

# TOWN OF HILTON HEAD ISLAND

## Planning Commission Meeting

Wednesday, April 22, 2015

APPROVED

3:00p.m. – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Alex Brown, Vice Chairman Peter Kristian,  
Bryan Hughes, Barry Taylor and Todd Theodore

Commissioners Absent: Judd Carstens, Jim Gant, Caroline McVitty and Lavon Stevens

Town Council Present: Mayor Pro Tem Harkins, John McCann and Tom Lennox

Town Staff Present: Anne Cyran, Senior Planner  
Teri Lewis, LMO Official  
Shea Farrar, Senior Planner  
Darrin Shoemaker, Traffic and Transportation Engineer  
Charles Cousins, Director of Community Development  
Brian Hulbert, Staff Attorney  
Jennifer Lyle, Assistant Town Engineer  
Heather Colin, Development Review Administrator  
Jill Foster, Deputy Director of Community Development  
Don Kirkman, Director of Economic Development  
Kathleen Carlin, Secretary

---

**1. Call to Order**

**2. Pledge of Allegiance to the Flag**

**3. Roll Call**

**4. Freedom of Information Act Compliance**

Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5. Approval of Agenda**

The Planning Commission **approved** the agenda as submitted by general consent.

**6. Approval of Minutes**

The Planning Commission **approved** the minutes of the March 18, 2015 meeting as submitted by general consent.

**7. Appearance by Citizens on Items Unrelated to Today's Agenda**

Mr. Charlie Lovely recommended that the Planning Commission consider holding some of their meetings in the evening or on a Saturday in order to accommodate the attendance of citizens who work full time.

**8. Unfinished Business**

**a) ZA-89-2015:**

Chester C. Williams, on behalf of Gary L. Dee and Heritage Golf Port Royal, LLC, has applied to amend the Official Zoning Map by amending the Planned Development Mixed-Use (PD-1) Zoning District, specifically the Port Royal Plantation and Surrounds Master Plan, to clarify and change the allowed uses and to increase the density on a 38.62 acre property. The property is identified as a portion of Parcel 277 on Beaufort County Tax District R510, Map 9. The property is addressed as 10 Clubhouse Drive and is known as Port Royal Clubhouse.

The designated use for the property on the Master Plan is a Golf Course. In addition to a golf course, there is a golf clubhouse, locker rooms, a golf pro shop, and administrative offices on the property. This application will add to the Master Plan the following designated uses for this property: Golf Clubhouse, Golf Pro Shop, Tennis Courts, Tennis Pro Shop, a Fitness and Wellness Center, Locker Rooms, and Administrative Offices. This change will bring the existing uses into compliance with the Master Plan and allow the redevelopment of the property for additional recreational uses.

The property has no assigned density on the Master Plan. However, there is an existing 7,316 square foot administrative office building on the property. This application will assign 12,500 square feet of Administrative Office use to the property. This change will bring the existing administrative office into compliance with the Master Plan and allow an expansion of the administrative office space. Chairman Brown introduced the application and requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran stated that on February 18, 2015 the Planning Commission reviewed this application and voted 6-1-0 to recommend to Town Council that the rezoning request be approved, with the conditions that the Port Royal Plantation Architectural Review Board has jurisdiction over the property and that there will be a 30-foot wide vegetated buffer around the tennis courts.

The Public Planning Committee reviewed the application on March 5, 2015 and voted 3-0-0 to recommend to Town Council that the rezoning request be approved as submitted by the applicant. On April 7, 2015 Town Council reviewed the application and voted 7-0-0 to approve the application as submitted by the applicant without the Planning Commission's conditions.

LMO Section 16-2-103.C.f.ii states that if Town Council proposes any changes or departures from the Planning Commission's recommendation, Town Council shall first remand the application to the Planning Commission for review of and a recommendation on the proposed changes and departures. This section further states the Planning Commission shall deliver its recommendation on the proposed departure from the Planning Commission's recommendation to Town Council within 30 days after the remand. If the Planning Commission fails to do so, it is deemed to have recommended approval of the proposed departure.

Since Town Council departed from the Planning Commission's recommendation by voting to approve the application without conditions, Town Council remanded the application to the Planning Commission for a review of and a recommendation on Town Council's proposed departure from the Planning Commission's recommendation.

The staff recommends that the Planning Commission review Town Council's proposed departure from the Planning Commission's recommendation and provide a recommendation to Town Council.

