

TOWN OF HILTON HEAD ISLAND

Planning Commission Meeting

Wednesday, February 18, 2015

APPROVED

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

Commissioners Present: Chairman Alex Brown, Vice Chairman Peter Kristian, Judd Carstens, Jim Gant, Bryan Hughes, Barry Taylor and Caroline McVitty

Commissioners Absent: Todd Theodore

Town Council Present: John McCann

Town Staff Present: Jayme Lopko, Sr. Planner & Planning Commission Coordinator
Anne Cyran, Senior Planner
Charles Cousins, Director of Community Development
Jill Foster, Deputy Director of Community Development
Shawn Colin, Deputy Director of Community Development
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
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 Town of Hilton Head Island requirements.

5. Approval of Agenda

Commissioner Kristian made a **motion** to **approve** the agenda as submitted.

Commissioner Gant **seconded** the motion and the motion **passed** with a vote of 7-0-0.

6. Approval of Minutes

The minutes of the December 4, 2014 meeting were **approved** as amended by general consent.

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

None

8. Unfinished Business

None

9. New Business
Public Hearing

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 presented an in-depth overhead review of the application including a review of the Heritage Golf Port Royal Tract Map, the location map, and the zoning map. 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 LMO, based on the Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed in the staff's report, making the recommendation to Town Council of *approval* of the request.

Chester C. Williams, on behalf of Gary L. Dee and Heritage Golf Port Royal, LLC, the applicant, has submitted a request to amend the Port Royal Plantation and Surrounds Master Plan to upgrade and consolidate the recreational facilities of Port Royal Club, to renovate and expand administrative offices for Heritage Golf Port Royal, and to bring the subject property into compliance with the Master Plan.

To upgrade and consolidate the recreational facilities of the Port Royal Club, the applicant proposes to build a fitness and wellness center and to build tennis courts and related facilities on the property. The tennis facilities would replace the Port Royal Club's Racquet Club facilities at 15 Wimbledon Court. The Applicant also proposes to

renovate a portion of the existing 7,100 square foot administrative office building and to expand the building by 5,400 square feet to a total of 12,500 square feet.

The Master Plan designates the only approved use for the Property is Golf Course. The Property contains conforming accessory uses to the Golf Course: a Golf Clubhouse, Golf Pro Shop and Locker Rooms. The Property contains a non-conforming use: Administrative Offices. This application would add all of these uses to the Master Plan, making the Administrative Offices conforming. It would also expand the recreational facilities on the Property by adding the following uses for the Property to the Master Plan: Fitness and Wellness Center, Tennis Courts, and Tennis Pro Shop.

There is no density assigned to the Property. The recreational facilities – Golf Clubhouse, Pro Shops, Fitness and Wellness Center, and Locker Rooms – are considered amenities of Port Royal Plantation and, per the LMO, they are not required to have assigned density on the Master Plan.

Per the LMO, an Administrative Office must have assigned density on the Master Plan. Since the Property does not have assigned density, the existing 7,100 square foot Administrative Office does not conform to the Master Plan. This application would bring the Administrative Office into compliance with the Master Plan. It would also allow the office to expand by 5,400 square feet by assigning 12,500 square feet of Administrative Office use density to the Property.

Beaufort County originally approved the development of the Property, which was developed in 1983 with the first and eighteenth holes of the Planters Row golf course, driving range, practice greens, clubhouse, golf pro shop, locker rooms, and 7,100 square feet of administrative offices. The Port Royal Plantation and Surrounds Master Plan was approved by the Town in 1984, after the Town was incorporated. The Master Plan did not accurately reflect the Administrative Office use already developed on the Property. The Master Plan also did not assign the density of the Administrative Office use to the Property.

In 2005, the Applicant acquired the Property, which is part of an approximately 355 acre tract. The Tract includes the Port Royal Plantation Clubhouse, Barony Golf Course, Robbers Row Golf Course, Port Royal Racquet Club, and the Port Royal Plantation maintenance facility.

To provide capital for the redevelopment of the Property, the Applicant plans to sell the Port Royal Racquet Club portion of the Tract. On January 20, 2015, the Applicant submitted a Zoning Map Amendment application, ZA-91-2015, to rezone the Racquet Club from the Planned Development Mixed Use (PD-1) Zoning District to Resort Development (RD) Zoning District. The Public Hearing for Application ZA-91-2015 will also be held on February 18, 2015.

