

PLANNING COMMISSION



STAFF REPORT

Department of Growth Management

MEETING DATE:	September 27, 2023
PROJECT:	Lowcountry Pickleball Club - Certificate of Appropriateness-Highway Corridor Overlay District (HCO)
PROJECT MANAGER:	Katie Peterson, AICP, Senior Planner

APPLICATION REQUEST: The Applicant, Court Atkins Group, on behalf of the Owner, Rick Maggin, with Palmetto Land Associates, requests approval from the Planning Commission of the following application:

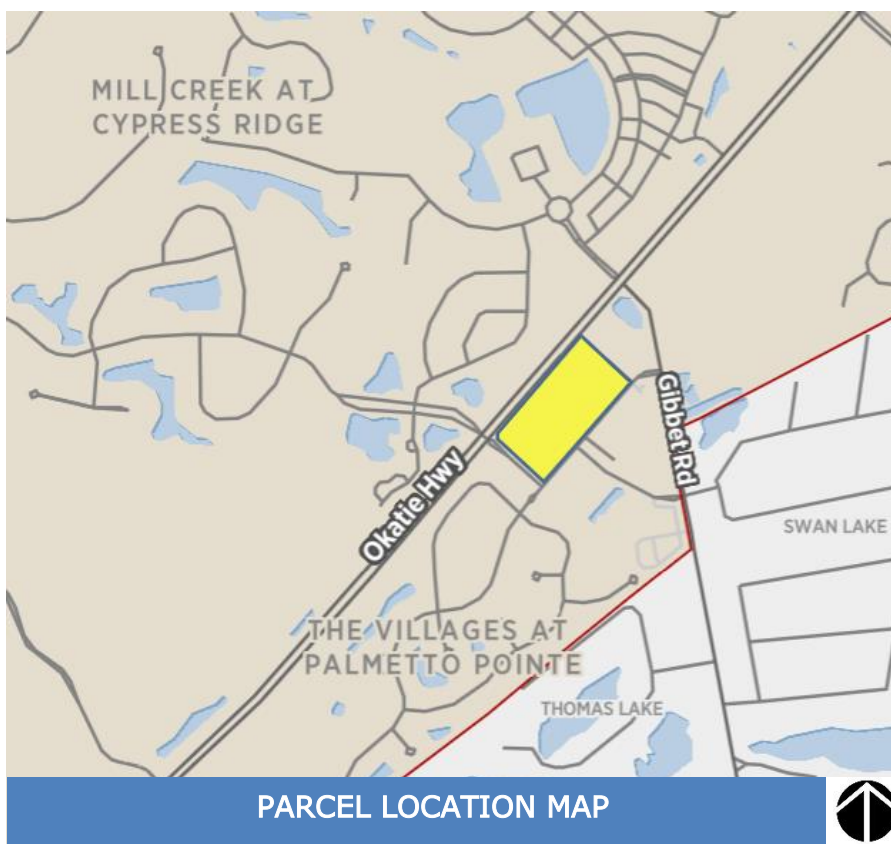
COFA-12-22-017507. A Certificate of Appropriateness-HCO for approval of the construction of a commercial pickleball facility of approximately 28,188 SF including clubhouse, event space, future tenant space and indoor courts, a concession building of approximately 1,197 SF, 19 outdoor courts, and associated landscaping and lighting on three existing lots within the Palmetto Pointe Business Park, identified by tax map numbers R610 36 000 0462 0000, R610 036 000 0461 0000, and R610 036 000 0460 0000, and is located at 60 Estate Drive within the Palmetto Pointe Commercial Master.

INTRODUCTION: The Conceptual Plan and Development Agreement for the Jones Estate PUD was initially approved by Bluffton Town Council in 2000. As approved, the plan organized the 4,400-acre Jones Estate into planning areas or tracts to provide for the arrangement and regulation of land uses, as well as the allocation of residential densities.

The subject parcel is located within the Church Point Planning Tract which was approved by Town Council on the same date. The subject parcel is within the Palmetto Pointe Commercial Master Plan (MPA-02-13-5332), last revised in 2013. A Preliminary Development Plan (DP-04-22-016582) was approved with conditions by the Planning Commission at the September 28, 2022 meeting, a Final Development Plan was reviewed at the August 2, 2023 Development Review Committee where comments were provide to the Applicant. The Applicant has submitted revised materials and Staff has provided comments back on the revised drawings. As of the date of this report, Staff is awaiting revised materials addressing those comments.