Chairman Brown presented statements in clarification of the Planning Commission's role in reviewing the application today. Chairman Brown stated that the Planning Commission is simply taking a vote on whether the Planning Commission agrees or disagrees with the recommendation made by Town Council. Following staff's presentation, Chairman Brown requested that the applicant make his presentation.

Chester C. Williams, Esq., made the presentation on behalf of his client, Heritage Golf Port Royal, LLC. Mr. Williams discussed the creation of some restrictive covenants with Port Royal's Property Owner's Association (POA). These covenants have been recorded and state, with respect to the Clubhouse tract, that if the Port Royal Architectural Review Board does not currently have jurisdiction over the property by virtue of the recorded covenants, then the Port Royal POA Board will have that authority. The recorded covenants accomplish the first condition recommended by the Planning Commission on February 18, 2015.

Mr. Williams stated that the second condition recommended by the Planning Commission was regarding the buffer requirement. The buffer is a function of the site planning and falls under the jurisdiction of the Architectural Review Board. Also because this parcel is not behind the manned guard gate, it is subject to all of the performance standards of the LMO, such as buffers, setbacks, etc. Mr. Williams stated that he believes all of the recorded covenants, along with the provisions of the LMO, completely address the concerns raised by the Planning Commission. Mr. Williams requested that the Planning Commission send the application to Town Council with a recommendation of approval.

Mr. Williams clarified that the Port Royal Board of Directors has jurisdiction over the parcel rather than the Port Royal Architectural Review Board. Mr. Williams also stated that the parcels are subject to a review by the Design Review Board at this time.

Vice Chairman Kristian and Mr. Lance Pyle, General Manager, Port Royal Plantation, discussed the Port Royal Board of Directors' role in overseeing the covenant restrictions over this commercial property. Mr. Pyle stated that the Board of Directors supports the covenant restrictions and supports what Heritage Golf Port Royal, LLC is trying to do.

Vice Chairman Kristian asked Mr. Pyle if the Board of Directors of the Port Royal Property Owners Association took a formal vote in support of the rezoning of the subject parcel and the land sale. Mr. Pyle responded that the Port Royal Plantation Board supports the covenants that were put in place to protect the interests of Port Royal Plantation. Mr. Pyle did not respond to Vice Chairman Kristian's original question on this issue.

Chairman Brown stated that even though this is not a public hearing, the Planning Commission will invite public comments on this application. The following public comments were received:

- (1) Ms. Ronnie Kincaid asked about Port Royal's Board of Directors position on the second tract as related to ingress and egress traffic on Folly Field Road.

Following public comments Chairman Brown invited discussion by the Planning Commission. Following brief comments on the application, Chairman Brown requested that a motion be made.

Commissioner Taylor made a **motion** that the Planning Commission **approve** Zoning Map Application, ZA-89-2015, as presented by the Town staff. Commissioner Theodore **seconded** the motion and the motion **passed** with a vote of 5-0-0.

**b. ZA-91-2015:**

Chester C. Williams, on behalf of Gary L. Dee and Heritage Golf Port Royal, LLC, has applied to amend the Official Zoning Map by changing the base zoning district of an 8.4 acre property from the Planned Development Mixed-Use (PD-1) Zoning District, specifically the Port Royal Plantation and Surrounds Master Plan, to the Resort Development (RD) Zoning District. The property is identified as a portion of parcel 277 on Beaufort County Tax District R510, Map 9. The property is addressed as 15 Wimbledon Court and is known as the Port Royal Racquet Club.

This application will change the permitted uses on the property from recreational to the uses listed in LMO 16-3-105.L.2, Resort Development District – Allowable Principal Uses. This application will increase the density on the property from no density to the Maximum Density allowed in LMO 16-3-105.L.3, Resort Development District – Development Form and Parameters. Chairman Brown introduced the application and requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran stated that this application followed the same schedule as the prior application. On February 18, 2015 the Planning Commission reviewed the application and recommended that Town Council deny the application with a vote of 5-2-0.

The Public Planning Committee reviewed the application on March 5, 2015 and recommended approval to Town Council with a vote of 3-0-0. On April 7<sup>th</sup> Town Council voted 5-2-0 to approve the application.

The application is back before the Planning Commission because Town Council's decision to approve the application is contrary to the Planning Commission's recommendation. Staff recommends that the Planning Commission review the Town Council's recommendation to approve the application and provide a recommendation to Town Council.

