

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

March 6, 2019; 3:00PM

Minutes

I. **Call to Order:** *Mr. Peterson called the meeting to order 3:00 pm.*

II. **Roll Call:**

Present:

Fred Peterson, *Chairman*
Brit Stenson, *Vice Chairman*
Andy Capelli
Gale Messerman
John Moffitt

Present by Phone:

Bill Dowdy

Absent:

Larry Iwan

Also Present:

Dan Prickett, *Council Liaison*
Stephanie Tillerson, *Town Administrator*
John Taylor, Jr., *Planning Director*
Dwayne Green, *Town Attorney*
Petra Reynolds, *Town Clerk*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of February 6, 2019

Ms. Messerman made a motion to approve the minutes of the February 6, 2019, Planning Commission Meeting as amended. The motion was seconded by Mr. Capelli and unanimously passed as amended.

Mr. Capelli made a motion to go into Executive Session to receive legal advice from the Town Attorney regarding the appeals process. The motion was seconded by Mr. Stenson and was unanimously approved.

IV. **Executive Session:**

A. To receive legal advice from the Town Attorney regarding the appeals process.

Mr. Stenson made a motion to return to Regular Session. The motion was seconded by Mr. Moffitt and was unanimously approved.

Mr. Peterson stated that legal advice was given during the Executive Session, and no decisions were made.

V. **Old Business:**

None

VI. New Business:

A. Town Council Directive on Flood Mitigation and Sea Level Rise Adaptation

Mr. Peterson stated that Mr. Stenson, Mr. Capelli, and Mr. Dowdy have agreed to be the Subcommittee that will be doing the portion of response from the Planning Commission in making amendments to the Town's Comprehensive Plan to incorporate the findings and recommendations from the Flood Mitigation and Sea Level Rise Adaptation Report.

Before beginning the presentation, Mr. Peterson introduced the new member, Mr. John Moffitt. Mr. Moffitt was appointed at yesterday's Town Council meeting and will be completing Mr. Prickett's term which ran to 2020.

John Leffler gave a PowerPoint presentation on the Sea Level Rise Report. He indicated that the subcommittee worked for 18 months looking at the impact of floods and sea-level rise on Kiawah and came up with 144 recommendations.

Mr. Leffler reviewed the 125-page report making recommendations on what may be points of interest to the Planning Commission. He called attention to:

- the section "a Path Forward" which summarizes the recognition of the long-term sea-level rise problem and the suggestion of how to move forward
- the Town's Comprehensive Plan should incorporate the consideration of sea-level rise in all major planning decisions, when appropriate
- in cooperation with other island entities, establish a mechanism for developing and implementing a comprehensive strategy - a standing committee or the engagement of a resilience specialist
- adaptive management approach which sets thresholds for action and trigger points with flexible actions that can be reversed
- monitoring of measures that are implemented to see how they are working
- adopted sea-level rise scenarios and comparisons to local communities
- the section on "how to reference elevations" – looking at the impact of flooding – mean high or high water, locally, is the most meaningful.

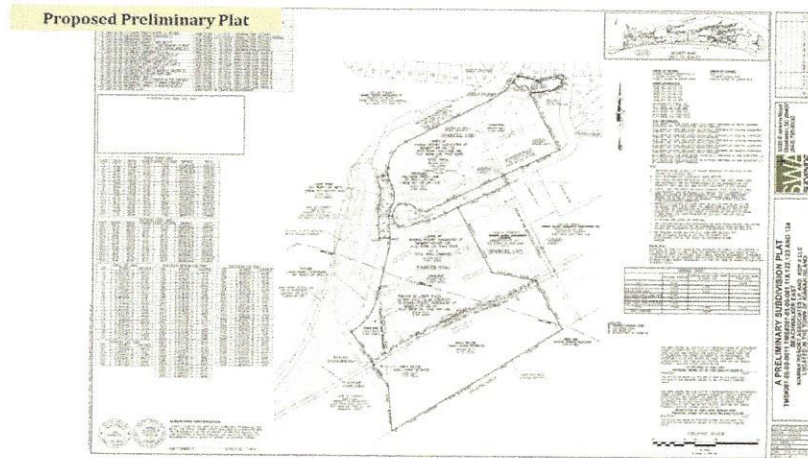
Mr. Leffler stated the section "Assessment, Concerns, and Recommendations" contains most of the items to be incorporated into the Comprehensive Plan. He reviewed some of the items in-depth and their placement in the plan components.

