

TOWN OF SEABROOK ISLAND

Planning Commission Special Called Meeting

October 3, 2018 – 1:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

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

Absent: Lori Leary

Guests: Ron Ciancio (Mayor), Stephen Brown (Town Attorney), Stephanie Tillerson (Kiawah Island Town Administrator), John Taylor (Kiawah Island Planning Director), Heather Paton (SIPOA), Ray Pantlik (Atlantic Partners II, LLC), Richard Ackerman (Big Rock Partners, LLC), Sean Nealon (Big Rock Partners, LLC), Jordan Phillips (Atlantic Partners II, LLC), Tony Woody (Thomas & Hutton), Paul Ford (Reveer Group), and approximately 25 residents and observers

Chairman Driscoll called the meeting to order at 1:30 pm and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Special Called Meeting: September 26, 2018:** Ms. Patterson noted one correction in the minutes. Mr. Otstot made a motion to approve the minutes, with the correction noted by Ms. Patterson. Mr. Billian seconded the motion. The motion was approved by a vote of 4-0.

OLD BUSINESS ITEMS

1. **Encroachment Permit Request: Kiawah Senior Living Facility:** Chairman Driscoll began the discussion by providing an overview of the process for reviewing and voting upon this request. Town Administrator Cronin then gave a brief overview of the current plans for the proposed driveway, including the installation of a left-turn lane and other modifications, as revised following the August meeting. Chairman Driscoll asked Town Administrator Cronin to display a map of Seabrook Island Road on the screen. Town Administrator Cronin displayed the map and highlighted the subject property, as well as neighboring properties and current property owners. Ms. Patterson asked which of the properties on Seabrook Island Road could still be developed. Town Administrator Cronin responded by pointing out which properties on the map were still developable, as well as the current zoning designation for each parcel.

Chairman Driscoll then provided a brief overview of the history of Seabrook Island Road, as well as the Planning Commission's role under the town's ordinance for reviewing and deciding requests for encroachment permits. Chairman Driscoll stated that the Planning Commission may approve the request as submitted, approve with conditions, or deny the request, although he anticipated that the vote today would be to approve the request with conditions, or to deny the request. He stated that if the applicants disagreed with the Planning Commission's decision, they may appeal the decision to Town Council for de novo review. Chairman Driscoll then recognized representatives from the applicant, Atlantic Partners II, LLC, and asked if there were any additional comments they wished to share.

Mr. Ray Pantlik spoke on behalf of the applicant. Mr. Pantlik observed that he has never seen a road project more thoroughly or appropriately reviewed. He stated that this has been a collaborative process between the town and the applicant, and while he didn't know the fate of the request, he was happy with where the project has ended up. He closed by reminding members that Kiawah Partners, which owns Atlantic Partners II, LLC, has been a good neighbor, and has worked with the town on issues such as the relocation of Captain Sams inlet, as well as providing easements for road and drainage work on Seabrook Island Road.

Chairman Driscoll asked Mr. Pantlik if he had any additional information to provide to the Commission. Mr. Pantlik responded that he did not but was available to answer any questions the Commission may have.

Chairman Driscoll asked if anyone could answer questions regarding the construction plans outlined in the Balfour Beatty report. Chairman Driscoll then asked the purpose of the Balfour Beatty report. Mr. Pantlik responded that the Planning Commission had requested a construction access plan at the first meeting in July, and the Balfour Beatty report constituted that plan. Mr. Richard Ackerman of Big Rock Partners added that the Balfour Beatty report outlined the construction staging plans for the project and was prepared for the Planning Commission's benefit.

Chairman Driscoll noted that the Balfour Beatty plan called for 30-31 months of construction activity. He asked if all construction traffic was proposed to enter and exit the site from Seabrook Island Road. Mr. Ackerman responded in the affirmative, adding that construction traffic would not use the new access point until after the widening was completed and the left-turn lane was installed. Mr. Ackerman also confirmed an anticipated project schedule of 30-31 months.