The applicant's narrative and application materials state the proposed Zoning Map Amendment would clarify and amend the Master Plan and its associated text to recognize the long standing, existing commercial and recreational uses and densities that are currently on the Property. The applicant states the ZMA would also allow for the redevelopment of the Property which would not only provide new and improved tennis

facilities and a new fitness and wellness center for Port Royal Plantation and the Port Royal Club, but would also consolidate those facilities in a single location.

The applicant states the application is not inconsistent with, and is in accordance with, many of the Visions, Goals, and Implementation Strategies of the Comprehensive Plan.

Ms. Cyran offered to review the Findings of Fact and Conclusions of Law contained within the staff's report. The staff determines that this application is compatible with the Comprehensive Plan and serves to carry out the purposes of the LMO as based on the staff's Findings of Fact and Conclusions of Law.

Staff recommended that the Planning Commission **recommend approval** to Town Council of this application, which includes amending the Official Zoning Map by amending the Port Royal Plantation and Surrounds Master Plan to change the permitted uses on the Property to Golf Course, Golf Clubhouse, Golf Pro Shop, Tennis Courts, Tennis Pro Shop, Fitness and Wellness Center, Locker Rooms, and Administrative Offices and by increasing the assigned density of the Property to 12,500 square feet of Administrative Office use. Following the staff's presentation, Chairman Brown requested that the applicant make his presentation.

Chester C. Williams, Esq., stated that he is the agent for Heritage Golf Port Royal, LLC. Mr. Williams stated that the applicant is the property owner and is also the operator of the Port Royal Club. The property, which is currently included as part of the Port Royal Plantation and Surrounds Master Plan, is a portion of the 354.63 acre tract described earlier. The applicant acquired the property by way of a deed recorded on January 24, 2005.

The property is currently the site of the Port Royal Club's clubhouse and attendant golf facilities for the three 18-hole golf courses in Port Royal Plantation (PRP). The applicant is seeking to amend the PRP Master Plan to clarify the text of the PRP Master Plan regarding the existing uses and densities on the property and to include additional uses and associated densities on the property.

This application is filed with the Town simultaneously with another application by the applicant to rezone the 8.4 acre tract that is currently the site of the Port Royal Club's tennis facilities from the PD-1 District to the Resort Development (RD) District.

The property is separated geographically from the Port Royal Club's tennis facilities located at 15 Wimbledon Court (the Racquet Club Tract). In order to upgrade and consolidate the recreational facilities of the Port Royal Club, the applicant proposes to redevelop the Clubhouse Tract by constructing new tennis facilities and a new fitness and wellness center on the property. The new tennis facilities will replace the tennis facilities currently located on the Racquet Club Tract. This redevelopment of the property will not only provide new and improved tennis facilities and a new fitness and wellness center for Port Royal Plantation and the Port Royal Club, but will also consolidate those facilities in a single location.

In order to provide a source of capital for the redevelopment of and additional investment in the Clubhouse Tract, the applicant must be able to sell the Racquet Club Tract.

The property is currently located in the PD-1 District, in the PRP Master Plan area. The current permitted use of the property under the PRP Master Plan is “Golf Course”. The purpose of this application is to amend the PRP Master Plan and its associated text to clarify and recognize the current uses and densities on the property, and to permit the proposed new tennis facilities and fitness and wellness additions to the property.

The applicant is requesting that the PRP Master Plan and its associated text be amended to clarify and recognize the current uses and densities on the property, and to permit the proposed new tennis facilities and fitness and wellness center additions to the property.

Mr. Williams stated that site specific planning issues are not part of this application and will be considered at a later time. Mr. Williams briefly reviewed the associated Palmetto Dunes portion of the Town’s new Zoning Map that was recently adopted along with the new LMO. Mr. Williams stated that the applicant agrees with the Town staff’s recommendation for approval of the application.

Commissioner McVitty requested clarification on the permitted use for this property including increasing the density. Mr. Williams stated that currently the administrative offices are a legal non-conforming use on the property and one of the applicant’s goals is to make that a conforming use (the Master Plan and the related text do not specifically refer to that at this time.) A couple of other goals are to add density to allow for the 9,500 sq. ft. fitness and wellness center because this will be a new use for the property. Another goal is to add another permitted use on the property which is the tennis courts, which are not on site at this time.

