



**Town of Hilton Head Island  
Planning & Development Standards Committee  
Regular Meeting  
Wednesday, September 26, 2012 4:00p.m.  
Benjamin M. Racusin Council Chambers  
Agenda**

- 1. Call to Order**
- 2. 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.
- 3. Approval of Minutes** - Regular Meeting of June 13, 2012
- 4. Unfinished Business**  
None
- 5. New Business**  
Recommendation to adopt a Sustainable Community Policy Resolution in reference to step one of the Audubon International Sustainable Community Program Stage 2.  
*Presented by: Marcy Benson*
- 6. Committee Business**  
Adoption of the Planning & Development Standards Committee's Meeting Schedule 2013
- 7. Adjournment**

Please note that a quorum of Town Council may result if a majority of their members attend this meeting.

**TOWN OF HILTON HEAD ISLAND**  
**Planning and Development Standards Committee**  
**Minutes of the Wednesday, June 13, 2012 Meeting**  
**3:00pm – Benjamin M. Racusin Council Chambers**

**DRAFT**

Committee Members Present:	Chairman Bill Ferguson, Mayor Pro Tem Ken Heitzke and Bill Harkins
Committee Members Absent:	None
Council Members Present:	None
Town Staff Present:	Nicole Dixon, Senior Planner Teri Lewis, LMO Official Shawn Colin, Comprehensive Planning Division Manager Kathleen Carlin, Administrative Assistant

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**1. CALL TO ORDER**

Chairman Ferguson called the meeting to order at 3:00p.m.

**2. 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 Town of Hilton Head Island requirements.

**3. APPROVAL OF MINUTES**

Mayor Pro Tem Heitzke made a motion to **approve** the minutes of the May 23, 2012 meeting as presented. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

**4. UNFINISHED BUSINESS**

None

**5. NEW BUSINESS**

**ZMA120005:** A request from Ernest Marchetti proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 120 and 118 Mathews Drive and 7 Shrimp Lane from the IL (Light Industrial) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 8, as Parcels 154, 162 and 11I.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Committee find this application to be *inconsistent* with the Town's Comprehensive Plan and does not serve to carry out the purposes of the LMO, based on the Findings of Facts and Conclusions of Law determined by the LMO Official. Based on these findings, the staff recommended that the application be *denied*.

Ms. Dixon identified the property on an overhead site map and zoning map. The staff received a zoning verification request for two adjoining properties located at 120 Mathews Drive and 7 Shrimp Lane. In the request, it was mentioned that there was someone interested in purchasing the properties to open an auto parts sales business. In the response letter back to the applicant, Town staff informed

them that an auto parts sales use, which is classified as retail sales, is not a permitted use in the IL zoning district.

Mr. Ernest Marchetti, representing the interested buyer, came in to meet with Town staff regarding their options. He was made aware that the use was, in fact, not permitted in the IL district. He decided to apply for a rezoning of the two properties, in addition to the property across Shrimp Lane at 118 Mathews Drive. The applicant is proposing to change the zoning designation of the subject properties from IL to the CC zoning district.

Ms. Dixon stated that there are currently two vacant buildings at 120 Mathews Drive and 7 Shrimp Lane, which used to be a furniture store. The applicant wishes to tear down the building at 7 Shrimp Lane to use for parking and open an auto parts store at 120 Mathews Drive. There is currently a furniture store in operation at 118 Mathews Drive. One property is conforming and the other two are vacant but were previously conforming to the existing IL zoning district.

The area surrounding the properties subject to the rezoning contains a mix of uses: a vacant property to the south, warehouse type buildings to the west, shopping center and Palmetto Electric building across Mathews Drive to the east, and multi-family residential to the north.

When reviewing a rezoning request, one of the things staff looks at is why the applicant is making the request. There have been several rezoning requests within the last year where an applicant wishes to rezone, not because the zoning district isn't functioning properly in that area, but because they have a particular use they want for a particular property, even though it isn't currently zoned for that use. The only option they pursue is to request to rezone to a district that allows their proposed use.

For example, the Verizon business and the adjacent vacant property were rezoned from OL to CC in June 2011 because the applicant stated they had someone interested in purchasing the property for auto parts sales and a drive through restaurant. The property is still vacant a year later.

Another example is the South Island Square rezoning from OL to CC that was approved in November 2011. The applicant stated they needed to rezone to allow a mattress store to occupy the vacant building in South Island Square, which was previously occupied by a doctor's office. The property was rezoned to CC, but the vacant building is now occupied by a doctor's office, a use which was permitted in OL zoning district.

