

**TOWN OF HILTON HEAD ISLAND**  
**Planning Commission Meeting**  
**Wednesday, July 15, 2015** **APPROVED**  
**3:00p.m. – Benjamin M. Racusin Council Chambers**

Commissioners Present: Chairman Alex Brown, Vice Chairman Peter Kristian,  
Judd Carstens, Jim Gant, Lavon Stevens and Barry Taylor

Commissioners Absent: Bryan Hughes, Caroline McVitty and Todd Theodore

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

Town Staff Present: Jayme Lopko, Senior Planner & Planning Commission Coordinator  
Brian Hulbert, Staff Attorney  
Heather Colin, Development Review Administrator  
Charles Cousins, Director of Community Development  
Teri Lewis, LMO Official  
Jill Foster, Deputy Director of Community Development  
Darrin Shoemaker, Traffic and Transportation Engineer  
Kathleen Carlin, Secretary

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**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, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5. Swearing in Ceremony for Reappointed Planning Commissioners**

Brian Hulbert, Staff Attorney, performed the swearing in ceremony for re-appointed Commissioner Barry Taylor. Re-appointed Commissioners Bryan Hughes and Todd Theodore will be re-sworn in at the next Planning Commission meeting.

**6. Approval of Agenda**

Prior to approval of the agenda, Chairman Brown requested that staff address the Planning Commission's Rules of Procedures that require the appointment of new Officers. The new term is July 1, 2015 – June 30, 2016.

Mrs. Jayme Lopko stated that since the Planning Commission has not met since May 20, 2015, they are officially without Officers to conduct today's meeting. The Planning Commission can either choose to suspend this portion of the Rules and name a Nominating Committee today for the appointment of Officers, or the Planning Commission can choose to take nominations for new Officers today. Chairman Brown

requested comments or recommendations from the Planning Commission regarding the two options presented by the staff. Commissioner Gant stated that, if they are willing, he would like to make a **motion** to **elect** Alex Brown to serve as Chairman and elect Peter Kristian to serve as Vice Chairman for the July 1, 2015 – June 30, 2016 term. Chairman Brown accepted the nomination to serve as Chairman and Vice Chairman Kristian accepted the nomination to serve as Vice Chairman. Commissioner Taylor **seconded** the motion and the motion **passed** unanimously.

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

**7. Approval of Minutes**

The Planning Commission **approved** the minutes of the May 20, 2015 meeting as presented by general consent.

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

None

**9. Unfinished Business**

None

**10. New Business**

**a) Proposed Addendum #1 to the Amended and Restated Development Agreement dated November 19, 2014**

A request from Shelter Cove Towne Centre, LLC and Shelter Cove II, LLC for the Town of Hilton Head to enter into an Addendum to the Amended and Restated Development Agreement dated November 19, 2014. The modifications proposed in the Addendum include, without limitation, providing for a redesigned Concept Plan which shifts the number and location of Multifamily Residential Units from a maximum of 210 as previously approved to a proposed 120-150 units on Multifamily Site #1 and from no units currently approved to 80-120 proposed multifamily units on Multifamily Site #2, the aggregate total would not exceed 240 total units. Modifications also include a proposed land swap to allow for future park expansion and redistribution of the apartment units. Chairman Brown introduced the business item and requested that the staff make their presentation.

Ms. Heather Colin made the presentation on behalf of staff. The staff recommended that the Planning Commission forward a recommendation to Town Council on the proposed modifications in the Development Agreement (Addendum #1) that pertain to a shift and reallocation of the Residential Units associated with the Zoning Map Amendment Request (ZA-001190-2015) to the Palmetto Dunes Resort Master Plan.

Shelter Cove Towne Centre (SCTC), and Shelter Cove II, LLC are proposing an addendum to the Development Agreement that was adopted as amended on November 19, 2014. The modifications that are associated with land development regulations include a decrease in the overall height for Multifamily Site #1 from 75' to 67' and a shift in the location of the multifamily units to Town owned property located further along Shelter Cove Lane as reflected in the rezoning application, ZA-001190-2015.

Ms. Colin presented an overhead review of the proposed concept plan, the proposed Addendum #1 and the Exchange Agreement. The modifications to the Development Agreement contemplate a land swap between the Town and SCTC. SCTC will swap approximately 4.45 acres to the South of Shelter Cove Community Park for approximately 4.6 acres of Town owned property to the North of the Veteran's Memorial (Multifamily Site #2).