Chairman Driscoll asked if the Balfour Beatty report was correct when it showed as many as 25 dump trucks per day. Mr. Ackerman responded in the affirmative. Chairman Driscoll stated that if these were assumed to be round trips, then it would be as many as 50 trips per day on Seabrook Island Road and across the bike path. Mr. Ackerman again responded in the affirmative, adding that these dump trucks were necessary to get fill dirt to the site.

Chairman Driscoll noted that an earlier version of the Balfour Beatty report showed no construction traffic on Seabrook Island Road. He asked why this was changed. Mr. Ackerman

responded that the original plans did not call for a left turn lane into the site, and that once the left turn was added, it became more appropriate as a construction access point.

Chairman Driscoll stated that construction traffic was not limited to dump trucks but would also include concrete trucks and other heavy equipment during the 30-31 months of construction. Mr. Ackerman responded that Balfour Beatty was one of the largest commercial contractors in the country. He stated that the access point would be manned for safety purposes, and that construction activity would be highly organized. He added that Big Rock would prefer not to bring in fill, but that it would be required for anyone building on the site.

Chairman Driscoll noted that Milestone #7 in the report would have the largest number of workers on the site. He asked if all workers would be using Seabrook Island Road to access the site. Mr. Ackerman responded that they would.

Chairman Driscoll asked what types of deliveries would be made to the facility once it was up and running, as well as their frequency. Mr. Sean Nealon of Big Rock Partners responded that he would anticipate 1-2 food truck deliveries per week, approximately 2 supply trucks per month, and regular UPS and FedEx deliveries. He added that laundry would be done on site.

Chairman Driscoll stated that the applicants were anticipating 100 employees at the facility. He asked if this would be during a typical 24-hour period. Mr. Nealon responded that while there would be 100 employees, not all would be full-time, and not all 100 would be present every day. Chairman Driscoll asked if all nursing, kitchen, custodial and maintenance staff would be using the proposed access point. Mr. Nealon responded in the affirmative.

Chairman Driscoll asked if the residents of the 200 units, as well as all visitors to and from the facility, would be going in and out of the proposed access point. Mr. Nealon responded in the affirmative. Mr. Ackerman noted that the traffic study prepared by Thomas and Hutton took all of these factors into account. He added that while there will be traffic generated by the project, senior housing will have the lowest possible impact to the road, other than the property remaining vacant.

Chairman Driscoll asked if emergency medical services would be performed on site. Mr. Ackerman responded that the facility is not a hospital, and that emergency services would be no different here than if someone gets sick in their home. He added that the impact of the facility will be minimal compared to what is already here in Seabrook and Kiawah Islands.

Chairman Driscoll asked if anyone was present from Thomas and Hutton. Mr. Tony Woody of Thomas and Hutton stepped toward the podium. Chairman Driscoll asked how many versions of the traffic impact analysis has been completed. Mr. Woody responded that there were at least two, and that the most recent version included a review of the traffic impact if a second access point was not provided on Seabrook Island Road.

Chairman Driscoll noted that the original traffic study determined that no left turn lane was warranted. He asked if that was still the case. Mr. Woody responded in the affirmative. He

added that ITE data did not show that current and projected volumes would warrant a left turn lane because there would be sufficient gaps to allow turns and avoid back-ups.

Chairman Driscoll asked if the traffic study examined the impact of construction traffic on Seabrook Island Road. Mr. Woody responded that it did not. He added that no one had asked for that type of review, and therefore, none was conducted.

Chairman Driscoll asked Mr. Woody what his area of expertise was. Mr. Woody responded that he has spent 28 years with Thomas and Hutton and 2 years with another firm. While his background was in hydrology and hydraulics, rather than traffic, he stated that Thomas and Hutton is a firm with a group of professionals from diverse areas of expertise.

