

TOWN OF SEABROOK ISLAND

Planning Commission Special Called Meeting

August 15, 2018 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Robert Driscoll (Chair), Lori Leary, Cathy Patterson, Wayne Billian, Ken Otstot, Joe Cronin (Town Administrator)

Absent: None

Guests: Mayor Ron Ciancio, Councilman John Gregg, Councilwoman Jeri Finke, Jim Bannwart (Utility Commission), Tommy West (Utility Commission), Heather Paton (SIPOA), Stephanie Tillerson (Town of Kiawah Island), John Taylor (Town of Kiawah Island), Ray Pantlik (Atlantic Partners II LLC), Mark Permar (Permar Inc.), Richard Ackerman (Big Rock Partners LLC), Jordan Phillips (Atlantic Partners II LLC), Tony Woody (Thomas & Hutton), Paul Ford (Reveer Group), Bob George (G. Robert George & Associates), Janet Pasquale (Resident)

Chairman Driscoll called the meeting to order at 2:30 pm. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

- 1. Rezoning Request: 2460 Seabrook Island Road:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on a rezoning request from the Seabrook Island Property Owners Association (SIPOA) for Charleston County Tax Map Number 147-02-00-020, containing approximately 0.54 +/- acres located at 2460 Seabrook Island Road. The SIPOA requested a rezoning of the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. Town Administrator Cronin indicated that town staff recommended in favor of approving the rezoning request.

Ms. Patterson made a motion to recommend in favor of approving the rezoning request from SR to AGC. Ms. Leary seconded the motion. The motion was approved by a vote of 5-0.

2. **Encroachment Permit Request: Kiawah Senior Living Facility:** Chairman Driscoll began discussion of this item by providing an overview of Seabrook Island Road. He stated that the town owns a 66' right-of-way easement, which was previously annexed into the town limits, and that the town has the power to regulate access to the road through the issuance of encroachment permits. He stated that under the town's Development Standards Ordinance (DSO), encroachment permit applications are reviewed and approved by the Planning Commission, and that an applicant may appeal a decision to Town Council for de novo review. He explained that the Planning Commission can approve, approve with conditions, or deny any encroachment permit application, adding that denial can only be for legitimate, supported decisions, and not for arbitrary reasons. Chairman Driscoll then outlined the process for consideration of the request, beginning with a presentation by the applicant, dialogue between the applicant and Planning Commission members, the receipt of information from outside advisors (including transportation and stormwater consultants, as well as the SIUC) and receipt of public comments.

Chairman Driscoll called on Ray Pantlik, Director of Development for Kiawah Partners/Atlantic Partners II, LLC. Mr. Pantlik provided an overview of the application. He also detailed changes from the preliminary designs and traffic impact analysis (TIA) which were presented to the Planning Commission in July. Mr. Pantlik noted that while the TIA found that a left turn lane from Seabrook Island Road into the property was not warranted based on current and projected turn volumes, the applicants included a left turn lane at the town's request.

Tony Woody of Thomas and Hutton also spoke on behalf of the applicant. Mr. Woody provided additional information regarding the TIA. Mr. Woody stated that traffic counts were conducted during Memorial Day week. Thomas and Hutton conducted a 24-hour count to identify peak hour traffic volumes, then added background growth and projected traffic volumes from the new facility to determine what improvements, if any, were necessary. Responding to recommendations from the town's outside transportation engineer, the Reveer Group, Mr. Woody stated that in designing the new intersection, the engineers were trying to be sensitive to the existing tree cover along Seabrook Island Road, but added that the applicants could provide 150' of storage capacity and extend the taper lengths if that was what the town wanted. He added that the SCDOT allows judgement at the local level regarding site distance and tree removal, using Bohicket Road as an example. But he added, again, that the applicants could modify their plans to remove additional trees if that was what the town desired. Mr. Woody stated that Thomas and Hutton had also run an analysis of what would happen at the traffic circle if a second access was not provided from Seabrook Island Road to the site. He stated that the projected impact in the circle would be an additional 2 second delay in the AM peak hour, and an additional 1 second delay in the PM peak hour. There would be no change in the overall Level of Service (LOS); however, the LOS at the Betsy Kerrison Pkwy approach, which is the primary turning movement, would decrease from a LOS D to LOS E during the AM peak hour.

