

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center
Council Chambers
May 2, 2018; 3:00PM

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
Brit Stenson

Also Present:

Stephanie Tillerson, *Town Administrator*
John Taylor, *Charleston County Planning & Zoning*
Jack Koach, *Council Liaison*
Dwayne Green, *Town Attorney*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of March 7, 2018

Mr. Capelli made a motion to approve the minutes of the March 7, 2018 Planning Commission Meeting as amended. The motion was seconded by Mr. Dowdy and unanimously passed.

IV. **Public Comments:**

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick commented on the waiver request which was presented to the Commission at their last meeting. She stated that all, including Kiawah Partners, agreed that the five parcels did not qualify as buildable. It was the intention that, even if combined, the parcels would never be developed and a notation with the restriction would be on recorded on the plat and deed to each of the parcels. Mrs. Kulick described a similar incident in the development of Summer Islands which required the construction of unique and expensive bridges. It was promised that language would be placed in each property deed to with the requirement that each property owner to pay a super assessment for the repair and maintenance of bridges. She noted that very few deeds actually included the super assessment language and it was never collected for any of the properties.

In order to not have this kind of situation again Mrs. Kulick suggested the Planning Commission put into place the appropriate steps that would require the Commission review each deed for the appropriate language prior to being filed with Charleston County, and to establish a series of increasingly punitive monetary penalties for each deed that does not contain the appropriate language.

Mrs. Kulick stated that Kiawah Partners promised not to cut a road through from Duneside Road to the Timbers development. The request for a cut through from Duneside to Beachwalker was scratched by the Partners due to over 150 pages of objections to the request. Mrs. Kulick stated that she hoped this Commission gets a written commitment from the Partners that they will never request a cut through from Duneside Road to Beachwalker East development, to include the Timbers development, and any future Kiawah Partner's Development to create closure on this issue.

Diane Lehder –306 Palm Warbler Road

Mrs. Lehder wanted to underscore some of Mrs. Kulick's comments on the cut through of Duneside Road by saying that she, like other residents, was delighted to see that the Partners' request was withdrawn. She indicated that after reviewing the letter announcing the decision she became concerned by their alternate intentions. She noted that when the conditional plat was approved in 2016 there was no intention to have the roads connect, but two years later there is the request for such a modification. She quoted from the letter to the Planner which stated "KP sees no need to put the planning staff and the Planning Commission in the middle of our difference of opinion with KICA. Kiawah Partners intends to meet with KICA leadership to explore the positions it is asserting in an effort to reach a resolution" and later in the letter "Kiawah Partners has concluded at this particular time it is best to avoid the sharp division in the community." Mrs. Lehder indicated that it is her opinion that the opposition expressed by over 150 individuals will not change over time and agrees with Mrs. Kulick in urging the Planning Commission to approve the plat with an appended formal signed agreement with the developer that the proposed cut through is off the table forever.

Ross Appel – Attorney for Duneside and Kiawah Island Cottages

Mr. Appel stated he is an attorney that represents Duneside I, Duneside II and Kiawah Island Cottages in regard to the Parcel 13 controversy, more specifically the proposed road cut through issue. He indicated there was a very serious concern on the proposed cut through and while the membership is happy and support the Partners' modification of its plan, there is a shared concern with the other speakers on the future. He stated that the Town's zoning ordinances and subdivision regulations provide the Planning Commission the authority to place conditions on plat approval. While there is language on the current final plat that states that there will be no vehicular connection between Duneside Road and Southern Pines, he suggested there would be an advantage to additional language placing the condition that if there was a desire to make a change to connect the roads in the future, it would require the request come back to the Planning Commission for approval.

Rhonwen Newton – 1119 Duneside Road

Ms. Newton stated as one of the original owners of property on Duneside Road, she was very concerned at the proposed connection. She spoke to the early development of Duneside, that Duneside Road was never designed to be a through way due to the road's winding curves and limited sight lines, and expressed concern with the proposal to add speedbumps and a bike path along the side of the road. She urged the Planning Commission to have an agreement with the Partners to never open Duneside Road to any future development.

Shari Del do - 109 Sandwedge Court

Dr. Del do stated that opening Duneside Road would not only affect the immediate area but also the surrounding neighborhoods which would be affected by the additional traffic.