B. Subdivision Applications

1) #SDP-000014-2018(B)

Kiawah Resort Associates, LP
A Preliminary Subdivision Plat
Beachwalker East (Parcel 13)
TMS# 207-05-00-0011; -118; -122; -123 and -124

Mr. Taylor presented application #SDP-000014-2018(B) and stated the request was for the approval of the Preliminary Subdivision Plat for Beachwalker East (Parcel 13) - Southern Pines Lane ROW.



Mr. Taylor stated the subdivision plat request was presented for consideration at the December 5, 2018, and the February 6, 2019, Planning Commission meetings and there are no substantive changes on the plat. He reviewed the specifics of the application which is requesting the proposed 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 suggests a circular turnaround/cul-de-sac at the western end.

Mr. Taylor indicated members had received materials which support exhibits referencing safety improvements raised from the specific safety concerns of commission members. He stated that staff had reviewed the application which meets the criteria and still retains considerations from the existing MOU (Memorandum of Understanding) in place between the applicant and the Community Association that includes specific development standards that impact Parcel 13.

Mr. Taylor stated a traffic study was completed in this area that produced two general findings:

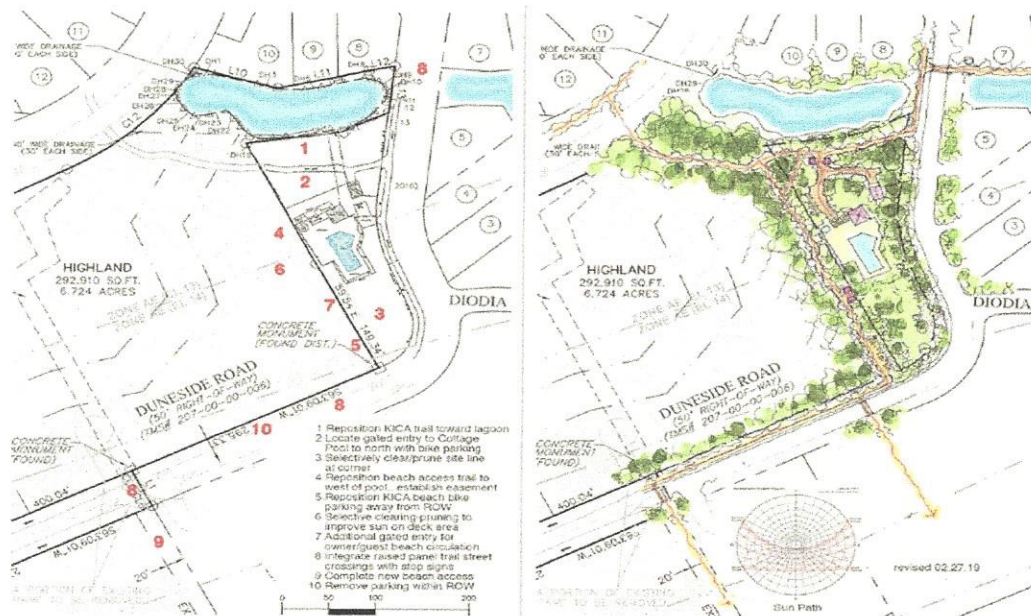
- *There does not appear to be capacity concerns with allowing a connection from Duneside Road onto Southern Pines Lane in any of the three alternatives analyzed.*
- *There are pedestrian, vehicular, and bicycle safety concerns that should be addressed along both Duneside Road and Southern Pines Lane.*

Since the February meeting, the applicant has provided exhibits which highlights a specific safety plan for Duneside Road. He reviewed what the exhibits represent from an intent standpoint, along with the cost projection that was prepared for the approximately \$170,000.00 in improvements. Mr. Taylor also discussed the existing MOU states that the costs will split by the two entities, the Applicant and the Community Association. The second MOU states that implementation of the proposed improvement project will be managed by the Community Association and that the Developer also agrees to grant easements in the areas that create a challenge for the location of improved trails or safety patterns, as needed. Along with the supplemental materials is a project scope timeline which estimates completion of the safety improvements before the peak season in April 2020.

