



TOWN OF
Kiawah Island

Mayor

Craig E. Weaver

Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

Town Administrator

Stephanie Monroe Till

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

March 6, 2019; 3:00PM

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of February 6, 2019 [Tab 1]
- IV. **Executive Session:**
 - A. To receive legal advice from the Town Attorney regarding appeals process.
- V. **Old Business:**

None
- VI. **New Business:**
 - A. Town Council Directive on Flood Mitigation and Sea Level Rise Adaptation [Tab 2]
 - B. Subdivision Applications
 - 1) #SDP-000014-2018(B) Kiawah Resort Associates, LP [Tab 3]
A Preliminary Subdivision Plat
Beachwalker East (Parcel 13)
TMS# 207-05-00-0011; -118; -122; -123 and -124
- VII. **Correspondence/Staff Comments:**
- VIII. **Council Liaison Comments:**
- IX. **Public Comments:**
- X. **Commissioner Comments:**
- XI. **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/>

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

February 6, 2019; 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: Dan Prickett, *Council Liaison*
Stephanie Tillerson, *Town Administrator*
John Taylor, Jr., *Planning Director*
Petra Reynolds, *Town Clerk*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of December 5, 2018

Mr. Capelli made a motion to approve the minutes of the December 5, 2018, Planning Commission Meeting as amended. The motion was seconded by Mr. Dowdy and unanimously passed.

IV. **New Business:**

A. Election of 2019 Planning Commission Officers

Mr. Iwan made a motion to appoint Mr. Peterson to serve as the 2019 Chairman of the Planning Commission. Mr. Stenson seconded the motion, and it was unanimously passed.

Mr. Peterson made a motion to appoint Mr. Stenson to serve as the 2019 Vice Chairman of the Planning Commission. Ms. Messerman seconded the motion, and it was unanimously passed.

B. Approval of 2019 Planning Commission Schedule

Mr. Dowdy made a motion to approve the 2018 Planning Commission meeting schedule. The motion was seconded by Mr. Iwan.

Mr. Capelli had a question on the date of the July meeting being on the 10th rather than following the Town Council meeting on the 2nd. Members agreed to leave the July meeting as scheduled.

Following discussion, the motion was unanimously passed.

C. Approval of 2019 Planning Commission Rules of Procedure

Mr. Peterson called attention to the one change that was made to the organizational Rules of

Procedure. In Section 7, Charleston County was replaced by Town of Kiawah Island Planning Department Staff.

Mr. Capelli made a motion to accept the 2019 Rules of Procedure. The motion was seconded by Mr. Dowdy.

Mr. Capelli noted that the change to Town Planning Department Staff would require a change in the Town's Comprehensive Plan in the next update.

Following discussion, the motion was unanimously passed.