V. Old Business:

A. SUBDIVISION APPLICATIONS

1) #SBDV-01-18-00711

Kiawah Resort Associates, LP
Subdivision Waiver Request
A Preliminary Subdivision Plat
Open Space Parcel
TMS#207-05-00-024 and 207-00-00-002

Mr. Taylor stated the subdivision waiver request application was reviewed by the Planning Commission at its last meeting. The applicant submitted the addition of paragraph iv to the conditions to be added to the preliminary subdivision plat, recommended by the Commission and also provided an example of the proposed deed.

iv. Prior to the initial purchase and all subsequent purchases of any of the depicted non-buildable lots, the deed of record in accordance with this plat and any other sale documents must outline specific provisions including this and the provisions listed above so that the potential buyer is aware that the lots are designated non-buildable.

Mr. Iwan made a motion to approve the language of condition iv of preliminary subdivision plat. Mr. Capelli seconded the motion.

Following addition comment the motion was unanimously passed.

Mr. Capelli addressed earlier comments by stating that now that the verbiage is required on the deed that some of the other suggestions, while worth considering, do not fall within the Planning Commission's purview to do so. The Town Administrator and Town Council would have to be involved in any administrative follow-up requirements or monitoring the production of deeds and subsequent fines would all be changes that have to be made through an ordinance.

VI. New Business:

A. SUBDIVISION APPLICATIONS

1) #SBDV-01-18-00730

Kiawah Resort Associates, LP
A Final Subdivision Plat
Parcel 13 Beachwalker East
TMS#207-05-00-118; -122; -123; -124

Mr. Taylor stated the presented application is a request for the approval of the final subdivision plat for Parcel 13 Beachwalker East. The applicant and owner is Kiawah Resort Associates, LP and the Surveyor is SWA-Surveying, LLC. Parcels 207-05-00-118; -122; -123; -124 are in the R-3/C zoning district and includes a total area of approximately 17.140 highland acres in size containing 3 Lots (approximately 15.981 acres) and 2 Right-of-Ways (approximately 1.159 acres.) Lot 1 contains two easements (proposed 20' wide sewer easement and 50' wide temporary drainage easement.) Lot 2 modifies lot boundaries of the Proposed Lot 2 reflecting recent land conveyance from KICA. The final subdivision plat places a 5' vehicular non-access easement

between Southern Pines Lane and Duneside Road with a special note of no vehicular connection between Southern Pines Lane and Duneside Road.

Mr. Taylor presented an aerial map along with the approved preliminary, approved conditional, approved revised conditional plat, withdrawn final plat with supporting documents, and the proposed final subdivision plat. Since this plat approval has been discussed for the past several months, he reviewed an 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.*
- *The two ROWs (Cape Point and Southern Pines) roads have been inspected and are consistent with the Town of Kiawah Island's Road Code.*
- *The applicant confirmed postponement of the application until the April PC meeting and subsequently the May PC meeting.*
- *The applicant withdrew the proposed subdivision application on April 9, 2018 and submitted a revised final subdivision plat. This revised final plat closely mirrors the approved conditional plat approved on August 29, 2016, showing the placement of a 5' vehicular non-access easement between Southern Pines Lane and Duneside Road among other limited changes.*

Mr. Capelli made a motion to recommend the final subdivision plat of Parcel 13 Beachwalker East. Mr. Dowdy seconded the motion.

Mr. Peterson noted the large outpouring of citizen comments with Planning Commission receiving almost 160 emails on the proposed final plat. He thanked the Community Association for the language concerning the covenant restrictions they felt were in effect regarding another security gate and he felt the Partners heard the emails which has resulted in a final plat that is greatly improved.

Mr. Iwan questioned if the final plat is approved would any request to remove the language stating no vehicular connection between Duneside Road and Southern Pines have to be approved by the Planning Commission, and under what procedure. Mr. Taylor stated that any request to alter or revise a plat's language or one of the boundaries has to be filed, reviewed and approved by the Planning Commission.