Chairman Driscoll asked if these impacts were enough to rule out using the traffic circle, via Freshfields Village, as the primary point of access to the site. Mr. Woody responded that the additional 2 second delay would be in addition to any background growth, arguing that the

total impact would be cumulative. He also added that there would be no impact to the overall LOS at the traffic circle in the AM or PM peak hour with or without a second access point.

Chairman Driscoll asked if an additional 2 second delay would result in traffic backing up beyond the project entrance on Seabrook Island Road. Mr. Woody responded that he was unsure if that would be the case.

Chairman Driscoll noted that while the study assumed background growth from the Town of Seabrook Island, he asked whether it also included growth from Kiawah River Plantation, the Haulover Creek property, or other tracts. Mr. Woody responded that the background growth rate did not apply to any specific property or development, but rather, was a projection of overall growth rates taking place in the surrounding areas.

Chairman Driscoll asked how the background growth rate was determined. Mr. Woody responded that Thomas and Hutton used annual daily counts from SCDOT for the years 2012 through 2017 to determine an average annual growth rate. This growth rate was then added to current peak hour volumes to determine traffic impact in a build vs. no-build scenario.

Chairman Driscoll asked what guidelines were used to determine whether the project would have any storm drainage impact to the town. Mr. Woody responded that Thomas and Hutton designed the project based on SCDHEC and Charleston County requirements. He added that while the plans have not yet been finalized, the drainage capacity is more than adequate to serve the site.

Chairman Driscoll questioned if the applicants were asking the Planning Commission to rely on the engineer's findings. Mr. Woody responded that Thomas and Hutton prepared and signed an engineered report based on SCDHEC and county guidelines. This report stated that runoff will increase as a result of the project; however, all water will be retained on-site in the lake before being dispersed from the site at pre-development conditions. Mr. Woody added that the designs meet all state and local criteria, and as-built drawings will be prepared upon completion to verify that construction was completed in accordance with the plans.

Ms. Patterson noted that the Freshfields PUD limits the total number of residential units to 200. She asked why 50 additional townhomes were added in the TIA assumptions when these would not be allowed under the existing entitlements. Mr. Pantlik responded that the current residential cap was 200 units, and that the Freshfields PUD has not been amended to allow any additional units. He added that the applicants wanted to overestimate the number of units for the purpose of projecting future traffic volumes, but that these additional townhomes were not currently permitted under the existing entitlements.

Mr. Pantlik also discussed the recommendations contained within the Reveer Group's report. He noted that the access management criteria in the town's DSO was pretexted with the term "to the extent feasible." He also questioned the finding in the Reveer Group's report that if this access point was approved, no other access points would be allowed along Seabrook Island Road. He stated that this access point would not cause the revocation of any access

rights, and noted that existing access points along the right-of-way do not comply with the town's DSO requirements.

Chairman Driscoll asked if anyone from the applicant's team could discuss plans for construction traffic. Mr. Pantlik responded that during the initial phase of construction (prior to completion of the road widening and installation of the left turn lane), construction traffic would enter the site through Freshfields, and would exit the site via a right-turn onto Seabrook Island Road. Once the left turn lane was completed, construction traffic would enter and exit via the new access point on Seabrook Island Road. He added that the staging area for construction equipment and materials would be located behind the senior facility site.

Chairman Driscoll asked who designed the entrance on Seabrook Island Road. Mr. Pantlik responded that Thomas and Hutton had completed the design. Chairman Driscoll noted that in the original design, the bike path was moved closer to Seabrook Island Road, whereas in the current design, it was proposed to be moved further away from the roadway. Mr. Pantlik stated that the intersection had been redesigned to improve its safety and functionality, which resulted in moving the bike path crossing further back from the right-of-way.

Ms. Patterson asked what had happened to the 50-foot buffer zone referenced in the Freshfields PUD. Mr. Pantlik responded that the buffer zone included the Berkeley Electric Coop and bike path easements, adding that no part of the site would encroach into the buffer zone, with the exception of the driveway.