V. Old Business:

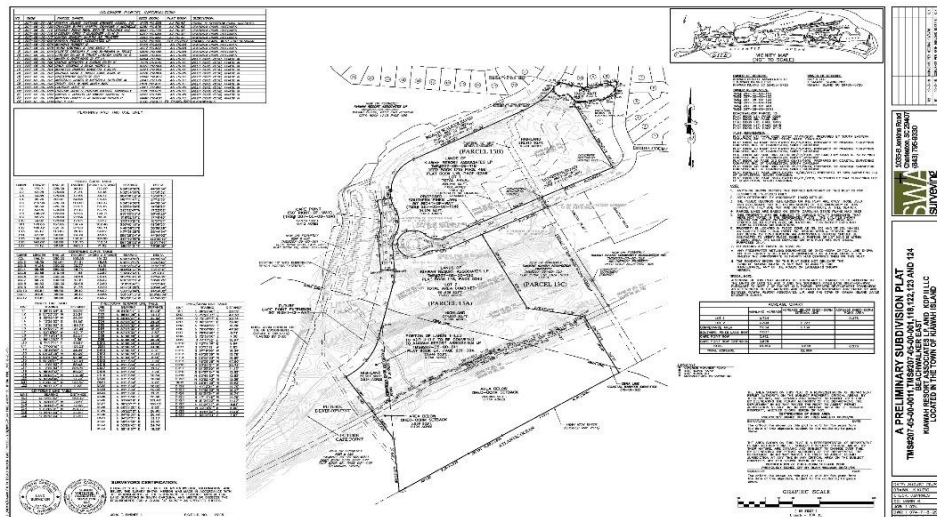
A. Subdivision Applications

- 1) #SDP-000014-2018

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

Mr. Taylor stated the request for the approval of the Preliminary Subdivision Plat for Beachwalker East (Parcel 13) - Southern Pines Lane ROW. This request was presented for consideration at the December 5, 2018, Planning Commission meeting. He reviewed the specifics of the application which included an aerial map depicting the subject preliminary plat request area of 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.

Proposed Preliminary Plat



Mr. Taylor gave an overview of the abbreviated timeline of Beachwalker East Parcel 13 up to the December 5, 2018 PC meeting and the submitted Memorandum of Understanding (MOU) between the applicant and the Kiawah Island Community Association. He pointed out the MOU highlighted specific development standards to Parcel 13 addressing future development patterns, traffic flow considerations, western beachfront parking as well as facilitation of specific dwelling unit access to Southern Pine Lane. Mr. Taylor stated that at the December 5th PC meeting the Commission did not take any formal action and that Staff is still recommending

the PC review the two considerations that were outlined; a review of the access and construction easement approved and reviewing the preliminary plat adding the particular language outlined with the reference MOU. Mr. Taylor then reviewed the abbreviated timeline.

Abbreviated Time Line

- October 4, 2018, KRA submitted a preliminary subdivision plat for review. (ref. SDP-000014-2018).
- November 20, 2018, KRA submitted a copy of the signed MOU between KP and KICA highlighting specific development standards for Parcel 13.
- At the **December 5, 2018**, Planning Commission (PC) meeting, the applicant and the PC mutually agreed to reconvene on January 24, 2019, to revisit the application after an independent traffic and safety study was completed.
- The Town contracted with **Kimley-Horn** to complete the requested traffic and safety study.
- To provide all interested parties sufficient time to review the completed study, the applicant and PC mutually agreed to reconvene at the scheduled **February 6th PC meeting**.
- The traffic and safety study produced two general findings:
 - **There do 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.**
- **“West Beach Community Areawide Improvements”** exhibit provided by the applicant.
- 50+ public comments letters received.

Mr. Taylor indicated the Commission had been provided with additional items for the application; a document from the applicant entitled *West Beach Community Areawide Improvements Update* and the upwards of fifty public letters that were received by staff and provided to the Commission. He also shared that the applicant was in conversation with community residents to address some of the safety concerns that have come out of the safety study.

Mr. Dillon Turner, with Kimley Horn, gave a PowerPoint presentation on the study methodology and what was done in analyzing the connection of Duneside to Southern Pines Lane. He reviewed in detail each of the Study approaches of:

- 1) Met with Town of Kiawah Island
- 2) Collect Data
 - a. Traffic Counts and seasonal factor developed to convert non-peak season counts to peak season counts.
- 3) Observations, Analysis, Evaluation & Recommendations
 - a. Alternatives Analyzed
 - i. Alternative One - Southern Pines Lane cul-de-sac at Cape Point Road
 - ii. Alternative Two - Southern Pines Lane exit only onto Cape Point Road
 - iii. Alternative Three - Southern Pines Lane entrance and exit via Cape Point Road
 - b. Intersection Capacity Analysis Results
 - c. Road Segment Capacity Analysis Results
 - i. Traffic Study shows no capacity issues from any of the Alternatives
 - d. Observations of Duneside Road
 - i. Narrow and rough surface on Crosswalks
 - ii. Blind curve
 - iii. Sightline barriers
- 4) Review with the Town
 - a. Recommendations – from a safety standpoint