Mr. Capelli first question was on the design of the entrance of Southern Pines Lane, asking if there would be a turning lane or just a cut through. Mr. Taylor stated the road section only shows a small inland in the center but does not indicate a formal turning lane. Mr. Capelli expressed his concern with traffic having to stop as vehicles turn, but also asked where the access gate will be located. Mr. Taylor stated the access gate will be located on Beachwalker Drive just past the County Park

at the intersection of Southern Pines Lane and Cape Point Road. Mr. Capelli indicated that the proposed location of the gate will eliminate the volume of traffic coming into Southern Pines Lane.

Mr. Capelli asked if a traffic study had been done relating to the impact of traffic on Beachwalker Drive intersection with the additional development in this area. Mr. Taylor stated that a traffic study had not been received regarding this application. Mr. Capelli express his concern that the traffic associated with the County Park and additional developments may exceed the road limitations and questioned if a traffic study had been considered. Mr. Taylor stated that with this application and the Timbers being the only development he was confident that the current study will be sufficient.

Mr. Capelli stated the proposed plat indicates a barrier between Duneside Road and Southern Pines. He asked what materials are being used to provide that barrier or will the sand dune be replaced as promised when the preliminary plat was approved in 2016. Mr. Taylor stated the buffer materials in the five-foot barrier area will be determined by the Community Association and the Architectural Review Board (ARB), and that he was not aware of any requirement for the dune to be replaced.

Mr. Capelli asked how the property alongside lot 3, listed as Kiawah Island Community Association, will be accessed. Mr. Taylor indicated that the property is the beach front that runs parallel along almost the entire length of the Island.

Following further discussion, the motion to approve the final subdivision plat of Parcel 13 Beachwalker East was unanimously passed.

Supplementary Packet

Comment Letters

VII. Correspondence/Staff Comments:

Mr. Taylor stated that he distributed information on the statewide webcast in May which is a Continuing Education opportunity for Planning Commission members.

VIII. Council Liaison Comments:

Mr. Koach asked for a definition of a five-foot non-vehicular easement. Mr. Taylor stated the easement would allow pedestrian flow but no vehicle to travel through.

IX. Public Comments:

Diane Lehder –306 Palm Warbler Road

Mrs. Lehder questioned the language of note number 11 on the final subdivision plat which states “this land was mistakenly titled in Kiawah Island Community Association, Inc, as a result of an erroneous property description” which she felt was an incorrect statement. Mr. Taylor indicated that note number 11 was on the withdrawn final plat and was removed from the final subdivision plat approved today.

Rhonwen Newton – 1119 Duneside Road

Ms. Newton stated that as an explanation of the beach front property and the original intent was that all buildings were to be built behind the third dune as a protection measure and is owned by the Community Association for permanent conservation of the dunes. She noted that the Timbers development is clear out and built out to the beach and is concerned that in the event of a storm, water will breach the side of the current dunes and may enter other parts of the island.

X. Commissioner Comments:

Mr. Stenson was in agreement with Mr. Peterson's earlier comment on all the emails from public received by the Commission along with and the Community Associations' involvement in the approval process.

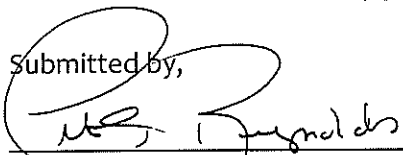
Mrs. Messerman agreed and stated she was appreciative of the public for their input, and promised the Commission would be vigilant in trying to keep Kiawah beautiful.


Mr. Capelli also agreed with the previous comments and stated that he was tempted to read the public comments into the record because of the amount of information in them. He indicated that he was encouraged by the interest and advice given to the Commission.

Mr. Capelli stated that if in the future the Developer seeks approval to connect Duneside Road to Southern Pines Road he would suggest the submission address how the proposal is consistent with the Town's Comprehensive Plan (CP). The earlier, now withdrawn, submission made no mention of the CP and did not address the many issues the submission raised in connection therewith. He believed that the request would have failed to satisfy the requirement that it be consistent with the CP. Specifically in his opinion the CP provisions dealing with Future Land Use and Public Safety would not have been satisfied and in a more over-arching way would have been inconsistent with the Town's Vision as expressed in the CP.

XI. Adjournment:

Mr. Dowdy made a motion to adjourn the meeting at 3:35 pm. The motion was seconded by Mr. Prickett and was unanimously passed.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Fred M. Peterson, Chairman

6-20-2018
Date