Vice Chairman Kristian asked Mr. Williams what his client’s intentions are beyond bringing non-conformities into conformance. Mr. Williams introduced his client, Mr. Gary Dee to the Planning Commission. Mr. Dee presented statements regarding their desire to consolidate all of their amenities into one location. Mr. Dee also presented statements in support of the benefits of the fitness and wellness center and other enhancements to the community.

Commissioner Hughes presented statements regarding the relocation of the tennis courts (freeing up another parcel of land for development) which seems to be an important economic driver of the application. Mr. Dee agreed with Commissioner Hughes’ statement on this issue. Development opportunities will provide the funding for improvements to the clubhouse tract.

Mr. Williams also presented comments regarding the development opportunities associated with the application. Vice Chairman Kristian presented comments with regard to the marketability of the redevelopment. Following the applicant’s presentation, Chairman Brown opened the public hearing for the application and requested public comments. The following public comments were received:

- (1) Mr. David White, speaking on behalf of Bob White Drive property owners on Bob White Drive, presented general comments regarding the addition to the clubhouse. Mr. White stated concern with the location of the tennis courts due to noise. The community would also like to have a better understanding of the location for the fitness and wellness center.

- (2) Mr. Bill Bowen, speaking on behalf of the residents of Royal Dunes at Port Royal, stated his objection to the notice requirements for this application. Mr. Bowen stated that the notice requirements are inadequate and improper for notifying the timeshare community of this meeting.
- (3) Mr. Jim Fisher, resident of Port Royal Plantation, encouraged the Planning Commission to endorse the application with strong consideration given to a couple of zoning alternatives (*please see the attached*). Mr. Fisher presented statements in support of a 75-ft. buffer to protect single-family homeowners in the community.
- (4) Mr. Lance Pyle, General Manager Port Royal Plantation POA, stated that everyone in Port Royal Plantation shares the same concerns. The association has had limited time to view the application and still needs to investigate the deed restrictions and the covenants placed on this property. The application has a couple of concerns with the way the application was submitted (i.e. the traffic study does not necessarily reflect the business plan or proposal of Heritage and the proposal of the addition of fitness/wellness and the addition of the tennis courts.) The community also has a concern with the size of the parcel and the placement of the tennis courts. Mr. Pyle also presented statements regarding the deed restrictions and increased density.
- (5) Mr. Chalmers Gorman, resident of Port Royal Plantation, presented statements in favor of the application with the need for some restrictions. Mr. Gorman presented statements in concern of traffic and access issues.

This completed all public comments and Chairman Brown closed for public hearing. Chairman Brown then invited discussion by the Planning Commission. Vice Chairman Kristian asked Mr. Chet Williams about a traffic study for this rezoning application. Mr. Williams stated that a traffic study is not required for a rezoning application; however, traffic concerns are a proper subject to be considered when considering the Traffic Element of the Comprehensive Plan.

Mr. Williams presented statements regarding mailed notice requirements for the application as stated in the LMO. Mr. Williams also presented statements regarding deed restrictions and covenants. In response to previous comments regarding restrictive covenants, Mr. Williams stated that the restrictive covenants will be enforceable by the POA and will restrict any sort of construction on 18 Planter's Row for any structures other than those that are related to golf course use. With respect to ARB issues, if the existing covenants do not provide for ARB control over the clubhouse area, then Heritage Golf will give the Board the same basic ARB rights as the Plans Approval Board has with respect to residential tracts within Port Royal Plantation.

The Planning Commission asked the staff what they are permitted to do with regard to making a motion. Ms. Cyran stated that the Planning Commission would recommend to Town Council either approval or denial of the zoning application. Commissioner McVitty stated that it is very difficult to separate this application from the application that will be heard next by the Planning

Commission. A couple of other Planning Commissioners agreed with this concern because the two applications are related. Chairman Brown asked the staff if the Planning Commission can postpone their vote on this application until after they have heard the next zoning application. Commissioner McVitty asked the staff if the Planning Commission can vote on the second application first.

Ms. Teri Lewis stated that since the public hearing for the first application has already been closed, the staff can go ahead and present the second application to the Planning Commission. Following that public hearing, the Planning Commission can decide how they would like to vote on each of the applications. The Planning Commission agreed with this idea. Chairman Brown then introduced the next zoning amendment application, ZA-91-2015.

Public Hearing

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. Following the introduction of this application, Chairman Brown requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran stated that this application proposes to change the base zoning district. Ms. Cyran presented an in-depth overhead review of the application including a review of the Heritage Golf Port Royal Tract Map, the location map, and the zoning map. 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 LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed within the staff's report; making the recommendation to Town Council of *approval* of the request.