Chairman Driscoll asked Mr. Woody what he thought the impact of 25 additional dump trucks per day would be on Seabrook Island Road. Mr. Woody responded that even one additional vehicle adds "traffic" to the road. In the context of daily volumes, he estimated that it may be one dump truck every 10 minutes. He added that incoming trucks would use the new left turn lane, which would mitigate the delay for any inbound traffic to Seabrook Island.

The meeting paused for a moment as cell phones in council chambers began chiming with a scheduled test of the Presidential Alert System at 2:18 pm.

Mr. Otstot responded that the left turn lane will help with inbound traffic but would not help with outbound traffic. He asked why some construction traffic couldn't use Freshfields to access and leave the site. Mr. Woody reiterated that the study showed sufficient gaps to make a right turn onto Seabrook Island Road.

Ms. Patterson asked where the flagmen would be located during construction, and whether they would be in a location where traffic on both the road and bike path would be visible. Mr. Pantlik responded that the Balfour Beatty report has always included dedicated flagmen during the construction phase, and that bike and pedestrian safety would be maintained on the pathway.

Mr. Otstot asked if the applicant knew how many people used the pathway. Mr. Woody responded that a study identified up to 240 users in a 12-hour period. Chairman Driscoll stated that this would be addressed momentarily.

Mr. Billian stated that there was no mention of how mud would be removed from construction traffic prior to turning onto Seabrook Island Road. Mr. Woody responded that the Stormwater Pollution Prevention Plan (SWPPP) requires the use of special measures at the construction exit to discharge soil from vehicles and equipment before entering the roadway. He added that stone would be installed on site for parking and equipment in an effort to minimize mud and silt. Thomas and Hutton addressed this issue on the stormwater plan, and the site will be inspected weekly for compliance.

Chairman Driscoll asked the applicants if they had any additional information to present. Mr. Pantlik responded that they did not.

Chairman Driscoll then called on Heather Paton from SIPOA to discuss usage of the bike and pedestrian pathway. Ms. Paton stated that SIPOA maintains a camera near the gatehouse. SIPOA staff reviewed footage from June 17th, July 1st and August 1st, between the hours of 7:00 am and 7:00 pm, to determine the number of daily pedestrian and bicycle trips. SIPOA staff counted 196 users per day in June, 227 per day in July and 166 per day in August. Using an average of this data, SIPOA estimated 196 trips per day, or approximately 5,900 trips per month during the peak season. A review of an additional day in September (after Hurricane Florence) identified 156 trips, which was only 10 fewer than August. Ms. Paton noted that while these figures were not totally scientific, they did provide a reasonable estimate of usage. Mr. Otstot noted that with that many people, the flagmen will be busy.

Chairman Driscoll then called on Paul Ford from the Reveer Group. Mr. Ford stated that he has been an engineer for more than 20 years, and that he and his company were hired by the town to conduct an impartial, third-party review of the proposed encroachment permit plans. Mr. Ford said that Reveer reviewed the revised plans for proper geometry, traffic safety, bike and pedestrian safety, stormwater and utility impact. He stated that the applicants have addressed all of his original comments from the August meeting, and he was satisfied with the engineered drawings for access at this location, although he added that this should *not* be taken as an opinion that access *should* go in this location.

Chairman Driscoll asked Mr. Ford what is meant by the term “geometry.” Mr. Ford responded that geometry includes issues such as whether the lanes are wide enough, whether the turn radii are sufficient, and whether there is adequate separation, storage and tapers.

Chairman Driscoll noted that the updated report from Reveer stated that the current design is “acceptable.” He stated that this sounded begrudging and asked for an explanation of what that means. Mr. Ford responded that the applicants had addressed his earlier comments based on the highway design manual. He stated the term “acceptable” was meant to convey that he did not have any further comments or revisions. He said other terms such as “satisfactory,” “fine” or “appropriate” could also have been used.