Mr. Pantlik also addressed the comments from the Reveer Group's report which recommended the removal of at least 7-8 oak trees for line-of-sight purposes. He stated that he didn't think this would be the best approach for the roadway, but that the applicant was prepared to remove additional trees to meet the line-of-sight recommendations, if that's what the town preferred.

Mr. Billian asked if the center line of the road could remain where it is, with the widening taking place on both sides of the center line. He added that this would allow for preservation of the symmetrical tree line along the right-of-way. Mr. Pantlik responded that the current plan to widen Seabrook Island Road on the south side would allow all drainage to flow through the site to the lake at Freshfields. He added that widening the road to the north would likely affect an OCRM critical area. Mr. Woody added that the ditch on the north side of the road is an OCRM critical area; the applicants could design an alternate widening plan, however, it was uncertain whether the state would approve that design given the feasibility of an alternate design.

Ms. Patterson expressed concern about future development on the other side of Seabrook Island Road, and specifically, what would happen in the future if the new access point for the senior facility became a full movement intersection to serve properties on both sides of the road. Mr. Pantlik responded that the majority of the property on the north side of the road is OCRM critical area or jurisdictional wetlands, and the majority of that property would likely remain undeveloped. Mr. Billian stated that the Greenspace Conservancy would be happy to

see that land donated for preservation. Mr. Pantlik said he wouldn't go so far as to say it was totally undevelopable.

Mr. Otstot asked if it would be possible to place a stake or flag at the location of the proposed driveway. Mr. Pantlik stated that they could certainly mark the driveway. He added that the new driveway would be located approximately where the taper begins for the right-turn into the former Miss Lulu's.

Ms. Patterson asked why a second entrance wasn't built when Freshfields started in the early 2000's. Mr. Pantlik responded that plans for a second access road went all the way back to the original rezoning for Freshfields. Mr. Permar added that the concept plan in the initial Freshfields PUD always included a second access point on Seabrook Island Road. Ms. Patterson then asked why the subdivision plans and plats for Freshfields have never shown a secondary access. Mr. Permar responded that Freshfields was developed in phases; while a road was always shown in the concept plan, it was not shown on site specific plans or plats because that portion of the property had not yet been subdivided or developed. It was always their plan to seek a secondary access point, as shown on the concept plan, when that portion of the property was developed. Mr. Permar then discussed the role of a concept plan and the process of developing under a multi-phased PUD, adding that while it was part of their vision, it would be up to the town's judgment as to whether a secondary access point would be permitted. Ms. Patterson noted that Freshfields has been able to operate just fine with its existing road network.

Chairman Driscoll asked if there was any other discussion on the topics of traffic or stormwater. Mr. Pantlik commented on one additional item in the Reveer Group's report. He added that one new drain pipe would need to be extended across existing utilities. He was confident that this could be done in coordination with utility providers in a safe manner, and without interruption to service. Chairman Driscoll asked what utilities would need to be crossed. Mr. Pantlik responded that there was an existing water main, sewer force main, and underground power.

Mr. Woody offered a parting thought that there were many good comments in the Reveer Group's report, and that the applicant could modify the proposed intersection to meet all of the report's recommendations. He did express concern, however, with the recommendation to remove all trees within 14 feet from the edge of pavement. Mr. Otstot asked if the applicants could meet all the recommendations from the Reveer Group report. Mr. Woody and Mr. Pantlik both responded in the affirmative. Mr. Pantlik also introduced Jordan Phillips, one of the principals in Atlantic Partners.

Chairman Driscoll then called on consultant Bob George of G. Robert George and Associates. The town contracted with Mr. George to perform an independent review of the project's stormwater plans.

Mr. George began his presentation by complimenting the quality and reputation of the engineer, Thomas and Hutton. He stated that his comments were based on his review of the preliminary drawings, and he recommended a detailed review of the final stormwater designs

be conducted once completed. Mr. George stated that the existing lagoon at Freshfields has more than enough capacity to serve the site, but added that the capacity of the culverts will need to be evaluated. He stated that he has been working with the town to get outfall permits for Seabrook Island Road and added that working with OCRM is a nightmare; however, the town has received a permit for three additional tide gates, which should help flooding problems in this area. Mr. George concluded that he had no major concerns regarding the storm drainage plans, but again recommended town approval of the final plans.