Chester C. Williams, on behalf of Gary L. Dee and Heritage Golf Port Royal, LLC, has submitted a request to amend the Port Royal Plantation and Surrounds Master Plan to change the base zoning district of the subject property from the Planned Development Mixed Use (PD-1) District to the Resort Development (RD) District.

The Property is the site of the Port Royal Racquet Club, a tennis facility for the use of residents and guests of Port Royal Plantation, members of the Port Royal Club, and the general public. The Property contains 14 tennis courts, and approximately 2,700 square foot tennis facility, and related parking. The Applicant proposes to rezone and sell the property to provide capital for the redevelopment of the Port Royal Club Clubhouse property.

The Master Plan use for the Property is Recreation. This application would change the permitted uses on the Property to all of the Allowable Principal Uses in the RD District, listed in Land Management Ordinance (LMO) Section 16-3-105.L.2.

There is no density currently assigned to the Property. These recreational facilities are considered amenities of Port Royal Plantation and, per the LMO, they are not required to have assigned density on the Master Plan. This application would change the permitted density on the Property to the Maximum Density allowed in the RD District, listed in LMO Section 16-3-105.L.3.

The amount of impervious coverage allowed on properties in the PD-1 District is higher than the amount allowed in the RD District. This application would decrease the Maximum Impervious Coverage allowed on the Property from 65 percent to 50 percent.

The amount of open space required on properties in the PD-1 District is higher than the amount required in the RD District. This application would remove the requirement for 25 percent Minimum Open Space for all types of development on the Property. This application would add a requirement for 16 percent Minimum Open Space for Major Residential Subdivisions on the Property.

The Master Plan was initially approved by the Town in 1984. The Master Plan designated the Property as Port Royal Racquet Club but did not assign density to the Property. The Property was developed in 1985 with the current design and facilities.

The Property is primarily accessed from Wimbledon Court. A second vehicular entrance to the property, controlled by a locked gate, is located on Folly Field Road.

In 2005, the Applicant acquired the Property, which is a portion of an approximately 355 acre tract. The Tract includes the Port Royal Plantation Clubhouse, Barony Golf Course, Robbers Row Golf Course, Port Royal Racquet Club, and the Port Royal Plantation maintenance facility.

If the proposed rezoning is approved, the Applicant plans to develop new tennis facilities on the Clubhouse property to replace the Racquet Club facilities. The Applicant plans to sell the Property to provide capital for the new tennis facilities and other redevelopment projects on the Clubhouse property.

The applicant's narrative states that the purpose of the application is to rezone the Property to support the successful sale, and subsequent redevelopment, of the Property.

Ms. Cyran reviewed the Findings of Fact and Conclusions of Law with the Planning Commission. Ms. Cyran also presented comments regarding a couple of inconsistencies including conflicts with the Natural Resources Element and the Recreation Element. Ms. Cyran presented comments regarding next steps for both this application and the previous application.

The Planning Commission discussed the primary access for this parcel which is currently through Wimbledon Court. The Town's Engineer agrees with the applicant's traffic survey that Folly Field Road has the capacity to handle the additional traffic. Folly Field Road is a minor arterial. Commissioner McVitty presented comments regarding single-family and multi-family districts and asked staff why this project cannot be in PD-1. Ms. Cyran stated that the applicant did not apply for PD-1. Vice Chairman Kristian asked the staff about the process for divesting this property from the PD-1 Master Plan. Ms. Cyran stated that the rezoning will change the base zoning district. Any covenants will need to be resolved privately.

Chester C. Williams, Esq., presented brief comments regarding the status of the covenants and the need for a full title examination of the property. Mr. Williams stated that any existing applicable covenants will continue to be applicable following the rezoning. Vice Chairman Kristian stated that the Port Royal ARB may have some jurisdiction over what can be built. Mr. Williams stated that his client has decided against the PD-1 zoning district. Mr. Williams also presented brief comments regarding the calculation for a cap on residential densities. Vice Chairman Kristian and Mr. Williams discussed Folly Field Road and the Planning Commission agreed that access on Folly Field Road is the key economic element for this rezoning application.

Following the staff's presentation, Chairman Brown requested that the applicant make his presentation.