Ms. Patterson asked for a clarification of the term “appears acceptable.” Mr. Ford responded that he did not run a full simulation the revised drawing, so he could not say definitively that the concerns were addressed. However, he viewed both designs side by side, and the revised design appeared to address his concerns.

Chairman Driscoll noted that the Reveer Group had previously critiqued designs for the bike and pedestrian pathway. He asked if Mr. Ford had any comments on the revised plans. Mr. Ford responded that he liked the revised design. He added that his comments had been addressed, that the design was purposeful in causing pedestrians and cyclists to slow down as they approach the intersection and would be less abrupt than the original plans. Chairman Driscoll asked if the revised design was acceptable for safety purposes. Mr. Ford responded in the affirmative.

Chairman Driscoll asked Mr. Ford for his opinion on the trees and sight distances. Mr. Ford responded that the initial review recommended the removal of additional trees for sight

clearance purposes. He stated that some of these trees were right on the edge, and an argument could be made either way.

Ms. Patterson asked for clarification on the comment regarding trees number 4 and 8. Mr. Ford responded that these two trees were right on the edge, and there could be a situation with a car going out and a truck going in where visibility at the stop bar may become an issue. It is a small percentage, but a possibility nonetheless.

Ms. Patterson inquired about Mr. Ford's finding that traffic would not be significantly impacted either way if the request was approved or denied. Mr. Ford responded that if the request is approved, the delay on Seabrook Island Road will be increased by 5 seconds (24 seconds to 29 seconds), and the Level of Service (LOS) will also increase from LOS C to LOS D. He added that if the request is denied, the LOS on Seabrook Island Road will still increase from LOS C to LOS D, but the delay will increase by only 1 second (24 seconds to 25 seconds). Denial of the request will also impact Betsy Kerrison Parkway and the traffic circle. Mr. Ford added that the proposed use is not a significant traffic generator compared to other uses, and that the difference between the two options was not significant. He added that not having an additional driveway will move traffic to other locations, and in this case, that would be onto Betsy Kerrison Parkway. Mr. Woody stated that having a second access on Seabrook Island Road would allow incoming traffic to use the bypass lane at the traffic circle. If this traffic was forced to use the circle, then all incoming and outgoing traffic would be forced into the roundabout.

Mr. Patterson asked if the traffic impact was so small, why it should matter. She added that Seabrook Island has only one road, whereas Freshfields already has two points of access. Mr. Woody responded that the left-turn lane was intended to eliminate back ups on Seabrook Island Road. Mr. Ford stated that while a turn lane wasn't warranted based on traffic volumes, it would be beneficial to traffic flows on Seabrook Island Road.

Chairman Driscoll asked if all traffic was forced to use the circle, would the circle still operate at an acceptable level of service? Mr. Woody responded in the affirmative.

Hearing no further questions, Chairman Driscoll opened the floor to public comments.

Mr. Paul Beratti asked the applicant what the connection was between this project and the relocation of Captain Sams inlet. Chairman Driscoll reminded Mr. Beratti that the purpose of this hearing is to provide comments to the Planning Commission and not to question the applicants. Chairman Driscoll then stated that the two issues were not related. Mr. Beratti then argued that if the project will not create a significant traffic impact, then traffic should go through Freshfields.

Mr. Paul Giordano stated that his primary concern was safety, as left turns are more dangerous than right turns. He offered a recent accident at Kiawah River Estates as an example of the danger related to left turning traffic. He stated that the traffic circle was designed to eliminate left turns, and that a safer route already exists through Freshfields. He added that UPS routes its drivers so that they take as few left turns as possible. Lastly, he

recommended that the Planning Commission include a condition that only passenger vehicles, and not construction traffic, be allowed to use the new access point.

Mr. Jamie Geiger stated that he is a former research biologist with USFWS. He expressed concern about construction traffic on Seabrook Island Road for more than 30 months. He recommended that the Planning Commission look proactively at Seabrook Island Road in the future. He also recommended delaying the vote to explore alternate options for access.