Mr. Taylor stated that over 20 public comments were received and provided to the Commission.

Mr. Mark Permar stated that he, Mr. Ray Pantlik and Mr. Jordan Phillips were representing the

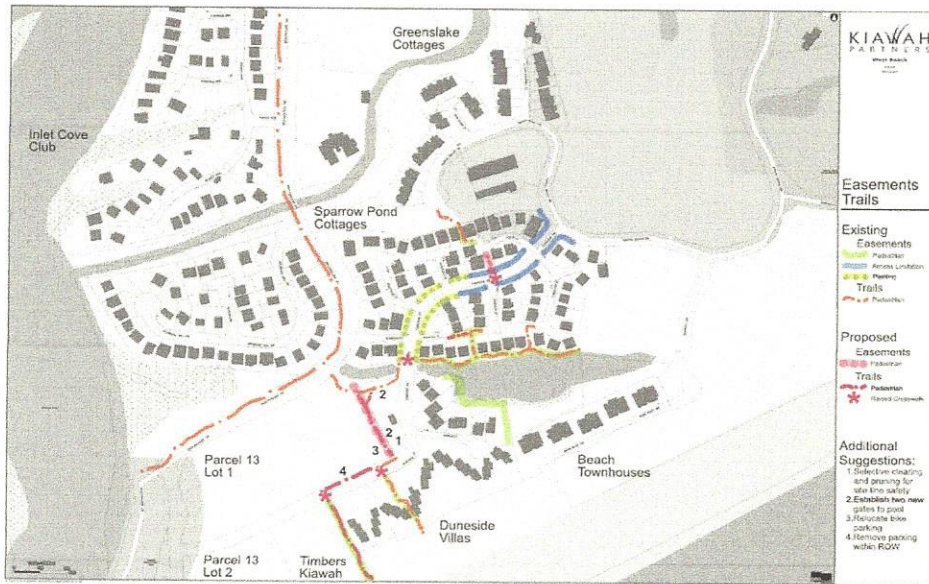
applicant and gave a slide presentation providing answers to questions raised at the last meeting by Commission Members as well as property owners in the affected area. Those questions related to scope, an estimate of implementation, source of funds, who would be responsible for project management and implementation, and a target date of completion.



He indicated the previously presented slides of the proposed implementation plan was revised with the additional slides to provide clarity in the question areas.



Beachwalker Parcel 13...Refined Improvement Plan



Mr. Permar engaged in an in-depth discussion of the additional slides describing the proposed safety improvements which include; widening of the trail system, relocation of the trail around the pool area, relocation of bike parking, four locations for raised path table crosswalks which will provide safe crossing and slow traffic.

Summary of Primary Improvements

Program Brief

...Enhancement and improvement to community infrastructure to establish a safe environment for existing and future owners and guests to circulate to beach, amenities and resort...to be completed by April 2020 prior to season

Project Scope

- **Surveying:** tree/loft and road sections
- **Engineering:** contract documents, permits
- **Demolition:** existing path east of cottage owner's pool along Duneside Road
- **New paths:** clearing, grading paving 8' path along west of cottage owner's pool and along north Duneside Road ROW to Timber's beach access
- **Existing paths:** select widening
- **Road crossings:** raised path tables (4)
- **Wayfinding:** new traffic and path signage
- **Bike racks:** relocate parking racks (80 spaces)
- **Site Lines:** selective clearing and pruning

PRIMARY BUDGET ALLOCATION: \$170,000

ADDITIONAL SCOPE (to be integrated): \$30,000

...Relocation and addition of new gates, bike parking and related changes for cottage owner's pool area attributed to new trail location (\$12,000)

SOURCE OF FUNDS: KICA (50%) and KP (50%)
PROJECT MANAGEMENT: KICA

PROJECT Dunsmuir Drive Enhancements

LOCATION Kureh Island, SC

ESTIMATOR Wahid

OPINION OF PROBABLE CONSTRUCTION

COST

DATE PREPARED 2-13-19 **PREPARED BY** 227119

STATUS FOR ESTIMATE

☒ **X** Estimate requested only a preliminary PM

☐ Preliminary design

☐ Final design

☐ Other Job # 20016-620

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OPINION OF PROBABLE CONSTRUCTION COST

Since the Engineer has no control over the cost of labor, materials, equipment, and the Contractor's methods of determining prices, or over the Contractor's market conditions, the Quantity or Indication of construction (costs) provided for herein is only an estimate of probable construction and quantities. These estimates represent my best judgment as a design professional based on the information available. However, my Engineer cannot and does not guarantee the probability, but, as the construction cost will not vary from the Quantity or Probable Construction Costs.