Chairman Driscoll asked if this project would impact the town's ongoing drainage improvements on Seabrook Island Road. Mr. George responded that it would not. Chairman Driscoll thanked Mr. George for his comments.

Chairman Driscoll then called on Jim Bannwart, Chairman of the Seabrook Island Utility Commission. Chairman Driscoll noted that the Utility Commission was obligated to provide utility service to the property due to a legacy agreement between Heater of Seabrook (the previous owner of the utility system) and the property owner.

Chairman Driscoll asked Mr. Bannwart if the Utility Commission had the capacity to serve the project. Mr. Bannwart responded that the town's sewer plant is rated for up to 1.1 million gallons per day and is currently operating at approximately 500,000 gallons per day. Because of this pre-existing commitment, the Commission has anticipated future service at this property as part of their overall planning process. Mr. Bannwart added that the Commission's staff was currently reviewing the plans, but the daily impact of the facility was projected to be around 37,000 gallons per day. Mr. Pantlik clarified that the property would receive sewer service from the town; however, water service would be provided by the St. John's Water Company.

Chairman Driscoll then called on consultant Paul Ford, a civil engineer with the Reveer Group. The town contracted with the Reveer Group to perform an independent review of the project's traffic impact analysis and intersection design plans.

Mr. Ford provided an overview of the Reveer Group's findings and recommendations, which were outlined in a report provided to members of the Planning Commission and the applicant in advance of the meeting. He stated that he would focus on three main items: the location and geometry of the proposed intersection; the impact to the existing tree canopy; and the need for an intersection to serve this property.

Mr. Ford stated that the design was reviewed based on the SCDOT ARMS Manual. The review identified a few inconsistencies with SCDOT specifications, including the need for turn lane extensions, taper adjustments, and modifications to turning radii to accommodate trucks and emergency vehicles. He also touched on the town's access management regulations, which requires intersections to be spaced at least one half-mile apart, where feasible. He stated that if this intersection is approved, the next one down the road will be more difficult to justify.

Regarding the oak trees, Mr. Ford stated that he would probably not require all trees within 14 feet of the right-of-way to be removed; however, as an engineer, he had an obligation to disclose this conflict with the ARMS manual.

Chairman Driscoll asked if the preservation of sight lines was his primary concern. Mr. Ford responded in the affirmative and added that when trees are closer to the edge of pavement, they become more of a liability. Chairman Driscoll asked if they could be simply limbed up? Mr. Ford responded that this was a possibility, but they appeared to be pretty well maintained.

Noting that the applicant has already agreed to most of the Reveer Group's most significant recommendations, Chairman Driscoll then asked if there were any suggestions to which the applicant had not already agreed. Mr. Ford responded that the project itself isn't a real traffic generator, and that the project will only add a couple seconds to travel times on adjacent roads. He stated that the key question was whether this access point was a want or a need. He said that this question was not really evaluated in the TIA. He asked why an additional access point would be needed for a project with such a minimal traffic impact.

Chairman Driscoll asked if someone from the applicant could address this question. Mr. Richard Ackerman of Big Rock Partners LLC, the developer of the project, stated that the second access would serve several purposes, including: emergency access, better circulation, improved convenience, and creating a presence for the project on Seabrook Island Road which would aid in marketing and sales.

Chairman Driscoll asked whether a senior facility could operate without two access points. Mr. Ackerman noted that the square footage of this facility would be larger than the existing shopping center. He added that two access points were necessary to serve three populations (independent living, assisted living and memory care) with three separate entrances.

Chairman Driscoll asked how many entrances there were at the Bishop Gadsden facility on James Island. Mr. Ackerman responded that there was one entrance, but traffic did not need to go through a shopping center in order to access the facility. He noted that development at that site began more than 40 years ago, and if it were to be built today, the existing site access would never be permitted. He stated his opinion that accessing the facility through the back door of a shopping center was not safe. Mr. Ackerman added that he couldn't imagine the Fire Department would want only a single access point at the new Kiawah facility. It was later stated by a member of the applicant's team that Bishop Gadsden had two access points on Camp Road.