Mr. Lee Weber expressed concern about the impact that 31 months of construction traffic would have on Seabrook Island Road. He recommended that funding for road maintenance should be a condition if the request is approved.

Mr. Frank Stare questioned why construction access changed from Freshfields to Seabrook Island Road. He advocated that construction access should remain in Freshfields.

Ms. Janet Pasquale stated that she has yet to hear any positives for Seabrook Island as to why this request should be granted. Chairman Driscoll stated that residents have heard the same information that the Planning Commission has heard. She also requested an explanation from the Planning Commission following today's vote.

Mr. Barry Goldstein stated that the traffic estimates and projections are simply that and may be "off" once the project opens. He asked what the recourse would be for the town if that was the case.

Mr. Stanford Olnier stated that he would appreciate having the facility nearby as he gets older. He then expressed concern whether the 60' right-of-way was sufficient to handle future development along Seabrook Island Road. He recommended more due diligence in looking into the future and added that more needed to be done to promote our comfort and safety.

Chairman Driscoll asked if there was anyone else who wished to comment. Hearing none, the floor was closed for public comments.

Chairman Driscoll stated that the Planning Commission would now get down to making a decision. He explained that this request has been on the mind of the Planning Commission every waking moment since the application was received in July. While there are three options before the board – approve, approve with conditions or deny the request – he saw really only two alternatives: approve with conditions or deny the request.

There being no further discussion, Chairman Driscoll offered the following motion:

"On the Chair's own motion, I move to grant the application of Atlantic Partners II, LLC (the 'Applicant') for an encroachment permit allowing construction of a driveway connection between Seabrook Island Road and an abutting proposed senior living facility, consistent with the current design drawings for that driveway and related modifications to Seabrook Island Road, upon conditions to be determined by the

Planning Commission for the Town of Seabrook Island and accepted by the Applicant and, where applicable, by Big Rock Partners, LLC ('Big Rock').

Conditions to the Encroachment Permit of Atlantic Partners II, LLC:

- 1) Until a certificate of occupancy has been issued by the Town of Kiawah Island for the proposed senior living facility, vehicles involved with the construction of the proposed senior living facility may not enter or leave the site of that facility via Seabrook Island Road.
- 2) Applicant and Big Rock, their members and assigns, agree to comply with all of the provisions, terms, conditions and restrictions set forth in Applicant's July 16, 2018 Application for Encroachment Permit.
- 3) Applicant and Big Rock, their members and assigns, warrant that they will pay any and all expenses incurred by the Town of Seabrook Island, South Carolina (the 'Town') as a result of expenses incurred or damages suffered by the Town and/or its residents as a result of increased storm water runoff from the senior living facility. Final storm water plans shall be subject to review and approval by the Town prior to the commencement of construction activities.
- 4) Applicant and Big Rock, their members and assigns, shall indemnify and hold harmless the Town from any and all liability, claims and /or expenses (including reasonable attorney fees) arising out of or in any way related to bodily injury or property damage (i) occurring on Applicant's property, at or near the entrance to the senior living facility and (ii) attributable to vehicular traffic entering or leaving the senior living facility.
- 5) The Easement Agreement between Applicant and the Town, wherein the Applicant allowed the use of its property for a bike path to Freshfields Village, shall be amended to delete the Town's indemnification of Applicant as set forth therein. Nothing in this condition, or the request therefore, shall be construed as a waiver of any immunities granted to the Town under the South Carolina Tort Claims Act.
- 6) Applicant and Big Rock, their members and assigns, shall fully mitigate, at their sole expense, the loss of or damage to trees resulting from construction of the senior living facility entrance and related modifications to Seabrook Island Road. The Town shall make the final determination of the type and size of required replacement trees and where they will be located.
- 7) Applicant and Big Rock, their members and assigns, warrant that they will at all times keep those portions of the pedestrian/bicycle path lying near the entrance to the senior living facility in good maintenance and repair.