- i. A consistent roadway cross section from Duneside Road onto Southern Pines Lane. Today the cross sections differ on the two roadways
- ii. Place speed limit signs on Duneside Road and Southern Pines Lane
- iii. To discourage cut through traffic on Duneside Road and Southern Pines Lane, speed tables should be considered
- iv. Place pedestrian and bicycle crossing signs along Duneside Road
- v. Clear the shrubby and foliage along the northern section of Duneside Road near Diodia Court to improve the existing sight distance issue at the blind curve
- vi. To allow for improved pedestrian, bicycle, and/or skateboard mobility it is recommended to construct an 8' sidewalk along Duneside Road from Kiawah Beach Drive to Southern Pines Lane. This 8' sidewalk should continue from Duneside Road to Cape Point Road along Southern Pines Lane. Any existing sidewalk should be widened to 8' width and resurfaced.
 1. -An 8' sidewalk allows for a shared use path for bicycle and pedestrians
 2. - A shared use path should be used to get pedestrians off the road and onto the sidewalk
- vii. Add an additional bicycle and pedestrian crossing near the bike racks at Diodia Court

5) Finalization of Technical Memorandum



Mr. Dillon answered questions from the Commission that included the importance of the sidewalk, width of a shared use path, the importance of consistency of curb and gutter along the road, the logic of having the path from Kiawah Beach Drive to get pedestrians and bikers off the road and that the current conditions on Duneside Road with the minimal sidewalks should be addressed. The discussion also included the used of speed bumps or speed tables as a speed deterrent.

Mr. Mark Permar, Mr. Ray Pantlik and Mr. Jordan Phillips, representing the applicant, shared an aspect of the work which had been accomplished in the last two months with a working group of representatives of the property owners in the area and to add to the information already available on the work that is being considered.

Mr. Permar gave a presentation which reviewed the history of Parcel 13 sharing that it had been part of the master plan of the West Beach Village area that goes back to the planned development district with Charleston County. He reviewed the Entitlements and Development

Standards as outlined in the 2013 Development Agreement and also gave an overview of the access assessment and the underestimation of the traffic impacts associated with the public beach access area. The development in the core of West Beach resulted in better access clarity, and the decision was made to have a plat in which the development of Parcel 13 would be dominated by access from inside the existing gate. Mr. Permar reviewed the development of the MOU between the Community Association and Kiawah Partners addressing concerns raised by many residents. He reviewed some of the primary standards agreed to in the MOU:

- There shall be no vehicular connection between Duneside Road/Southern Pines Lane and Beachwalker Drive/Cape Point Drive
- Development on Parcels 13A (Lot 2) and a portion of 13B (Lot 1) shall be limited to no more than 120 residential dwelling units and related amenities
- Additional residential dwelling units within Parcel 13B shall be accessed from Beachwalker Drive and/or Cape Point Drive and shall not have vehicular access to and from Duneside Road and/or Southern Pines Lane
- Any future Kiawah Island Club (the Club) facility located on/adjacent to Parcel 13A shall have primary access to and from Beachwalker Road
- The Club shall have the ability to locate up to 30-member parking spaces accessed from Duneside Road via Southern Pines Lane and shall not connect to any other parking lot in such a way as to connect to Beachwalker Drive
- Additional parking for the Club, commercial deliveries, service, and employee access shall be via Beachwalker Drive/Cape Point Drive
- Primary access for construction shall where feasible be via Beachwalker Drive/Cape Point Drive... If any construction or development activities provide even temporary connectivity to Duneside Road or Southern Pines Lane, these connections shall be blocked with appropriate fencing, bollards or other material that prevents vehicular access
- Should the Plat be approved by the TOKI, KP shall record restrictive covenants that prohibit KP from extending Southern Pines Lane to provide a connection to or access from Cape Point Drive/Beachwalker Drive... and KP will contribute to KICA 50% of the cost up to a maximum of \$100,000, for the design, development and construction of pedestrian and/or safety-related improvements along Duneside Road, to address safety concerns expressed by members of the neighboring communities
- A DECLARATION OF RESTRICTIVE COVENANTS (Southern Pines Lane) was attached to the MOU which addressed future reconsideration of connecting Beachwalker Drive to Duneside Road... This provision reads KRA(KP)... hereby agrees that for a period of ninety-nine (99) years following the date hereof the property shall not be extended or used to provide a vehicular connection to or access from Cape Point Drive and/or Beachwalker Drive to Duneside Road without the written consent of KICA... This was included to allow for reconsideration of security controlled access in the future between both parties to the agreement.

