Southern Pines Lane through Parcel 13A. This parking shall not tie into any portion of the club facilities that have access to Cape Point Road or Beachwalker Drive. Additional club member parking, commercial deliveries, service and employee access to and from the Club shall be via Beachwalker Road and Cape Point Road.



Site Development and Construction

- Primary access for construction vehicles and commercial traffic associated with the site development and construction of the Club facility and residential and amenity structures within Parcels 13A and 13B Outparcel shall where feasible be via Beachwalker Road and Cape Point Road.
- Access for construction vehicles and or commercial traffic via Southern Pines Lane shall be limited and utilized only when access via Beachwalker Road and Cape Point Road is not feasible under the circumstances.
- Temporary connectivity to Duneside Road or Southern Pines Lane for construction or development activities on these parcels shall be blocked with appropriate fencing, bollards, or other material that prevents vehicular access to these roads.

Restrictive Covenants

- Should a plat be approved and recorded by the Town of Kiawah Island, KP shall execute and simultaneously record Restrictive Covenants (ref. Exhibit C) prohibiting the extension of Southern Pines Lane to provide a connection to or access from Cape Point Road/Beachwalker Road to Duneside Road.

Duneside Road Improvements

- KP to contribute funds to support the design, development, and construction of pedestrian related improvements along Duneside Road to address safety concerns expressed by members of the neighboring communities.

Mr. Taylor indicated that he had reviewed the application documents for preliminary approval of this subdivision to be known as Beachwalker East and find that it is consistent with Article 12c, Subdivision Regulations.

In the event the Planning Commission decides to approve the application for Preliminary Approval of the subdivision to be known as Beachwalker East (TMS# 207-05-00-0011; -118; -122; -123; -124) the planning department asks the Planning Commission to consider the following conditions:

- Prior to approval of the final plat, the current approved Access and Construction Easement designated to and from Southern Pines Lane to Lot 3 of Parcel 13 via Cape Point shall be amended to acknowledge an appropriate and alternative vehicular access to and from Southern Pines Lane to Lot 3 and future development of Parcel 13 via Duneside Road.*
- The subject preliminary plat and sequential approved plats shall be noted with the development provisions outlined by the referenced MOU between Kiawah Resort*

Associates, LP (KRA) and the Kiawah Island Community Association (KICA), referencing the signed MOU exhibit that depicts future development patterns for the area.

Public Comments:

Members of the Planning Commission received approximately 60+ emails of public comment addressing concerns of the proposed preliminary plat subdivision application. During the public comment period of the meeting, the Planning Commission also heard similar concerns highlighted within the submitted public comments. These concerns of residents included pedestrian safety along Duneside Road and the implications of additional traffic on Duneside Road with a connection to Southern Pines Lane. From the written and public comments, there was an overwhelming desire to have an independent traffic and safety study completed for Duneside Road that would consider the implications of the added traffic and safety concerns of Duneside Road connecting to Southern Pines Lane. Persons who spoke include...

John Connolly – 1020 Scaup Court

Tip Jennings – 1095 Diodia Court

Greg Kozinski – 1091 Duneside

Ross Appel – Attorney on behalf Duneside I & II, Kiawah Island Cottages Property Owners Association

Marilyn Larach – 1082 Terrapin Court

Ronnie Newton – 1119 Duneside Road

Shari Del Do - 109 Sandwedge Court

Andrew Greenspan – 1123 Duneside

Ann Garris – Greenslake

Wendy Kulick – 38 Marsh Edge Lane / **Diane Lehder** – 306 Palm Warbler

Wendy Kulick read an email from **Brian Sturgill** – 1 Summer Island Lane - email to Kiawah Island Community Association

David DeStefano – 31 Burroughs Hall

Virginia Abbott - 4304 Sea Forrest Drive

Specific language of all the persons who spoke during the Planning Commission public comment period can be found by audio at the Town Clerk's Office or by viewing the meeting on the Town's You Tube Channel @The Town of Kiawah Island.

Mr. Peterson indicated the need to have a traffic and safety study commissioned, scoped and paid for by the Town and that the need was obvious from all the comments and emails received by the Commission. He stated that the difficulty was that Town Ordinances give the Commission time limits for review so that an agreement needs to be reached with the applicant to take more time to review this application and to allow the Town to order, receive, and review the traffic safety study.