The application subject to this report is for the construction of a commercial pickleball facility including restaurant, clubhouse, and covered courts on three existing lots. and therefore, are being brought before the Planning Commission as a Certificate of Appropriateness -HCO application.

The Applicant is requesting approval of a Certificate of Appropriateness – Highway Corridor Overlay application which is subject to review by the Planning Commission, which has authority over architecture, landscaping and lighting design only.



PLANNING COMMISSION ACTIONS: As granted by the powers and duties set forth in Section 2.2.6.C.6. of the Unified Development Ordinance (UDO), the Planning Commission has the authority to take the following actions with respect to this application:

1. Approve the application as submitted by the Applicant;
2. Approve the application with conditions; or
3. Deny the application as submitted by the Applicant.

REVIEW CRITERIA & ANALYSIS: Town Staff and the Planning Commission are required to consider the criteria set forth in Section 3.17.3 of the UDO in assessing an application for a Certificate of Appropriateness-HCO. These criteria are provided below followed by a Staff Finding based upon review of the application submittals to date.

1. **Section 3.17.3.A.** The proposed development must be in conformance with applicable landscaping, lighting, and architectural provisions provided in Article 5, Design Standards.
 - a) *Finding.* The project is located within the Jones Tract PUD, part of the Church Point Planning Area, and Palmetto Point Commercial Master Plan.

The PUD established specific design standards via the Beaufort County 1990/3 Zoning and Development Standards Ordinance and the Town of Bluffton Highway Corridor Overlay District (HCOD) within the Town of Bluffton Zoning and Development Standards Ordinance (ZDSO), which are attached to the PUD. As a result, the design criteria of Article 5 of the current UDO do not apply to this proposal.

2. Section 3.17.3.B. The proposed development shall be in conformance with any approved Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision Plan, or any other agreements or plans that are applicable.

a) *Finding.* The property is located within the Jones Tract PUD and is identified in the Church Point Planning Tract as a Mixed-Use Community. As a result, the property is subject to the Beaufort County 1990/3 Zoning and Development Standards Ordinance and the Town of Bluffton Zoning and Development Standards Ordinance and Design Guidelines, which contain architectural, landscaping, and lighting design standards for properties located in the Highway Corridor Overlay District (HCOD).

b) *Finding.* The Planning Commission approved a Preliminary Development Plan at the September 28, 2022 meeting with conditions. The conditions of the approval were as follows:

1. Perimeter sidewalks connecting to the project's internal pedestrian circulation shall be provided along the Highlands Crossing Drive and Estate Drive frontages adjacent to the property.
2. Shared, unrestricted parking shall be provided throughout the entire development, including future development phases 2 and 3.
3. The final development plan shall include designated shuttle/bus pull out locations.

The landscape plan and site plan does not show sidewalks along Estate Drive frontage adjacent to the property. Further, no designated shuttle/bus pull out location has been provided at this time.

c) *Finding.* The Development Review Committee, and subsequently Staff has provided comments which relate to the landscaping as found in this report, modifications to the phasing plan, the multi-use path along SC Highway 170, off-site improvements as required by the TIA, and awaiting final approvals from outside entities relating to water and sewer. Those items will need to be reflected on the COFA-HCO Landscaping and Site plans prior to issuance of an approval.

A. JONES ESTATE PUD/PUD CONCEPT PLAN

The Jones Estate PUD refers to the Beaufort County 1990/3 Zoning and Development Standards Ordinance (ZDSO) and The Town of Bluffton Zoning

and Development Standards Ordinance Highway Corridor Overlay District (HCOD) for development standards.

Architecture

Applying Section 5.15.9., (Town of Bluffton Highway Corridor Overlay District, June 20, 2000, Architectural Design), findings include:

- 1) *Finding – Roofs.* Section 5.15.9.E.2. states partial (less than three sides) mansard roofs, flat roofs without a pediment, long unarticulated roofs are considered inappropriate architectural elements. The application proposes the use of several flat roofs with parapets, however, the parapet proposed on the portion over the indoor court area is lower than the roof at its highest point. Further, 180 feet of the rear elevation's roofline is unarticulated. The roof line with relation to the rear elevation must be revised to incorporate articulation.
- 2) *Finding – Siding.* Section 5.15.9.D.1. Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, and artificial siding which closely resembles painted wood clapboard are permitted materials. Metal not closely resembling painted wood clapboard is identified as an inappropriate exterior material. A determination on the appropriateness of the use of metal siding, identified as Board and Batten Style Metal Panel siding must be made.