Ms. Cyran stated that staff has received a total of 221 e-mails since the Planning Commission packet was posted and all of the e-mails are opposed to approval of the application. The primary reasons are additional density and congestion of traffic.

Chairman Brown and Ms. Cyran discussed the ability of Folly Field Road to handle the additional traffic. Chairman Brown presented statements in concern of the current traffic congestion on Folly Field Road. Commissioner Hughes presented statements regarding access to the parcel (all vehicular traffic will be off of Folly Field Road rather than Wimbledon Court.) Commissioner Theodore and the staff discussed the maximum density per acre in the Resort Development District, which is 16 residential dwelling

units per acre, 35 hotel rooms per acre, and 8,000 sq. feet of gross floor area non-residential development per acre. Following staff's presentation, Chairman Brown requested that the applicant make his presentation.

Chester C. Williams, Esq., made the presentation on behalf of his client, Heritage Golf Port Royal, LLC. Mr. Williams discussed Folly Field roadway capacity and the increased density to the property. Mr. Williams stated that the property is well suited for resort and commercial development.

Vice Chairman Kristian and Mr. Williams discussed the zoning for this parcel. Ms. Teri Lewis presented statements regarding LMO provisions for the redevelopment of the property, particularly as related to spot zoning concerns. Mr. Williams and Vice Chairman Kristian discussed the criteria and the uses.

Mr. Williams discussed the public's concern with traffic issues on Folly Field Road and the creation of the restrictive covenants which limit access to Wimbledon Court for this parcel to emergency vehicles. Mr. Williams also discussed the preparation of a Traffic Impact Analysis. Mr. Todd Salvagin, SRS Engineering, presented statements in support of the Traffic Impact Analysis that was prepared for this application. The Planning Commission and Mr. Salvagin discussed the methodology used in creating the traffic study. Mr. Chester Williams presented follow up comments regarding the traffic study.

Chairman Brown stated that even though this is not a public hearing, the Planning Commission will invite public comments on this application. The following public comments were received:

- 1) Mr. Charlie Lovely presented statements in concern of the content of the Traffic Study.
- 2) Mr. Ed Weinlin presented statements in support of the application.
- 3) Ms. Leslie Ford presented statements in opposition to the application due to the increased density and the increased traffic on Folly Field Road.
- 4) Mr. Bill Sanick presented statements in opposition to the application due to the increased density and traffic concerns on Folly Field Road.
- 5) Mr. Lamar Barrett presented statements in opposition to the application due to safety and environmental concerns.
- 6) Mr. Jim Crispin presented statements in opposition to the application due to increased density and traffic concerns. Additional single-family homes are needed in this area.
- 7) Mr. Chris Abbott presented statements in opposition to the application due to the lack of an established plan, the increased foot traffic, increased vehicular traffic, the lack of adequate beach parking, and impacts to the environment.
- 8) Ms. Ronnie Kincaid presented statements in opposition to the application due to the increased density and increased traffic on Folly Field Road.
- 9) Mr. Jim Fisher presented statements in opposition to the application due to concerns with increased traffic.
- 10) Ms. Elaine Carmichael presented statements in opposition to the application due to increased density and traffic concerns.
- 11) Mr. Rich Hodson presented statements in opposition to the application due to increased density and traffic concerns.

- 12) Mr. Donald True presented statements in opposition to the application due to the increased density and increased traffic.
- 13) Mr. Jay LaBruce presented statements in opposition to the application due to unknown plans for the site, traffic concerns, and relocation of the tennis courts.
- 14) Mr. Wes Whitler presented statements in opposition to the application due to the increased traffic and the existing lack of adequate cellular service.
- 15) Ms. Cheryl Barrett presented statements in opposition to the application due to the increased density and traffic concerns.
- 16) Mr. Dennis Fleckner presented statements in opposition to the application due to increased density, safety concerns, and vehicular traffic concerns.
- 17) Mr. John Pollack presented statements in support of the application.
- 18) Mr. Bill Burger presented statements in support of the need to solve the existing traffic problem.

Following final public comments, Chairman Brown invited Chester C. Williams to provide final comments on behalf of the applicant. Mr. Williams introduced Mr. Gary L. Dee, Heritage Golf, LLC, and requested that he present statements to the Planning Commission. Mr. Dee discussed the intent of the application as well as their involvement in the community.

Ms. Cyran stated that the Planning Commission's recommendations will be forwarded to Town Council in time for their Tuesday, May 5<sup>th</sup> meeting.