Mr. Williams presented statements regarding the criteria associated with the application's conformance with the Comprehensive Plan. Heritage Golf will enter into a restrictive covenant that will be enforceable by the Port Royal Association upon redevelopment of the property that would limit vehicular access to the property from the right of way of Folly Field Road. Mr. Williams also presented comments regarding emergency vehicle access. Mr. Williams stated that his client believes that this rezoning application meets the requirements of the LMO and Comprehensive Plan necessary for approval. Following Mr. Williams' presentation, Chairman Brown opened the public hearing for this application. Chairman Brown requested public comments and the following were received:

- (1) Mr. Lamar Barrett presented comments regarding the locked/open gate on Folly Field Road, traffic issues on Folly Field Road, and beach access.

- (2) Mr. Morley Workun, representative of Ocean Palms, presented statements in objection to the application due to traffic concerns, increased density, and the resulting negative effect on community property values.
- (3) Mr. Donald McFadden, attorney, presented statements in opposition to the application because there is no guarantee that the concerns being brought before the Planning Commission today will ever be resolved. Additional traffic, increased density, and reduced recreational use/open space are concerns.
- (4) Mr. Bill McGrath, representative of the Beckingham/Devonshire/Port Royal Tennis Village, presented statements in concern of excessive development - when will enough be enough? Existing infrastructure will be strained by the development and emergency vehicles will not have proper access along Wimbledon Court. Additional traffic and pedestrian safety studies are needed.
- (5) Mr. Charlie Lovely presented statements with regard to the historical context of the area. Unrestricted development is a major concern. Folly Field Road cannot handle the additional traffic. Serious backups are inevitable and broad detrimental impacts will result.
- (6) Mr. James Crispen, Folly Field POA representative, presented statements in concern of unknown issues associated with the sale of the property. Density and additional traffic on Folly Field Road are also concerns. Single Family Development in this area would be a better solution for the community.
- (7) Ms. Roni Kincaid presented statements in concern of additional traffic on Folly Field Road. Drainage issues are also a concern. Additional density in the area is not a good idea. The zoning application should be denied.
- (8) Mr. Chris Abbott, Fiddler's Cove HPR representative, presented statements in opposition to the application due to concerns with additional traffic on Folly Field Road, concerns with increased density, increased demand on beach parking, impacts on bird habitat, and a significant negative impact on the neighborhood.
- (9) Mr. Alan Cudahy presented statements in opposition to the application based on concerns with increased traffic, relocation of the tennis courts, and concerns with the unknowns associated with future development of the property.
- (10) Mr. Everett Chesley presented statements in opposition to the application due to the unknowns of future development, the loss of island character, and increased density. Mr. Chesley also presented statements in concern of the application's inconsistencies with the Comprehensive Plan (i.e. Natural Resources Element). We should maintain what we have and density should be controlled.
- (11) Mr. Lance Pyle, General Manager Port Royal Plantation POA, presented additional statements regarding the effect of removing the parcel from PD-1.

Traffic levels on Wimbledon Court are already at capacity. Additional density will only make matters worse. Emergency access is also a concern. Mr. Pyle stated that they are performing a title search on the property as they believe the property is subject to Plans Approval Board review.

Vice Chairman Kristian and Mr. Pyle discussed a possible preference for developing the property as single-family rather than multi-family where the parcel would remain in PD-1. This would help traffic concerns.

- (12) Mr. Jay DeCarlo presented statements in support of the idea of single-family development for this piece of property. Single-Family development would be a better solution for the community.
- (13) Mr. Joe Dehmer presented statements in concern of the increased density and additional traffic particularly with regard to pedestrian safety and public beach access.
- (14) Mr. Stephen Hansen stated his concerns with the increased density, particularly as related to increased traffic on Wimbledon Court Road.
- (15) Mr. Karl Meurlot presented statements in concern of improper notice requirements for this application. Increased density is the largest concern. Loss of the existing tennis courts will be a disappointment to many in the area. Increased density will change the complexion of the area and there are too many unknowns associated with the application.
- (16) Mr. Jim Fisher presented additional comments in support of his earlier presentation including options for developments.

Following the receipt of all public comments, Chairman Brown stated that the public hearing for this application is closed. Chairman Brown then invited the applicant to present closing remarks on behalf of his client.

Mr. Williams presented closing comments in support of the rezoning application. Mr. Williams stated that many of the public concerns expressed today are site development issues and will be addressed at a later time. Mr. Williams also presented follow up comments on traffic concerns. Following Mr. Williams' comments, Chairman Brown invited discussion by the Planning Commission.