ITEM		DESCRIPTION		QUANTITY		COST	
		NUMBER OF		UNIT MEASURE		PER UNIT	TOTAL COST
		UNITS					
IDENTIFICATION							
GRADING & DRAINAGE							
1	Engineering & Permitting	1		ls		14,500.00	14,500.00
2	Landscaping	1		ls		6,500.00	6,500.00
3	Disturbance of Land, Paving	52.5		sq		30.51	1608.275
4	Cleaning and Graveling	0.30		sq		54,969.00	16,489.80
5	Tree Protection	9.25		#		1.32	12.21
6	SB Fence	200		#		0.46	92.00
7	Existing Road Protection	1		cos		916.89	916.89
8	Grading	1,500		sq		0.75	1,125.00
9	Grading	1,050		sq		3.05	3,174.00
10	New Road (10' wide)	1		cos		6,006.00	6,006.00
11	Re-Alocate Unstable	25		cos		1.01	25.25
12	Remove Unstable	25		cos		0.91	22.75
13	2" AC Base Material from Sub	1		sq		20.52	20.52
14	Subgrade	8		sq		889.24	7,113.92
15	Subgrade for Road	12		sq		92.90	1,114.80
16	Adjusted Subgrade (10' wide)	1		cos		6,000.00	6,000.00
17	6" Base Course, 6' wide path	6,511		sq		44.77	291,294.87
18	6" Base Course, 2" wide path	180		sq		44.77	8,058.60
19	2" AC Subgrade Course, 6' wide path	6,511		sq		20.37	132,833.47
20	2" HMA Subgrade Course, 2" wide path	180		sq		20.37	3,666.66
21	Revised Hand Guarding	1		ls		2,000.00	2,000.00
22	Public Control	1		ls		2,000.00	2,000.00
23	Call-Logging	1		ls		10,000.00	10,000.00
* General path widening							
OPINION OF CONST. COST:							\$169,363.90

Notes:

- 1. No landscaping or migration costs included.
- 2. No striped or lay lines included.
- 3. No site lighting, interior, exterior or inside TV sets included.
- 4. No cement forms included.
- 5. No utility work included.

Mr. Permar engaged in a review of the Summary of Primary Improvements which included;

- Program Brief
- Project Scope
 - Surveying, Engineering, Demolition, New Paths, Existing Paths, Road Crossings, Wayfinding, Bike Racks, Site Line – Total Cost \$170,000.00
- Additional Scope
 - Selective Landscape enhancements, Relocation, and addition of new gates, bike

parking and related changes for cottage owner's pool area attributed to new trail location – Total cost \$30,000.00

- Source of Funds:
 - Community Association – 50% and Kiawah Partners – 50%
- Project Management - Community Association

Mr. Permar indicated that during the season the objective is to obtain permission from property owners to do survey work, prepare refined drawings and documents, receive refined pricing, identify suitable contractors to be ready to complete the improvement project during the offseason with a target completion date of no later than April 2020.

Mr. Capelli indicated that the traffic study suggested paths or walkways, and Mr. Permar has substituted different paths, walkways, or trails in a different form but throughout the affected area. He questioned if Mr. Permar was satisfied that the substitution and current recommendations satisfy the safety need that would have otherwise been covered by the paths that were recommended. Mr. Permar stated that it is the belief that the proposal meets the goal to provide safe conditions but to also balances the vision of Kiawah to retain the natural ambiance of the surroundings.

Mr. Capelli indicated the presentation spoke to the developer's intention to use outside contractors to complete the work within the timeframe laid out. He questioned if that was also the understanding of the Community Association. Mr. Permar stated it was also the understanding of the Community Association to identify and engage an outside contractor to complete the improvement project. The discussion also included the integration of speed signage with other signage.

