

# TOWN OF HILTON HEAD ISLAND

## The Planning Commission

Minutes of the Wednesday, January 7, 2009 Meeting

9:00am – Benjamin M. Racusin Council Chambers

**APPROVED**

Commissioners Present: Chairman Al Vадnais, Vice Chairman Loretta Warden, Tom Crews, Terence Ennis, Therese Leary, Tom Lennox, Gail Quick and David White

Commissioners Absent: Jack Docherty, Excused

Town Council Present: None

Town Staff Present: Jayme Lopko, Senior Planner  
Shea Farrar, Senior Planner and Planning Commission Coordinator  
Nicole Dixon, Planner  
Kathleen Carlin, Administrative Assistant

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### **I CALL TO ORDER**

Chairman Vадnais called the meeting to order at 9:00am.

### **II PLEDGE OF ALLEGIANCE TO THE FLAG**

### **III ROLL CALL**

### **IV FREEDOM OF INFORMATION ACT**

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.

### **V USAGE OF CELLULAR TELEPHONE**

Please turn off all cellular phones so that the meeting is not disturbed. Use of the cellular phone is allowed in the hallway outside of Council Chambers.

### **VI APPROVAL OF THE AGENDA**

Chairman Vадnais reported that the staff and applicant for Zoning Map Amendment Application ZMA080004 have requested that the review of this application be postponed from January 21, 2009 to February 18, 2009. The Planning Commission approved the request for postponement by general consent. The revised agenda was **approved** by general consent.

### **VII APPROVAL OF THE MINUTES**

The Minutes of the December 17, 2008 meeting were **approved** as amended by general consent.

### **VIII APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA**

None

**IX UNFINISHED BUSINESS**

None

**X NEW BUSINESS**

**PUBLIC HEARING**

**ZMA080007** – Application from Helga Lilley on behalf of Thomas and Susan Barnwell to apply for the Planned Development Overlay District (PD-2). The PD-2 Overlay District will incorporate the three Water Front Mixed Use (WMU) properties and sixteen Low to Moderate Density Residential (RM-4) properties to allow for the permitted density and uses from the three WMU parcels to be transferred to three of the RM-4 parcels on the west side of Gum Tree Road. All development will occur on the south side of Squire Pope Road; parcels on the north side will be preserved as permanent open space. The proposed development will consist of single family residential homes, townhomes, and mixed use structures where residential units are over commercial space. The subject parcels are located near the intersection of Squire Pope and Gum Tree Road and are further identified on Beaufort County Tax Map #3 as Parcels 2B, 2D, 2E, 2F, 2H, 2I, 14, 14D, 14I, 16, 16A, 16B, 19C, 19D, 19E, 49, 58, 58A, and 223.

Mrs. Jayme Lopko made the presentation on behalf of staff. The staff recommended that the Planning Commission find this application to be consistent with the Town’s Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance, based on the (*attached*) Findings of Facts and Conclusions of Law as determined by the LMO Administrator. The (*attached*) conditions are part of the staff’s recommendation for approval.

Today’s application is from Ms. Helga Lilley on behalf of the Barnwell family to apply for the Planned Development Overlay District (PD-2). The PD-2 Overlay District will incorporate three Water Front Mixed Use (WMU) properties and sixteen Low to Moderate Density Residential (RM-4) properties to allow for the permitted density and uses from the three WMU parcels to be transferred to three of the RM-4 parcels near where the tabby structure exists. All development will occur on the southwest side of Squire Pope Road; parcels on the water front side of Squire Pope Road will be preserved as permanent open space.

The proposed development will consist of single-family residential homes, townhomes, and mixed use structures where residential units are located over commercial uses. There is relief requested from all the internal buffers and setbacks for the single-family residential portion of the development, which can be permitted through the PD-2 Overlay District process.

Mr. and Mrs. Thomas Barnwell, along with their agent, Ms. Helga Lilley, approached the Town about the possibility of developing the Barnwell family land at the intersection of Squire Pope and Gum Tree Roads. The desire was to develop commercial uses around the existing tabby structure on the site. The area where the tabby structure is located is zoned RM-4 which does not permit the commercial uses desired by the Barnwell family.

In discussions with Town staff, the Barnwell family stated they would be willing to leave the three (3) acres of land they own on the waterfront as permanent open space if they could transfer the development rights from the water front land to property they own on the

landward side of Squire Pope Road. The staff suggested the PD-2 zoning overlay as a means to accomplish this goal.

The staff determined that this application is compatible with the Comprehensive Plan and serves to carry out the purposes of the LMO. Mrs. Lopko reviewed the Summary of Facts and Conclusions of Law. This application is consistent with the adopted Comprehensive Plan as described in the Cultural Resources, Natural Resources, Economic Development, Land Use, and Transportation Elements, as set forth in LMO Section 16-3-1703A. This application will preserve both natural and historical features. An historic feature will become accessible to the public and be used as a focal point for the mixed use development. A non-compliant curb cut will be closed along Squire Pope Road and the roadway and pedestrian networks will provide interconnection throughout the development with little impact to the natural environment.

One of the priorities guiding the development of this site is the protection of the historic tabby structure as well as existing wetlands and significant and specimen trees. There are two existing freshwater wetlands; one will be preserved in its natural state and the other may be impacted by a new road in the residential subdivision. If there is an impact to this wetland, mitigation will be required within the same watershed. There are at least seven (7) specimen trees that will be preserved on the site with several other large pecan and palm trees that will be preserved. In addition, any native palms that are shown to be removed due to this development will be relocated to another area of the property.

The existing tabby structure is one of the largest on the Island and is being evaluated by the State Historic Preservation Office for eligibility for the National Register. As part of this development this structure will be professionally restored to its original state. This development is designed in clusters to preserve these important features of the site.