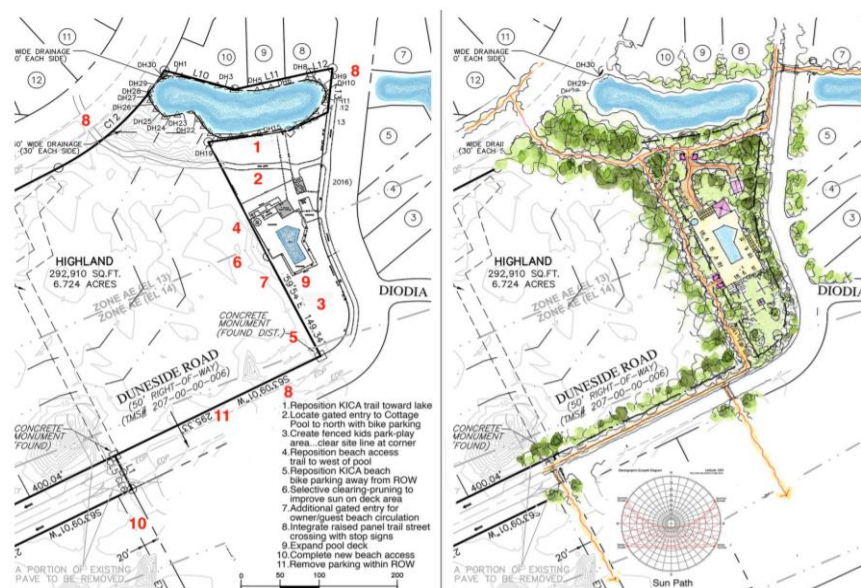


Mr. Permar reviewed some to the ideas that have been developed in early January 2019, sharing that a series of informal meetings/conference calls were initiated among representatives of the Sparrow Pond/Greenslake Cottages, Duneside I, Duneside II Villas owners and KP to discuss ways to address owner concerns of impacts of future development. The group recognized the

TOKI was conducting a traffic and safety assessment of the proposed development. Therefore the focus was on ways to improve and enhance safe owner/guest pedestrian circulation and use of the pool amenity within the neighborhood. It was anticipated a program of improvements would be coordinated with similar recommendations cited in the TOKI study. The following is a summary of improvements considered for further refinement and approval and as further described in the following graphic:

- Relocate the pedestrian trail that presently exists between the eastern boundary of Sparrow Pond Pool and within Duneside Road ROW to the western boundary, within the Parcel 13, Lot 1 setback... intent is to improve the safety of users of the amenity and redirect beach traffic for others away from the sharp turn of Duneside Road... this would also allow for a landscaped edge of ROW
- Integrate raised panel pedestrian trail crossings and stop signs at key locations on Duneside Road (and possibly Beachwalker Drive)... intent is to slow vehicular traffic down to improve safety of users going to/from beach and the future West Beach Resort improvements
- Locate two gated entry points to Sparrow Pond Pool: a principal one to the north and a secondary one to the west... intent is to provide users of the amenity safer and more convenient ways to access the pool area
- Improve condition and location of existing KICA pedestrian trails that provide access from Inlet Cove Club, Sparrow Pond/Greenslake Cottages and Duneside Villas to West Beach Resort and the beach... intent is to upgrade condition to contemporary standards and position trails to provide efficient and safe movement for guests unfamiliar with destinations
- Reposition existing bike parking away from Duneside ROW and integrate with new trail position along western pool boundary line (as noted in first bullet)... intent is to provide users a safer position to park bikes and allow for phased growth as demand dictates
- Complete the additional beach access boardwalk and landscape screening between Duneside II and Timbers Resort... intent is to establish alternative ways to access beach in advance of future development
- Remove existing KICA vehicular parking within the Duneside ROW to the north of Duneside II... intent is to remove this existing safety hazard prior to future pedestrian circulation in the area
- Implement selective under brushing, pruning and clearing of vegetation and trees within the southern area of the Sparrow Pond Pool... intent is to improve safety by providing sight lines for drivers traveling on the tight curve of Duneside Road and allow for cottage owners to integrate a fenced kids' park-play area south of the pool
- Implement selective pruning and clearing of vegetation and trees within Parcel 13, Lot 1 setback area to provide sun on the pool deck (if desired by owners)... intent is to collaborate on ways to improve owner/guest experience on existing shaded deck
- Support initiatives by owners to expand pool deck to meet contemporary ratio standards of the deck to water (if desired by owners)... intent is to publicly support potential variances before the TOKI BZA that may be needed to permit expansion within existing setback limits