Chairman Brown then invited discussion by the Planning Commission. Chairman Brown stated his concern with the benefit of the application to one community at the expense of a neighboring community. Increased traffic on Folly Field Road is also a real concern and needs to be dealt with.

Commissioner Hughes stated that he is in favor of the rezoning application because the application complies with the newly adopted LMO and follows the land use principles of putting density where it already exists. However, the developmental and infrastructure burden should probably be placed on the primary beneficiaries, Heritage Golf and the Port Royal POA.

Vice Chairman Kristian stated that he agrees with Commissioner Hughes' comments regarding the developmental and infrastructure burden being placed on the primary beneficiaries of the application. Vice Chairman Kristian stated that while he is in favor of redevelopment, it should not benefit one community at the cost of another community. Vice Chairman Kristian stated that there should be a way to accomplish a zoning change within the PD-1 Zoning District.

Commissioner Theodore stated that he also struggles with this application for the reasons stated including traffic concerns at the intersection of Folly Field Road.

Commissioner Taylor stated that he is of the same opinion. Commissioner Taylor stated that he supports redevelopment but is also concerned with the economic benefit to one or two at the expense of the neighboring community. At the completion of final comments, Chairman Brown requested that a motion be made.

For discussion purposes Vice Chairman Kristian made a **motion** to **deny** application ZA-91-2015 as presented. There was **no second** to the motion and the motion **failed**. Commissioner Taylor then made a **motion** to **approve** application ZA-91-25 as presented. Commissioner Theodore **seconded** the motion and the motion **passed** with a vote of 3-2-0. Chairman Brown and Vice Chairman Kristian were opposed to the motion.

Vice Chairman Kristian stated that he is opposed to the motion because he does not believe the application is in the best interest of the community as a whole. The application rewards one community and punishes another community. It is not in keeping with what the Land Management Ordinance and Comprehensive Plan for Hilton Head Island are all about.

Chairman Brown stated that he is opposed to the motion for the same reasons stated by Vice Chairman Kristian. This application benefits one community at the expense of the neighboring community.

## 9. **New Business**

### **Public Hearing**

#### a) **PPR-646-2015**

Application for Public Project Review from the Town of Hilton Head Island to construct a pathway connectivity improvement project that would consist of a new 900 foot segment of multi-use pathway along Pembroke Drive that would extend from the intersection of Pembroke Drive with William Hilton Parkway to Otter Hole Road. In addition, a new pathway connection will be added from this pathway to the existing pathway along Natures Way. Crosswalks would be included in the project. Chairman Brown introduced the application and requested that staff make their presentation.

Ms. Shea Farrar made the presentation on behalf of staff. Ms. Farrar presented an in-depth overhead review of the application including a diagram of the proposed project. The staff recommended that the Planning Commission find this application to be compatible with the Town's Comprehensive Plan for location, character and extent based on the Findings of Facts and Conclusions of Law determined by the LMO Official and enclosed in the staff's report. Ms. Farrar reviewed the location of the proposed project and the existing conditions.

This project is to improve pathway connectivity by adding a pathway connection from the existing crosswalk along Pembroke Drive at Otter Hole Road to connect to the existing sidewalk along Nature's Way and then the existing crosswalk at William Hilton Parkway at Pembroke Drive in front of Wendy's restaurant. This project will improve connectivity and safety and provide opportunities for alternative forms of transportation in the area. The pathway will serve both residents and visitors and provide improved access to area shopping and dining.

The project area extends from the intersection of William Hilton Parkway and Pembroke Drive, in front of Wendy's restaurant, to Otter Hole Road. The project includes the addition of an 8 foot wide pathway connecting existing crosswalks on Pembroke Drive to the existing sidewalk on Nature's Way. The pathway will be designed to match the Town's standard multi-purpose pathway design. A new crosswalk at Nature's Way will include the Town's standard type of street print with ADA Detectable Warning Surfaces. A crosswalk for the driveway at Wendy's restaurant will be distinguished by two 12 inch

wide white stripes, consistent with other areas on the island. The project will be designed with sensitivity to natural resources. Ms. Farrar presented a brief review of the Findings of Fact and Conclusions of Law.

Vice Chairman Kristian presented comments regarding the two existing crosswalks and their connection to the pathway. Ms. Jennifer Lyle presented staff comments regarding funding for the project. The funding for this project has been approved for 2015. Vice Chairman Kristian and Commissioner Theodore recommended that a refuge be considered as part of the crosswalk for safety reasons.

