MEMORANDUM

TO: Town of Kiawah Island Planning Commission Members
FROM: John Taylor, Jr., Planning Director
DATE: Wednesday January 23, 2019

SUBJECT: Wednesday February 6, 2019 3:00 p.m. Planning Commission Meeting Packet

In your possession already are case materials from the December 5, 2018 Planning Commission meeting. Attached you will find the following items:

- Agenda for the February 6, 2019 meeting of the Planning Commission
- Meeting minutes of the December 5, 2018 Planning Commission meeting
- Draft copy of the 2019 Planning Commission meeting schedule
- Draft copy of the Planning Commission Rules of Procedure for approval
  Note: A minor revision on page one, under Section 7 Staff. This correction highlights that planning functions are now handled by the Town of Kiawah Island opposed to Charleston County.
- Kimley-Horn Duneside Road Traffic and Safety Study Report
- Supplementary packet of public comments received regarding application SDP-000014-2019

Please feel free to call or email me at (768-9166) jtaylor@kiawahisland.org if you have any questions or concerns prior to the meeting. Please call or email Petra Reynolds, Town Clerk at (768-9166) preynolds@kiawahisland.org if you are unable to attend this meeting.
PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
Council Chambers
February 6, 2019; 3:00PM

AGENDA

I. Call to Order:

II. Roll Call:

III. Approval of Minutes:
   A. Planning Commission Meeting Minutes of December 5, 2018 [Tab 1]

IV. New Business:
   A. Election of 2019 Planning Commission Officers
   B. Approval of 2019 Planning Commission Schedule [Tab 2]
   C. Approval of 2019 Planning Commission Rules of Procedure [Tab 3]

V. Old Business:
   A. Subdivision Applications [Tab 4]
      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

VI. Correspondence/Staff Comments:

VII. Council Liaison Comments:

VIII. Public Comments:

IX. Commissioner Comments:

X. 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.
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.
  - 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:

i. 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.

ii. 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 all 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 actually 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 fraction 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

Date
TOWN OF KIAWAH ISLAND
PLANNING COMMISSION
2019 MEETING DATES
3:00 P.M.
Town of Kiawah Municipal Center
4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455
1st Wednesday of the month

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<td>November 30, 2018</td>
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Applications must be received in person no later than **12:00 pm Friday** on the filing deadline with the required fee, or on any work day preceding the filing deadline no later than **4:00 pm**.
Incomplete applications will **not** be accepted.

*Second Wednesday of the Month

Approved: TBD
Town of Kiawah Island
Planning Commission Rules of Procedure

Article I - Organization

Section 1  Rules - These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Kiawah Island Planning Commission

Section 2  Membership - The Commission is composed of 7 members appointed by Town Council, the Governing Body. Appointments are for four years duration, staggered in time so as to provide continuity.

Section 3  Officers - The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first meeting of the Commission in each calendar year. The Town Clerk will serve as the secretary for the Commission.

Section 4  Chairman - The chairman shall be a voting member of the Commission and shall:
   a)  Call meetings of the Commission;
   b)  Preside at meetings and hearings;
   c)  Act as spokesperson for the Commission;
   d)  Sign documents for the Commission;
   e)  Transmit reports and recommendations to Council; and
   f)  Perform other duties approved by the Commission.

Section 5  Vice-Chairman - The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 6  Secretary - The secretary shall:
   a)  Provide the notice of meetings;
   b)  Assist the chairman in preparation of agendas;
   c)  Keep minutes of meetings and hearings;
   d)  Maintain Commission records as public records;
   e)  Attend to Commission correspondence;
   f)  Perform other duties normally carried out by a secretary;
   g)  Maintain a record of Commission members’ attendance at meetings of the Commission; and
   h)  Give or serve all notices required by statute or ordinances or by these Rules and Procedures or as directed by the Commission.

Section 7  Staff - Charleston County - Town of Kiawah Island Planning Department staff shall:
   a)  Provide technical assistance to the Commission, where necessary, to conduct the business and fulfill the responsibilities of the Commission.
   b)  Prepare analyses and recommendations for zoning, conditional use, and subdivision applications and other matters of business for consideration of the Commission.
   c)  Provide members of the Commission with copies and updates of regulations, ordinances, rules, plans, and policies which govern or should be considered in the performance of their duties.
   d)  Provide members of the Commission with publications and notices of seminars, presentations, and instructions on matters which may expand members' knowledge
and understanding in areas that would promote the mission of the Planning Commission.

**e)** Provide members of the Commission with copies of applications with support information, plats and maps, and staff analyses and recommendations.

1. Regular meeting information is to be mailed to each member of the Commission five (5) days prior to the scheduled Commission meeting.
2. Special meeting information shall be presented to each member of the Commission for review at least twenty-four (24) hours prior to the scheduled Commission meeting.

**f)** Mail notices to applicants on all zoning and Comprehensive Plan amendments and subdivision applications including a copy of staff's analyses and recommendations. This notice shall be mailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be picked up by applicants at the Planning Department office and, in these cases, would not be required to be mailed.

**g)** Mail notices to property owners within 400 feet of subject property on all zoning change applications.

**Article II – Meetings**

**Section 1 Time and Place**

a) An annual schedule of regular meetings shall be adopted, published, and posted at the designated Town office in December of each year.

b) The Planning Commission will meet regularly on the first Wednesday, following the regular Town Council Meeting of each month at the Town of Kiawah Island Municipal Center, 4475 Betsy Kerrison Parkway, Kiawah Island, SC at 3:00 PM in the Council Chambers.

c) Special meetings may be called by the chairman upon 24 hours’ notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

**Section 2 Agenda**

The chairman shall set the agenda for all meetings of the Commission. A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting.

**Section 3 Quorum**

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting, except for workshops where business and studies may be conducted without a quorum.

**Section 4 Rules of Order**

Robert’s Rules of Order, newly revised (currently in 11th ed.), shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

**Section 5 Voting**

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason of disqualification and refrain from deliberating or voting on the question. On a tie vote, the motion is lost, and in the case of a subdivision or zoning matter, the application is disapproved.
Section 6  Conduct - Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission chairman.

Article III - Public Hearings

Section 1  Notice - The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.

Section 2  Procedure - In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his agent or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission chairman. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission chairman shall determine.

Article IV - Records

Section 1  Minutes - The secretary shall record all meetings and hearings of the Commission. Recordings shall be preserved for a period of two years according to the South Carolina General Records Retention Schedules for Municipal Records; Sub article 4, Section 12-604.1. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 2  Reports - The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports, and forms shall be maintained as public records.

Section 3  Attendance - Commissioners are expected to attend each meeting. Should a commissioner be unable to attend, the secretary shall be notified.

Article V - Review Procedure

Section 1  Zoning Amendments - Per adopted ordinance.

Section 2  Plats - Per adopted ordinance.

Section 3  Comprehensive Plan - Per adopted ordinance.

Section 4  Reconsideration - The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the results of the review.

Article VI - Finances

Section 1  Budget - The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include, when applicable, an explanation and justification for proposed expenditures.
Section 2  Expenditures - Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Commission may adopt an authorization for specified expenditures. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

Article VII - Adoption and Amendment

Section 1  Amendment - These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

Section 2  Adoption - These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting January 24, 2019.

Fred M. Peterson, Chairman
Kiawah Island Planning Commission

Attest:

Petra S. Reynolds, Town Clerk

Date