On June 9, 2015, Town Council heard a request to file a rezoning application involving Town owned property. Mayor Bennett explained that he had approached Mr. Mark Senn of Blanchard and Calhoun (SCTC) with the idea of swapping town owned land with land owned by SCTC (land adjacent to the Newport Community). At that meeting Town Council approved by a vote of 7-0 for SCTC to apply for the rezoning and proceed with the revised plans.

Additional points in the Proposed Addendum that should be considered include:

- 1) The proposal adds additional land and revises the area that will be subject to the regulations in the Amended Development Agreement dated November 19, 2014, proposed Addendum #1 and any subsequent addendums or revisions.
- 2) The proposal includes the Veteran's Memorial in the land that is subject to the Development Agreement as a means to comply with LMO requirements such as setbacks, buffers and open space as well as property to the northeast of Multifamily Site #2. Staff is concerned that this may result in unexpected encumbrances placed on this Town Park and may grant SCTC approval authority for future modifications to this park.
- 3) The property is subject to the regulations in the LMO that was in affect at the time of the initial Agreement, and not the recently adopted LMO, October 16, 2012.
- 4) The proposed Concept Plan shows a Proposed Community Park Expansion. Plans for the property which is proposed to be Town owned will be required to go through the proper procedures for plans and construction. If this proposal moves forward, it will include a PPR (Public Project Review), and review by other Town Commissions, Boards, and Subcommittees, such as the Parks and Recreation Commission.
- 5) A revised Traffic Study that reflects the shift in the location of the dwelling units will be submitted to Town Council prior to the First Public Hearing on this matter (August 4) and preferably prior to the Planning Commission's recommendation.
- 6) The multifamily buildings on both Site #1 and #2 will not exceed 4 stores and 67' in height. The current provision is no more than 75', which is the regulation for the PD-1 districts as stated in the LMO.
- 7) There are proposed provisions concerning the design and implementation of a Stormwater Master Plan which may allow them to be exempt from various stormwater requirements in the LMO. The concept plan shows the lagoon that is identified to be used for stormwater on the Town owned portion of property.

- 8) Pathway connections will be constructed by the Developer and the Town will be granted easements. The pathways will be designed to be used for emergency access vehicles in the same manner as the previous Agreement required.
- 9) Multifamily Site #2 will be subject to all adjacent use buffers as outlined in the previous LMO; however, the standards for open space and pervious area will not have to be satisfied on a site specific basis, rather the development as a whole which includes the entire Shelter Cove Towne Centre and Shelter Cove Community Park will comply with the standards.
- 10) There are no additional modifications from the LMO requested. The development is required to comply with the terms of the Agreement, the LMO in effect October 16, 2012, which includes but is not limited to natural resources and tree removal, wetland impacts, parking, and buffers and setbacks.
- 11) The proposed Exchange Agreement outlines specific requirements associated with the land swap. The proposal includes a requirement that deed restrictions are recorded with the properties requiring that the property that will transfer to the Town be used as a park or green space and for no other purposes.

Town Council will hold the first Public Hearing on the Addendum, August 4, 2015 at 5:30pm. The second Public Hearing will be held by Town Council on September 15, 2015 at 5:30pm.

The Planning Commission and Ms. Colin discussed several details regarding the land swap, the Development Agreement, and the Veteran's Park. Following the staff's presentation, Chairman Brown requested that the applicant make his presentation.

Mr. Mark Senn, Blanchard & Calhoun, presented statements in support of the Proposed Addendum #1 to the Amended and Restated Development Agreement. Mr. Senn presented details regarding the alternative plan including the reduction in building height from five stories to four stories. Mr. Senn also presented comments regarding the reduction in the mass of the building. Mr. John Lee, Blanchard & Calhoun, also presented statements regarding the alternative plan. Mr. Lee stated that Blanchard & Calhoun has worked with the group representing the Veteran's Park.

Mr. Charles Cousins presented comments regarding Blanchard & Calhoun's efforts to work with staff.

Chairman Brown then requested public comments on this business item and the following were received:

- 1) Mr. Alf Nelson, President of the Newport Homeowners Association, stated his appreciation to Blanchard & Calhoun for their efforts in working with the Newport Community.