Mr. Peterson addressed the applicant's representative asking if they were agreeable to allowing the Commission an additional forty-five (45) days. Mr. Mark Permar, along with Mr. Ray Pantlik, representing the applicant, Kiawah Partners, stated that they would agree to the additional time. Mr. Permar stated that it was proposed in the memorandum of understanding, as well as other informal conversation, the importance and the need of assessing safety improvements for pedestrians and bike traffic patterns along with road patterns. He stated that they supported the request on behalf of the applicant and the propensity for the Town to take the lead. Mr. Permar pointed out that the applicant has been in the process for quite a while and requested the study be completed in a timely manner so that the recommendations

how to improve the patterns in that area can be reviewed by the community, professionals and the Commission. He noted that the request was a unique condition and supported the study. Mr. Permar further shared that the application was in compliance with the Development Agreement and the subdivision regulations as published.

Commissioners discussed the major improvements taking place in West Beach Village, traffic patterns on Beachwalker Drive, the plans for the redevelopment of the parcels in West Beach held by Kiawah Partners, and compliance with the Comprehensive Plan, specifically in the areas of safety and traffic. Commissioners discussed the Municipal Code requirement that when a completed application is received, a decision has to be made in a sixty (60) day time period unless an extension is agreed to by the applicant. The date agreed to by both the Commission and the applicant was that the Planning Commission would meet on January 24, 2019 in a public meeting.

Mr. Iwan made a motion to table the consideration of the application of the Preliminary Subdivision Plat of Beachwalker East (Parcel 13) until January 24, 2019. The motion was seconded by Mr. Dowdy and was unanimously approved.

VI. Correspondence/Staff Comments:

Mr. Taylor indicated that the Commissioners received information on a Continuing Education opportunity provided by the SC Beach Advocates 2019 Annual meeting taking place in February.

**VII. Council Liaison Comments:
None**

VIII. Public Comments:

The following residents made personal comments on their concerns with the time constraint that has been placed on the safety traffic study. These comments can be heard in their entirety by audio at the Town Clerk's Office or by viewing the Town's You Tube Channel.

Diane Lehder – 306 Palm Warbler

Ross Appel Attorney on behalf Duneside I & II, Kiawah Island Cottages Property Owners Association

Marilyn Larach – 1082 Terrapin Court

Virginia Abbott - 4304 Sea Forrest Drive

Mr. Peterson addressed the audience stating that the Municipal Code gives the Commission rules that have to be followed. He stated that consideration of the application has been tabled and that the date of January 24th was agreed to. He stated that if the date does not work out that he is confident that the Commission and the applicant will work something out. Mr. Iwan added that on January 24th, the Commission will still have all options available. Mr. Prickett indicated that firms that do these kinds of studies have a multitude of databases with information on what summertime traffic on Kiawah looks like and could make projections on the impact traffic during the worst periods.

Further Public Comments:

Andrew Greenspan – 1123 Duneside

Ronnie Newton – 1119 Duneside Road

Wendy Kulick – 38 Marsh Edge Lane

Mark Permar – Kiawah Partners

IX. Commissioner Comments:

Mr. Iwan stated that under that Transportation Element of the Town’s Comprehensive Plan, “While the Town is not responsible for their (the roads) maintenance and replacement, it is responsible for the safety and welfare of its citizens in driving these roads.”

Mr. Iwan also restated that the options available to the Commission today will be available to them on January 24th. All the Commission has done is extended the time to ask for more information.

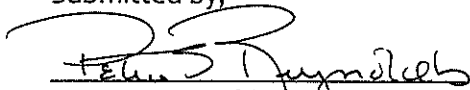
Mr. Capelli stated that in the comments received by the Commissioners there was another constant theme that related to if The Timbers is quoted a fractional ownership versus a timeshare. He indicated that in his opinion the substance by which they are operating differs from the form of a fractional ownership requirement and encouraged someone to pursue the issue.

Mr. Stenson thanked the citizens for their comments and stated that he hoped the traffic study not only looks at the impact but also give specific ideas on pedestrian and vehicular separation and how that may be accomplished.

X. Adjournment:

Mr. Iwan made a motion to adjourn the meeting at 4:53 pm. The motion was seconded by Mrs. Messerman and was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Fred M. Peterson, Chairman

2/21/19
Date