In addition this application will transfer the development rights of the water front property across Squire Pope Road, which will preserve the water front property as open space helping to maintain the views and the water quality of Skull Creek. There will be three (3) acres of WMU property on Skull Creek that will become permanent as a result of this application.

There will also be a curb cut closed along Squire Pope Road near the church to better meet the LMO driveway separation requirements. This closure will result in a safer transition coming out of the existing traffic circle, as well as a safer design for ingress and egress from the proposed subdivision.

Mrs. Lopko reviewed the Criteria required for approval of the application. This completed the staff's presentation. Chairman Vadnais thanked Mrs. Lopko for her excellent presentation and requested that the applicant make their presentation.

Agent, Ms. Helga Lilley, presented statements in support of the application. Ms. Lilley provided several overhead diagrams depicting the location of the project including several specimen trees which will be preserved. The application strives to maintain the environmental integrity of the land. Ms. Lilley stated the application is very sensitive in the preservation of the site's natural beauty and historic elements. The Planning Commission and Ms. Lilley discussed the property belonging to Mount Calvary Church. The Planning Commission discussed the project at length and complimented the plan's design and

sensitivity to the environment. The protection of waterfront property was commended. At the completion of the discussion, Chairman Vadnais requested public comments and the following were received.

Chester C. Williams, Esq.; citizen, Mr. Tom Taylor; citizen, Mrs. Fran White; citizen, Mr. Greg Young, and Mr. Joseph Montgomery all presented comments for the record. Mr. Thomas Curtis Barnwell, III, presented statements on behalf of the Barnwell family.

At the completion of public comments, Chairman Vadnais stated that the public hearing for this application is closed.

Mrs. Lopko responded to questions regarding the width of buffers, the average height of all structures, and the property owned by Mount Calvary Church.

At the completion of the Planning Commission's discussion, Chairman Vadnais requested that a motion be made finding that application for Zoning Map Amendment ZMA080007 is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance based on the Findings of Fact and Conclusions of Law contained in the Staff's Report. The staff's recommended conditions are included.

Commissioner Leary made the **motion** for approval of Application for Zoning Map Amendment, ZMA080007 with the following conditions presented by the staff:

- A property management office may be established as an accessory use for the development.
- The residential and commercial uses from the WMU zoning district that are permitted on parcels 14, 14I, 16, 58, and 58A of Tax Map 3 within the RM-4 zoning district are limited to:
  - Mixed Use
  - Other Retail Sales and Services
  - Convenience Store (without fuel sales)
  - Eating Establishment with High Turnover (no drive thru)
  - Bicycle Shop (with outdoor storage)
- Convenience stores, bicycle shops, and mixed use are permitted conditionally within the WMU district. The conditions for all of these uses shall be met in order for these uses to be permitted within this development. The conditions are as follows:
  - Convenience stores are permitted subject to the following standards.
    - A. The site shall have direct access to a minor arterial only, as defined in Sec. 16-5-503. No access to a major arterial shall be permitted.
    - B. No more than two convenience stores shall be located at the intersection of a major arterial with a minor arterial. The two permitted stores shall be located on opposite sides of the major arterial.
    - C. Any fuel sales on the site shall meet the requirements of Sec. 16-4-1223.
    - D. Gross floor area of a convenience store shall not exceed 3,500 square feet.
  - Bicycle Shops with outdoor storage areas are permitted in the SMU, WMU, CFB, RD, CCW, DCW and CC Districts subject to the following standards.
    - A. Vegetation and other buffer materials shall be installed to screen outdoor storage areas.
    - B. Outdoor storage areas cannot occupy any required parking spaces, open space, or buffer areas.

- In the WMU, CFB, RD, NC, OL, OM and CC Districts, residential uses are permitted above commercial uses (excluding outdoor recreation, resort accommodations and vehicle sales and services uses) subject to the following standards.
  - A. The residential use shall be clearly secondary to the primary commercial use. The gross floor area of the entire building shall include not more than 50 percent residential uses.
  - B. Separate designated parking spaces for use by the residential units are required. Shared parking calculations shall not be permitted.

Vice Chairman Warden **seconded** the motion and the motion **passed** with a vote of 8-0-0.

Chairman Vadnais, as well as all of the Planning Commissioners, extended their appreciation to Mrs. Jayme Lopko for her outstanding presentation of application for Zoning Map Amendment ZMA080007.

**XI CHAIRMAN’S REPORT**

Mr. Charles Cousins will present Town Council’s 2009 Goals to the Planning Commission on January 21, 2009.

**XII COMMITTEE REPORTS**

Chairman Vadnais reported that the LMO Committee will meet on Wednesday, February 8, 2009 at 6:00pm for review of the proposed street name amendments. The LMO Committee will meet on Wednesday, February 21, 2009 at 6:00pm for review of the Shoreline Protection Amendments.

Mr. Tom Crews reported that the Comprehensive Plan Committee will meet immediately following today’s meeting. Mr. Crews complimented the staff on the development of a new website for the Comprehensive Plan. Mr. Crews requested that the Planning Commission visit this new website to review it and provide feedback to the staff and the Committee.

**XIII STAFF REPORTS**

1. Uses in the Light Industrial District - Ms. Shea Farrar stated that the staff will make a presentation on these uses on February 21, 2009.
2. Magnolia Place Update – Ms. Nicole Dixon presented an update on the status of Magnolia Place development. The construction of this project is currently on hold due to the economy.

**XIV ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:15pm.

Submitted By:

Approved By:

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Kathleen A. Carlin  
Administrative Assistant

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Al Vadnais  
Chairman