Beachwalker Parcel 13...Community and KP Ideas



Mr. Permar stated that the submitted plat meets the technical requirement as published by the Town and the goals and intent of the Development Agreement, which by proxy also aligns with

the Comprehensive Plan and all other regulations. He indicated that the time spent postponing has been beneficial and that the applicant is committed to moving forward, working with the community and the Community Association on the improvements.

Commission members asked specific questions on the improvements proposed. Mr. Permar stated the presented ideas were a “work in progress” and engaged in a discussion of the movement of the bike rack, parking, the width of the proposed path to be a standard of 8ft but would have to customize to the conditions. Mr. Iwan questioned if there were any cost estimates for the improvements; to which Mr. Permar responded that there were not but would be considered the next step. Mr. Iwan questioned what assurance there is to the Planning Commission that all the proposed improvement will be completed with both the Partners and the Community Association only committing \$100,000 each and that the assurance that Community Association would commit to funding an amount over the \$200,000. Mr. Permar could not represent that assurance; all he could represent was the agreement and the intent.

Commission members further discussed the proposed ideas that were presented by Mr. Permar to get a better understanding of access to the pool area on Duneside and if there would be any changes in vehicular traffic on Duneside. Mr. Permar indicated that the best effort is to give people an easier and safer way to connect to a location so that you increase the chance of people being off the roads.

Mr. Capelli questioned when the agreement with the property owners is expected to be completed. Mr. Permar indicated that they have met with the property owners consistently and as a very high priority he saw no reason that the two groups could not come together on their points in a very short time, but the Community Association has to be included and brought up to speed. Mr. Capelli questioned if there were any of the recommendations in the traffic study that will not be implemented. Mr. Pantlik responded that with the existing road meeting the Town standards and with utilities and subgrade drains having been spaced on the 20-foot standards he did not see the necessity to widen the paved section from 20 to 22 feet. Mr. Capelli then questioned Mr. Jordan if the Partners could commit to funding the project if it is on property that has not yet been conveyed. Mr. Jordan responded by stating that the proposed improvement should come in within the committed \$200,000. Mr. Capelli also confirmed with Mr. Jordan that the proposed changes were not for advertising purposes.

Mr. Iwan asked what the next action or options were for the Commission. Mr. Peterson stated that the Commission has to vote to approve or disapprove at today’s meeting. Mr. Iwan pointed out that while there was good work done over the last 45 days; the plan is fairly conceptual, and he was not sure if the commitment of funding will cover the key areas of safety improvement. He questioned if conditions can be put on the approval. Mr. Peterson stated that conditions could only be put on the plat of Parcel 13 and nothing off the plat. Mr. Iwan stated that if the Commission approves the Plat, they would be trusting that groups will come together, all of the proposed safety improvements would be agreed upon and financed. Commission discussed various condition options. Mr. Peterson stated that the Commission either approves the plat or denies the plat and let the applicant resubmit with a more complete application addressing the safety improvements.

Mr. Dowdy made a motion to approve the Preliminary Subdivision Plat for Beachwalker East (Parcel 13) - Southern Pines Lane ROW. The motion was seconded by Mr. Stenson.

Mr. Iwan commented that the Commission was faced with a binary choice that he felt none of the Commission members were comfortable with. He noted that one of the Commission’s responsibilities was to protect the residential areas from thru traffic and other traffic hazards

and without confidence that the safety improvement will take place he could not feel good about approving the plat. Further discussion included waiting until the firm decision is made on the improvements to be done, along with the projected costs, the length of time it would take to make the improvements to the paths, and that the interaction with Community Association is critical, most the paths are located on easements of private property.