- 8) The Town shall select and locate vehicular and bicycle/pedestrian traffic signage associated with the Seabrook Island Road entrance to the senior living facility at the sole expense of the Applicant and Big Rock.
- 9) In recognition of the Town's declared policy of limiting access to the portion of Seabrook Island Road at issue, Applicant and Big Rock, their members and assigns, agree to share their conditionally permitted driveway with the developer of the neighboring property currently owned by Haulover Creek Development, or alternatively at the Town's option, to close their conditionally permitted driveway and use a central entrance from Seabrook Island road that is permitted by the Town for construction on the neighboring property."

Mr. Otstot suggested adding a condition that construction access to and from Seabrook Island Road not be allowed until 90% of the construction has been completed. Chairman Driscoll clarified the first condition in his motion, noting that if his motion was approved, then no construction traffic would be allowed to use Seabrook Island Road until a certificate of occupancy has been issued by the Town of Kiawah Island. Mr. Otstot withdrew his amendment.

Mr. Billian stated that he thought the first condition regarding construction access seemed harsh, but he understood the concern. Mr. Billian then seconded the motion.

Ms. Patterson stated that she would like to know the legal ramifications of Condition #9. She asked how the town could require the applicant to share a driveway with an applicant when that property is not currently before the Planning Commission. Chairman Driscoll responded that Condition #9 was intended to allow an alternate proposition which could be exercised in the future. Under this condition, the applicant would be required to share its driveway with the neighboring property, if and when that property develops; or, at the town's option, the applicant may be required to close this access point and instead access Seabrook Island Road via a new access point which may be constructed on the neighboring property. He noted that, in practice, this may or may not ever occur, but this condition would leave the option on the table if it did.

There being no further discussion, Chairman Driscoll called for a vote on the motion:

<u>In Favor of the Motion</u>	<u>Opposed to the Motion</u>
Driscoll	Patterson
Billian	
Otstot	

The motion to grant conditional approval to the encroachment permit request was approved by a vote of 3-1.

Following the vote, there were questions offered from the audience.

Ms. Pasquale asked Chairman Driscoll for an explanation of the reasons that the Planning Commission voted to grant conditional approval. Chairman Driscoll responded that he felt approval with the nine conditions was in the best interest of the town. He added that these conditions resulted in a good balance between the applicant's desire for access, while protecting the interests and safety of town residents. He added that if these conditions were deemed to be unacceptable to the applicant, then he will feel very differently about approving the request.

Another resident asked whether the town was going to strengthen its policy regarding future access to Seabrook Island Road. Chairman Driscoll responded that the mayor has publicly stated that council will review and address this issue, and that he expects council to follow through on this pledge.

Ms. Patterson stated that she would like to defend her negative vote. She stated that the people of Seabrook Island did not want this encroachment permit to be approved. She reminded those in attendance that leaders from Seabrook Island have fought against an access point on Seabrook Island going as far back as 2002. She stated that she agreed with everything that people said here today, adding that there are two existing access points into Freshfields and that's the way it should remain.

An additional resident stated that it shouldn't be assumed everyone in attendance was opposed to the request. He stated that he was in favor of the request and expressed appreciation for the Planning Commission taking the time to consider public input.

Ms. Patterson responded that the people she had spoken with were opposed to the request. She also noted that the owner of the neighboring 300-acre property controlled the town's bike and pedestrian path.

NEW BUSINESS ITEMS

There were no New Business Items

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion.

There being no further business, Chairman Driscoll asked for a motion to adjourn. Mr. Billian made a motion to adjourn the meeting. Mr. Otstot seconded the motion. The motion was approved by a vote of 4-0, and the meeting was adjourned at 3:33 pm.

Minutes Approved: November 7, 2018


Joseph M. Cronin
Town Administrator