Ms. Patterson asked if fire trucks were able to navigate through Freshfields. Mr. Ackerman responded that Freshfields would not have been built if fire trucks could not access the property. He added, however, that the demographics of a shopping center were different than a senior center, where emergency services would be dealing with different types of people, including seniors, alzheimer's patients, etc.

Ms. Patterson asked if the facility would have a sprinkler system. Mr. Ackerman responded that it would. It would also be constructed of concrete and steel, and would feature an enhanced alarm system.

Ms. Patterson asked if residents would be permitted to have personal aides. Mr. Ackerman responded that they could. Ms. Patterson noted that this may increase the traffic impact.

Mr. Billian asked how many entrances there would be to the underground parking. Mr. Ackerman stated that residents would go in one end and out the other. He added that the developer elected to hide the parking areas under the building, which was a design feature that came at great expense. Mr. Billian also asked if there would be valet parking. Mr. Ackerman responded in the affirmative, but not for handicapped parking.

Mr. Otstot asked what kind of signage would be used for the property. Mr. Ackerman said the signage plan had not been finalized, but would meet all zoning and PUD requirements under the Town of Kiawah Island.

Ms. Patterson if the applicants were proposing to restrict access to and through the property. Mr. Ackerman responded that they were not planning to restrict access and added that a gate would defeat the purpose of having a turn lane.

Town Administrator Cronin noted that the TIA did not include any assumptions for Seabrook Island residents utilizing the new access as a short cut into Freshfields. He asked Mr. Ford whether he felt additional cut through traffic would adversely impact the operation of a new intersection. Mr. Ford responded that he didn't think it would create any noticeable impact. He also added that the existing traffic circle operates pretty well, and that using this intersection as a cut through probably wouldn't save much time.

Mr. Billian asked about future development plans in Kiawah Island. Mr. Permar responded that there were approximately 200-300 vacant lots remaining in Kiawah, inclusive of the Timbers project. He also noted the rebirth of the West Beach Village Inn project as a future traffic generator. He stated that he didn't anticipate any other major projects starting in the next few years, including on the Haulover Creek (Goodwin) property, as Kiawah needs land to handle parking needs for upcoming PGA Championship events.

There being no further questions, Chairman Driscoll asked if anyone in the audience wished to speak.

Resident Janet Pasquale provided comments. Ms. Pasquale asked when the traffic study was completed. Chairman Driscoll responded that the TIA was conducted on the day after Memorial Day. Ms. Pasquale asked how many vehicles could be in the stacking lane at any given time. Mr. Woody responded that the stacking lane would be 150 feet, so depending on the length of vehicles, it would likely handle 6-8 vehicles at a time. Lastly, she asked if the Town of Kiawah Island or the developer would contribute to the maintenance of Seabrook Island Road. Chairman Driscoll said he couldn't answer that question, and deferred to the applicant. Mr. Permar responded that neither Seabrook Island nor Kiawah Island collect a

property tax. Therefore, Seabrook Island residents would not be expected to be taxed any higher to maintain the road. Ms. Patterson asked who would maintain the striping. Mr. Pantlik responded that as a Seabrook Island road, it was assumed that the town would maintain it.

There being no further comments, Chairman Driscoll requested a motion to table consideration of this request until a future date has been identified to meet as a group for further discussion.

Mr. Otstot made a motion to table the request. Ms. Patterson seconded the motion. The motion to table was approved by a vote of 5-0.

ITEMS FOR INFORMATION / DISCUSSION

- 1. Upcoming Meeting Dates:** Chairman Driscoll stated that the next meeting of the Planning Commission would take place on September 12th, rather than the regular meeting date of September 5th. This was the first date that all five members, as well as the Town Administrator, would be able to meet.

There being no further business, Mr. Billian made a motion to adjourn the meeting. Ms. Leary seconded the motion. The vote in favor of the motion was 5-0, and the meeting was adjourned at 4:27 pm.

Minutes Approved: September 26, 2018



Joseph M. Cronin
Town Administrator