Mr. Iwan pointed out that MOU is already included; all the Commission is looking for is an assurance that the MOU is sufficient enough to cover the safety recommendation that has been brought forth. Mr. Permar again stated that the plat that has been prepared meets all the standards of the Town, have entered into an MOU agreement to further clarify and meet the criteria at the time, have deferred and postponed to allow for the completion of the traffic and safety study that outline the improvement that are being worked on.

Mr. Capelli quoted directly from the declaration of purpose of subdivision regulations which state that the Commission is required to assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and out, and through developments and that to approve the application the Commission has to be assured the condition is satisfied.

Mr. Iwan stated that if the Commission were presented with a plan that is funded and provides a safe environment, they would support it. The other Commission members agreed.

Following discussion, the members voted on the motion to approve the Preliminary Subdivision Plat for Beachwalker East (Parcel 13) - Southern Pines Lane ROW. The motion was unanimously Not Approved with all Commission Members voting Nay.

VI. Correspondence/Staff Comments:

Mr. Taylor reminded those Commissioners signed up for the Continuing Education class that the date was February 8th at 1:00 pm.

VII. Council Liaison Comments:

None

VIII. Public Comments:

Members of the Planning Commission received approximately 50+ 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. Persons who spoke included:

Marilyn Larach – 1082 Terrapin Court

Wendy Kulick – Marsh Edge Lane

Diane Lehder – 306 Palm Warbler

John Hennen – 1222 Greenlake Cottages

Virginia Abbott - 4304 Sea Forrest Drive

John McKinnon – 1069 Sparrow Pond

IX. Commissioner Comments:

Mr. Stenson stated that good progress had been made since the last meeting, with the traffic study he hoped that the Commission was giving direction moving forward. He also thanked all the comments received from the neighborhood.

Ms. Messerman thanked Mr. Permar for his comments, and additional descriptions had been helpful to her, and she expressed her appreciation for his efforts to make it more understandable. She also thanked for the comments from the neighborhood and her hope that some kind of agreement can be reached to take care of the safety and traffic in their neighborhood.

Mr. Iwan stated that he was committed to following the Town Code and honoring the development agreements and to making sure property rights are protected. He stated that the neighborhood has been fortunate for 30 years to have a pedestrian walking mall as part of their community, but it was never intended. The road has been used due to a lack of infrastructure, and in the context of protecting everyone's rights, that the proper infrastructure be provided to make a safe environment.

Mr. Capelli stated that similar safety issues on the road getting to and from the Sandcastle and although there is substantially more traffic now he did not recall a lot of concern for a safety standpoint even today. He also noted a letter received from the Inlet Cove HOA Board which suggested the Commission approve the plan because they saw it as a traffic reliever for Beachwalker Drive.

X. Adjournment:

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

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Fred M. Peterson, Chairman

Date



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MEMORANDUM

TO: Town of Kiawah Island Planning Commission
FROM: John Taylor, Jr., Planning Director
CC: Stephanie Tillerson, Town Administrator
DATE: March 1, 2019
SUBJECT: Sea Level Rise Adaptation to TOKI Comprehensive Plan

Town Council has instructed the Town Administrator to take several actions pertaining to the recommendations of the *Flood Mitigation and Sea Level Rise Adaptation Report*. One of those actions is to prepare approval of the Planning Commission for amendments to the Environmental, Land-Use and Priority Investment Elements of the Comprehensive Plan to address the implications of sea level rise.

Mr. Stenson, Mr. Capelli and Mr. Dowdy, will serve as the task force of the Planning Commission to review this initiative. This committee would work through a series of mini workshops with Planning Staff to craft and deliver amended language of the Comprehensive Plan that would come back before the entire Planning Commission for approval. This approval would be in the form of a recommendation that would sequentially move to Town Council for adoption.

Please feel free to call or email me at (768-9166) jtaylor@kiawahisland.org if you have any questions or concerns.