Chairman Brown requested public comments on the application and the following were received: (1) Mr. Tom Sharpe, Bicycle Advisory Committee, presented statements regarding the location of the crosswalk.

Commissioner Theodore made a **motion to approve** application PPR-646-2015 as presented by staff. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 5-0-0.

### **Public Hearing**

#### **b) PPR-647-2015**

Application for Public Project Review from the Town of Hilton Head Island to construct a pathway connectivity improvement project that would consist of a new 500 foot multi-use pathway segment along Eastbound William Hilton Parkway (WHP) that would extend from the endpoint of the existing sidewalk in the Chaplin area at the Broad Creek tributary to the intersection of Shelter Cove Lane, where a new crosswalk on Shelter Cove Lane would connect to the existing crosswalk that extends across WHP in this location. Chairman Brown introduced the application and requested that the staff make their presentation.

Ms. Shea Farrar made the presentation on behalf of staff. Ms. Farrar presented an in-depth overhead review of the application including a diagram of the proposed project. The staff recommended that the Planning Commission find this application to be compatible with the Town's Comprehensive Plan for location, character and extent based on the Findings of Facts and Conclusions of Law determined by the LMO Official and enclosed in the staff's report. Ms. Farrar reviewed the location of the proposed project and the existing conditions. This application is very similar to the prior application.

This project is to improve pathway connectivity by extending a pathway connection from the end of the existing sidewalk in the Chaplin area at the Broad Creek tributary, to an existing crosswalk on William Hilton Parkway at Shelter Cove Lane near the Beaufort County Sheriff's Office. This project will improve connectivity and safety and provide opportunities for alternative forms of transportation in the area. The pathway will serve both residents and visitors and provide improved access to area shopping and dining.

Ms. Farrar reviewed the location of the proposed project and existing conditions. The project area is located along the eastbound lane of William Hilton Parkway and extends from the endpoint of the existing sidewalk in the Chaplin area at the Broad Creek tributary to the intersection of Shelter Cove Lane.

The project includes the addition of an 8 foot wide pathway to connect the existing 4.5 foot wide sidewalk to a new crosswalk on Shelter Cove Lane, which would then connect

to an existing crosswalk on WHP in this location. The pathway will be designed to match the Town's standard multi-purpose pathway design. A new crosswalk at Shelter Cove Lane will include the Town's standard type of street print with ADA Detectable Warning Surfaces. The project will be designed with sensitivity to natural resources. Ms. Farrar presented a brief review of the Findings of Fact and Conclusions of Law.

Commissioner Theodore recommended that staff consider adding a gradual curve or two in the pathway, where possible. Mr. Charles Cousins presented comments regarding this suggestion on behalf of staff. The addition of curves in bike pathways has, unfortunately, led to many biking accidents especially when cyclists pass one another on the bike path.

Chairman Brown requested public comments on the application and the following were received: (1) Ms. Eleanor O'Key, Lowcountry Inside Track, presented statements with regard to the location of the sidewalk.

Mr. Charles Cousins presented statements regarding the location of the proposed pathway as well as the location of future pathways. At the completion of the discussion, Chairman Brown requested that a motion be made.

Vice Chairman Kristian made a **motion to approve** application PPR-647-2015 as presented by staff. Commissioner Taylor **seconded** the motion and the motion **passed** with a vote of 5-0-0.

**10. Commission Business**

None

**11. Chairman's Report**

Chairman Brown asked that the June 2015 traffic counts be placed on the Planning Commission's May 20<sup>th</sup> agenda. Chairman Brown requested that Mr. Darrin Shoemaker be present at the meeting.

**12. Committee Reports**

**13. Staff Reports**

- a. Ms. Lewis presented brief comments regarding the staff's Quarterly Report.
- b. Ms. Lewis stated that staff has no agenda items for the regular May 6, 2015 meeting. Chairman Brown approved the cancellation of this meeting.
- c. Ms. Shea Farrar presented a brief update on the status of Circle to Circle Committee Meetings. The Circle to Circle Committee will meet on Wed., May 6, 2015 at 8:30a.m. in Council Chambers.

**14. Adjournment**

The meeting was adjourned at 5:55p.m.

Submitted By:

Approved By:

Approved: May 20, 2015

---

Kathleen Carlin  
Secretary

---

Alex Brown  
Chairman