The Planning Commission discussed the application and the concerns expressed by the public. The Planning Commission agreed that the application complies with the criteria stated in the LMO, with some recommended conditions.

Ms. Anne Cyran stated that the first rezoning application heard today by the Planning Commission can be approved with site specific conditions such as the buffer that was discussed or subdivision of the property that was previously discussed. For the second application, the Planning Commission's recommendation would either have to be approval of the

application or denial of the application. Ms. Cyran concluded her comments with next steps for the applications.

Chairman Brown stated that the Planning Commission will consider the second application first. Following final comments by the Planning Commission, Chairman Brown requested that a motion be made.

Commissioner Taylor made a **motion to approve** the second application, ZA-91-2015, as presented by the staff. Commissioner Gant **seconded** the motion. Commissioner McVitty stated that this is not the highest and best use of the property. Commissioner McVitty stated that the property should be able to be sold without having to be rezoned. Commissioner Taylor reminded the Planning Commission that the applicant chose not to do that.

Commissioner Gant stated that he is struggling with the concerns that were presented by the public today and the applicant's responses. Restrictive covenants are an important part of this discussion, but it does not sound like they can be included in the Planning Commission's recommendation to Town Council. The traffic concerns are real and, as the applicant pointed out, will be addressed in the Development Plan Review process.

Vice Chairman Kristian stated that he is torn between the fact that we need to go through redevelopment, and improvements to the golf course property are appreciated. However, there should be some protection for the people who purchased their property years ago with the zoning in place. These individuals relied on that zoning and those facilities when they bought their property. Now we are taking it from probably the lowest use (recreational) to the highest possible use. Perhaps there is something in the middle that should be considered that would meet the need, but not provide the highest density and associated concerns that go along with that. Commissioner McVitty agreed with Vice Chairman Kristian's comments.

Commissioner Carstens stated that he is not in favor of separating out this parcel from the rest of Port Royal.

Vice Chairman Kristian stated that he would have no reservations with the application if it were for single-family development rather than multi-family development.

Chairman Brown presented comments regarding the Planning Commission's limitations in what they can do. It is a balancing act. The traffic in this area fits the area.

The final vote on approval of the application was 3 in favor and 4 opposed and the motion **failed**. Another motion was required.

Commissioner Taylor made a **motion** that the second application, ZA-91-2015 be **denied**. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 5-2-0. The Planning Commissioners in opposition to the motion stated their reasons.

Commissioner Gant stated that with the covenant restrictions that the applicant has agreed to, and the traffic study that is forthcoming, it is believed that the proposed development is consistent with other zoning and development in the area. Commissioner Hughes agreed with these statements and stated his support for high density development where it already exists.

The Planning Commission discussed incorporating restrictive covenants and a 75-ft. vegetated buffer as conditions for approval of the application.

Mr. Williams presented statements regarding the Planning Commission's conditions for approval. Mr. Williams stated that the applicant is willing to enter into the restrictive covenants. The applicant is also willing to include a 30-ft. vegetated buffer. The LMO does not require a 75-ft. buffer anywhere on the island. Ms. Cyran stated that the other condition available to the Planning Commission is related to parceling out the property. Following final comments by the Planning Commission, Chairman Brown requested that a motion be made.

Commissioner Gant made a **motion** to forward application ZA-89-2015 to Town Council with a recommendation of **approval** with the following conditions attached: (1) The Port Royal Plantation Architectural Review Board has jurisdiction over the property; and (2) that there will be a 30-foot wide vegetated buffer around the tennis courts. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 6-1-0. Commissioner Carstens was opposed to the motion. Commissioner Carstens stated that he does not believe that we need buffer restrictions. Commissioner Carstens stated that he is in favor of covenant restrictions.

10. Chairman's Report

Chairman Brown stated that he presented the Planning Commission's Semi-Annual Report (for the period July – December 2014) to Town Council on February 17th.

11. Commission Business

None

12. Committee Reports

Commissioner Carstens stated that the Comp Plan Committee will meet on March 18th at 1:30p.m. Commissioner Gant stated that the Circle to Circle Task Force is scheduled to hold their first meeting on Wed., February 25th at 8:30a.m.

13. Staff Reports

Mrs. Lopko presented the Quarterly Report to the Planning Commission.

14. Adjournment

The meeting was adjourned at 6:00p.m.

Submitted By:

Approved By:

March 4, 2015

Kathleen Carlin
Secretary

Alex Brown
Chairman