Landscaping

- 1) *Finding –* Per Section 5.15.8.C.2. of the ZDSO, for each one hundred (100) linear feet (or portion thereof) of frontage or the highway, a minimum of six (6) broad-leaved over story trees, seven (7) under story trees, and thirty (30) shrubs are required in the buffer. Sheet L3 has approximately 500 feet of frontage, which requires 30 overstory, 35 understory, and 150 shrubs. The landscape plan shows 14 overstory, 23 understory, and 66 shrubs. An additional 16 overstory, 12 understory and 84 shrubs need to be installed, or additional information on the existing landscape provided, in the buffer area on sheet L3 to meet the buffer planting requirements. Further, the Planting Notes indicate that changes to plant sizes and species must be approved by the Landscape Architect. Sizes must be maintained as they are minimums and changes to species shall be reviewed and approved by Town Staff. Quantities on the Landscape Plan, once revised to meet the minimum requirements, must be adhered to.
- 2) *Finding.* – Per Section 5.15.8.C.6. of the ZDSO, installed over story trees used to meet this requirement shall be at least two and one half (2.5") caliper inches and ten (10') feet tall when planted. Installed under story trees used to meet this requirement shall be at least one (1") caliper inch and eight (8) feet tall when planted. Installed shrubs used to meet

this requirement shall be at least two and one half (2.5') feet tall when planted.

Bald Cypress, Willow Oak and Shumard Red Oak must be a minimum of 12' in height when planted. The Sweet Bay understory tree is proposed to be planted at 6'-8' in height. All proposed shrubs do not meet the height requirement, except for the Shubby Yew.

- 3) *Finding* – Per Section 5.15.8.D.1. Landscaped buffers at least ten (10) feet in width shall be maintained along the side and rear property boundaries. All landscaping between the courts and Estate Drive must be increased to provide a buffer.

Lighting

Applying Section 5.15.11., (Highway Corridor Overlay District, Lighting), findings include:

- 7) *Finding – Lighting*. Per Section 5.15.11(E)(2) of the BZDSO, only incandescent, fluorescent, metal halide, mercury vapor or color corrected high-pressure sodium light may be used. The same type must be used for the same or similar type of lighting on any site. The Applicant proposes the use of LED luminaries. As such, the Planning Commission must determine the appropriateness of the use of LED lighting as a substitute for those listed in Section 5.15.11. of the BZDSO.
- 8) *Finding – Lighting*. Per Section 5.15.11(E)(4)(b) of the BZDSO, the illumination levels for Commercial Parking areas are to have a minimum of 0.6 fc, average of 2.4 fc, and maximum of no greater than 10.0 fc. The parking area closest to SC 170 proposes a maximum of 10.6 fc, an average of 2.7 fc, and a minimum of 0.79 fc. All of which exceed the levels indicated in the BZDSO. The illumination levels of the parking areas must be reduced to meet the Commercial Parking area standards.

For the Courts Site, the Maximum is proposed 74.3 fc, the average is proposed at 15.2 fc, and the minimum .084 fc. While there is not a Type of Lighting for recreation facilities in the ZDSO, the following are provided:

<u>Location or Type of Lighting</u>	<u>Minimum Level (fc)</u>	<u>Average Level (fc)</u>	<u>Maximum Level (fc)</u>
Areas for Display of Outdoor Merchandise	1.0	5.00	15.0
Commercial Parking Areas	0.6	2.40	10.0
Multi-Family Residential Parking Areas	0.2	1.50	10.0
Walkways and Streets	0.2	1.00	10.0
Landscape and Decorative	0.0	.50	5.0

A determination from the Planning Commission is required to determine the appropriateness of the illumination levels proposed by the Applicant for the Courts Area.

B. PUD MASTER PLAN

- 1) *Finding – Palmetto Pointe Commercial Master Plan.* The Master Plan states the site planning and development standards are designed in accordance to those in Attachment 1 of the Jones Estate PUD. The site has been designed to be in compliance with the Master Plan as long as the other sections of this report have been addressed.