Following public comments, Chairman Brown invited discussion by the Planning Commissioners. A couple of Planning Commissioners stated that concerns with the height and the mass of the buildings have been addressed with the alternative plan. Chairman Brown presented comments regarding the Town's proposed land swap and connectivity issue. The Planning Commission agreed that the alternative plan is a much better proposal. Following final comments by the Planning Commission, Chairman Brown requested that a motion be made.

Commissioner Gant made a **motion** that the Planning Commission should **forward** a recommendation to Town Council on the proposed modifications in the Development Agreement (Addendum #1) that pertain to a shift and reallocation of the Residential Units associated with the Zoning Map Amendment Request (ZA-001190-2015) to the Palmetto Dunes Resort Master Plan as presented. Commissioner Taylor **seconded** the motion and the motion **passed** with a vote of 6-0-0.

**b) Public Hearing**

**ZA-001190-2015:**

A request (A Zoning Map Amendment – PUD District application type), from Victor J. Mills on behalf of Shelter Cove Towne Centre, LLC and Shelter Cove II, LLC proposing to amend the Official Zoning Map by amending the PD-1 Zoning District, specifically the Palmetto Dunes Resort Master Plan, to allow for 240 multi-family residential units. All other permitted uses and associated densities will remain unchanged. This request is specifically related to proposed amendments to the Development Agreement associated with the property that potentially will relocate the multi-family units from the west portion of the 'Mall Tract' to the east portion and will be further distributed between the 'Mall Tract' and the adjacent eastern property not to exceed a total of 240 units.

The property is approximately 26 acres on Shelter Cove Lane and Broad Creek and is currently identified on Beaufort County District R520, Tax Map 12C, parcel 2 which also includes the 'Exchange Parcel-New Multi-Family Parcel' now identified as parcel 7. Chairman Brown introduced the application and requested that the staff make their presentation.

Ms. Colin made the presentation on behalf of staff. Staff recommended that the Planning Commission review the application and staff report, hold a public hearing on the application, and make a recommendation for action on the application to Town Council for their review and decision.

Mr. Victor Mills, on behalf of Shelter Cove Towne Centre, LLC and Shelter Cove II, LLC, has submitted a request to amend the Palmetto Dunes Resort Master Plan to reallocate the multifamily density and allow for flexibility in assigning density in the following manner:

- change the number of multifamily dwelling units (apartments) on the Multifamily Site #1 of the development (120 to 150);
- increase the number of multifamily dwelling units (apartments) on the Multifamily Site #2 from 0 permitted units to a range of (80 to 120)

- the aggregate total of dwelling units for both properties would not exceed 240 units; and
- no other changes to the Master Plan land use designations and associated densities for the properties.

As stated in the Application, “The purpose of the requested rezoning is to lessen the footprint of the New Multi-Family Parcel and to decrease the mass associated with the Multi-Family structure to be constructed thereon, and also to allow for the increase in size of the Community Park Parcel by adding thereto, at the discretion of the Town, the proposed Community Park Expansion or Greenspace, all as shown on the Concept Plan. If the rezoning request is granted, the synergy created by separating the multi-family activities from the Community Park will result in a more well-organized configuration that provides for a more identifiable separation of the type of activities conducted on the Community Park Parcel used for leisure and recreation by the public and the residential multi-family units which will be used by residents of the community.

This separation will provide: (i) the opportunity and convenience to the residents of the multi-family units to be able to work and spend their leisure time within a comfortable walking distance from their residences, (ii) to provide greater Community Park space for the public, and (iii) to provide further separation and privacy to the individuals residing at Newport.”

Mr. Mark Senn presented additional comments in support of the application. The Planning Commission discussed several developmental issues, including parking, with Mr. Senn and Ms. Colin.

Chairman Brown then invited public comments on this application and none were received. Chairman Brown then requested that a motion be made.

Commissioner Gant made a **motion** to **approve** Application ZA-001190-2015 as presented. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 6-0-0.

#### **11. Commission Business**

Chairman Brown stated that Sub Committee assignments for the July 1, 2015 – June 30, 2016 term will be made at the next Planning Commission meeting.

#### **12. Chairman’s Report**

None

#### **13. Committee Reports**

- a) Commissioner Gant presented a status update on the Circle to Circle Committee.
- b) Commissioner Carstens stated that the Comp Plan Committee will meet sometime in mid-August.

**14. Staff Reports**

None

**15. Adjournment**

The meeting was adjourned at 4:40p.m.

Submitted By:

Approved By:

August 19, 2015

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Kathleen Carlin  
Secretary

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Alex Brown  
Chairman