Mr. Peterson indicated at last month's Planning Commission meeting there was a speed table shown on Beachwalker Drive and questioned if it had been eliminated. Mr. Permar stated that it was on an earlier drawing but was removed because Beachwalker Drive is in the Town's right-of-way and should be a Town consideration.

Mr. Stenson confirmed that several speed tables and their locations would be part of review and refinement. Mr. Permar indicated that four have been estimated and would be custom built to prevent any drainage issues.

Mr. Jimmy Bailey, COO of the Community Association, confirmed that he felt the timeline for the project was reasonable and added that when the Thomas and Hutton scope was developed the Association's engineers reviewed the detailed estimate and independently confirmed they felt it was a reasonable estimate. He also verified the response to Mr. Capelli's earlier question on the use of an outside contractor to complete the actual construction.

Mr. Peterson questioned if there are any other agreements between the Community Association and Kiawah Partners that would affect the safety improvement project and if the Community Association Board has given its approval. Mr. Bailey confirmed that the Community Association is ready to go, and the recent document presented to the Commission was to provide better clarity

the funding issues that were approved by the Board.

Mr. Capelli questioned if the Community Association has the same priority on the project that the developers have. Mr. Bailey indicated that if the Planning Commission gives its approval, the Community Association intends to begin the detailed planning work almost immediately.

Mr. Peterson indicated concern that the opening of the roadway should not occur before the total completion of the safety improvements and conditioned any approval with that stipulation; the bollards that separate Duneside and Southern Pines not be removed until 100% of the safety improvement have been done. If the project is not completed, it would result in denial of the final plat until the safety improvement is achieved. Mr. Phillips indicated that Kiawah Partners was willing to accept that condition.

Mr. Stenson made a motion to approve the Preliminary Subdivision Plat, Beachwalker East (Parcel 13) conditioned on the completion of all the safety improvements before the connection to Duneside. Mr. Dowdy seconded the motion and it was unanimously approved.

VII. Correspondence/Staff Comments:

Mr. Taylor advised members that another Continuing Education opportunity may be scheduled for later in the month.

VIII. Council Liaison Comments:
None

IX. Public Comments:

The 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 YouTube Channel @The Town of Kiawah Island.

Jim Gerado – 1039 Warbler Court

Diane Lehder – 306 Palm Warbler

Cindy Widenhouse – 1030 Warbler Court

Ross Appel – Attorney on behalf Duneside II Regime

Joanna Gerry – 1065 Gallinule Court

Joan Collar – Sanderling Court

Wendy Kulick – 38 Marsh Edge Lane

Mark Permar – Kiawah Partners

Virginia Abbott - 4304 Sea Forrest Drive

Jim Gerado – 1039 Warbler Court

X. Commissioner Comments:

Ms. Messerman thanked the community for its constructive input.

Mr. Stenson agreed with the comments made by Mr. Appel, Attorney on behalf of Duneside II Regime, in that the issue has come a long way with the homework done by Mr. Permar and the Partners. He stated that the community comments have been invaluable in solving an existing situation and made it better for the people in this area.

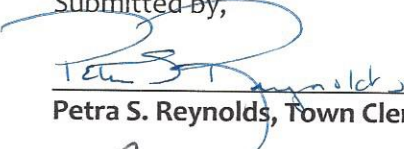
Mr. Capelli commented on the cooperation the Commission received not only from the developer but also from the Community Association in dealing with the issue that existed. He indicated that the Duneside and Sparrow Pond Communities have for years enjoyed an independence in the area that no one else on the Island enjoys. The entire Island is private, but the roads are all used by the people on the Island, throughout the Island, and available to everybody. He stated that he did not see any reason why Duneside or any other road, as long as they are in a safe passable condition, can not be used by everyone as well.

Mr. Dowdy thanked Mr. Permar for not only listening but for always trying to seek out a better solution for the safety issues.

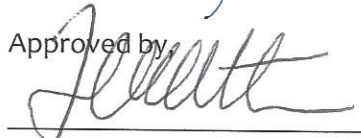
XI. Adjournment:

Mr. Capelli made a motion to adjourn the meeting at 4:42 pm. The motion was seconded by Mr. Dowdy and was unanimously passed.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by


Fred M. Peterson, Chairman

6/5/19
Date