C. DEVELOPMENT PLAN

The Preliminary Development Plan has been reviewed and Town Staff is awaiting the submission of a Final Development Plan

- 1) *Finding - Preliminary Development Plan.* This project requires Development Plan Approval from the Town of Bluffton. The Preliminary Development Plan (DP-04-22-016582) was conditionally approved at the September 28, 2022 Planning Commission meeting. A Final Development Plan was reviewed at the August 2, 2023 Development Review Committee where comments were provide to the Applicant. The Applicant has submitted revised materials and Staff has provided comments back on the revised drawings. Staff is awaiting resubmitted materials addressing those comments prior to issuing an approval.

Should the Planning Commission choose to approve this application or approve the application with conditions and the site need to be altered based on the Development Plan, a new Certificate of Appropriateness-HCO may need to be submitted for review as a conditional approval may not be amended until the conditions have been met, and any major changes may not be an amendment to the existing Certificate of Appropriateness-HCO.

D. DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

The Declaration of Covenants, Conditions, and Restrictions for the Palmetto Pointe Commercial Master Plan.

- 1) *Finding - Declaration of Covenants, Conditions, and Restrictions for Cypress Ridge.* The applicant has provided a letter from Atlantic States Management, Inc. confirming compliance with the Palmetto Pointe Business Park ARB. (Attachment 6)
3. Section 3.17.3.C. The application must comply with applicable requirements in the Application Manual.
 - a. *Finding – Applications Manual.* The application has been reviewed by Town Staff and has been determined to be incomplete, as there is not yet an approved Development Plan for the site. Once the Development Plan has been approved, it may be complete.

Please note that per the Town of Bluffton Applications Manual, a separate Sign Permit will be required for all signage that is being proposed in association with this development.

TOWN STAFF RECOMMENDATION: Town Staff finds that with the conditions provided below, the requirements of Section 3.17.3 of the UDO will be met. Should the Planning Commission choose to approve the application Town Staff finds that the following conditions should be met prior to final approval being issued.

Architecture.

1. The rear elevation must be revised to incorporate articulation in the roofline and the parapet revised or pitched roofs added per Section 5.15.9.E.2. of the ZDSO.
2. A determination on the appropriateness of the use of metal siding, identified as Board and Batten Style Metal Panel siding must be made as it is a deviation from those listed in Section 5.15.9.D.1. of the ZDSO.

Landscape.

3. The highway buffer must be revised to meet the minimum planting requirements found in Section 5.15.8.C.2. of the ZDSO.
4. The Planting Notes must be revised to indicate that the quantities and sizes are minimums and must be met. Further, any changes to the plan in the field must be approved by Town Staff to ensure they are in compliance.
5. The planting sizes must be increased to meet the minimum caliper and height requirements found in Section 5.15.8.C.6.
6. All landscaping between the courts and Estate Drive must be increased to provide a buffer. Further, all trees which are to be saved during construction must be shown, with tree protection, on the Landscape Plan.

Lighting.

7. A determine the appropriateness of the use of LED lighting as a substitute for those listed in Section 5.15.11. of the BZDSO must be made.
8. Per Section 5.15.11(E)(4)(b) of the BZDSO, the illumination levels must be reduced in the parking areas to meet the standards identified in the BZDSO.
9. The Planning Commission must make a determination on the appropriateness of the illumination levels for the Courts Area, as recreation facilities are not considered in Section 5.15.11(E)(4)(b) of the BZDSO.

Additional Requirements.

10. Sidewalk must be provided along Estate Drive as was a condition of the Preliminary Development Plan approval by Planning Commission at their September 28, 2022 meeting.
11. Designated shuttle/bus pull out locations must be shown on the landscape and site plans for the COFA, as they are a requirement of the Development, as was a condition of the Preliminary Development Plan approval by Planning Commission at their September 28, 2022 meeting.
12. All comments provided by the DRC and Planning Commission for the Development Plan must be addressed to be compliant with this COA-HCOD approval and should this plan be changed based on the requirements of the Development Plan Review, a New Certificate of Appropriateness may be required.
13. Per the Applications Manual, a Town of Bluffton Sign Permit must be submitted to for review and approval.

ATTACHMENTS:

1. Application and Narrative
2. Proposed Architectural Plans
3. Proposed Landscape Plans
4. Proposed Lighting Plans
5. Color Board
6. ARB Letter
7. HVAC Details
8. Section 5.15. Town of Bluffton Highway Corridor Overlay District as found in the BZDSO