Town Council recently denied a rezoning request for someone wishing to occupy the old Hargray building with a mattress store; that is one more example of a business owner wishing to change the zoning of a property to fit a very specific use and tenant rather than trying to find available commercially zoned property.

Another problem staff foresees is that just because an applicant states they have someone interested in purchasing a property should it be rezoned, it doesn't mean it is necessarily going to happen, as we can see from the examples stated above. It is important to keep in mind that once rezoned from IL to CC, any use allowed in the CC zoning district is now available to those particular properties. Should the vacant furniture store not be occupied by an auto parts store, it is now open to any use in the CC district; some of these uses may not be appropriate in that area.

It needs to be stressed to these applicants that instead of trying to rezone properties to suit particular uses, they need to look for available properties within zoning districts where the requested use is

permitted so that the Town doesn't establish a surplus of CC zoned property, or any other district for that matter, and too little IL zoned property.

While staff finds the application meets most of the criteria required for a rezoning, the staff is recommending *denial* of this rezoning request for the reasons stated. The Town should not continue to rezone properties for one particular business or use when there are other CC zoned properties available.

The applicant states in the narrative that the proposed application to rezone the subject properties from IL to the CC zoning district is more in character with the existing commercial uses on Mathews Drive. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to focus future development on infill development.

Ms. Dixon stated that the Planning Commission had a public hearing for this application on June 6, 2012 and voted to recommend approval to the P&DS Committee by a vote of 7-2-0.

The applicant also states that the Land Use Element of the Comprehensive Plan provides that infill development of the commercial context should be the focus of future development, and that this rezoning request allows that to happen. Following staff's presentation, Chairman Ferguson requested that the applicant make his presentation.

Chester C. Williams, Esq., stated that he has recently been appointed legal representative to Ms. Frances Marscher-Bolin, property owner and applicant. Mr. Williams stated that he disagrees with the staff's recommendation for denial of this application. Mr. Williams stated that there are many similarities between this application and several other zoning map amendment applications recently reviewed by Town Council. Much like several other zoning map amendment applications, this application seeks to rezone property that has long functioned as a commercial area. Mr. Williams discussed a similar rezoning application for neighboring property (a hardware store). Mr. Williams presented statements regarding ownership of the property and the owner's plans to sell the property.

Following the applicant's presentation, the committee discussed the application. The committee stated that they believe the rezoning request is appropriate for the area since the area already functions as commercial. The committee also discussed the use of adjacent properties.

Mr. Shawn Colin presented statements regarding an inventory report of vacant properties on the island. The inventory report includes 180 properties out of 800 parcels that are vacant or have units that are available. The committee asked about the commercial properties that have vacancies and Mr. Colin stated that the inventory report does not distinguish between IL and CC. Following final comments by the committee, Chairman Ferguson requested that a motion be made.

Mr. Harkins made a **motion** to forward application for Zoning Map Amendment 120005 to Town Council with a recommendation of **approval**. Mr. Heitzke **seconded** the motion and the motion **passed** with a vote of 3-0-0.

**6. COMMITTEE BUSINESS**

None

**7. ADJOURNMENT**

The meeting was adjourned at 5:15pm.

Submitted By:

Approved By:

\_\_\_\_\_  
Kathleen Carlin  
Administrative Assistant

\_\_\_\_\_  
Bill Ferguson  
Chairman

DRAFT



# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Planning & Development Standards Committee  
**VIA:** Shawn Colin, *Manager of Comprehensive Planning*  
**FROM:** Marcy Benson, *Senior Grants Administrator*  
**DATE:** September 6, 2012  
**SUBJECT:** Sustainable Community Policy Statement Resolution

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### **Recommendation:**

Staff requests the Planning and Development Standards Committee recommend to Town Council adoption of the attached Sustainable Community Policy Resolution.

### **Summary:**

The first step of the Audubon International Sustainable Community Program Stage 2: Planning is to create a policy statement. Audubon International states all communities participating in the Sustainable Communities Program should begin their vision planning process with a sustainability policy statement that outlines and defines a commitment to long-term sustainability.

### **Background:**

In September 2011 the Town of Hilton Head Island received the Audubon International Green Community designation. This designation indicates successful completion of all steps in the Audubon International Sustainable Community Program Stage 1: Assessment.

After receiving the Audubon International Green Community designation Town staff was directed to move forward with stage two of the Sustainable Communities Program. This stage is a multi-year sustainable planning process comprised of four action steps which include (1) creating a sustainable policy statement; (2) completing a sustainability portfolio table based on the status report generated in stage one; (3) conducting a variety of community meetings to establish community support and solicit community input; and (4) creating a long-term sustainability plan.

The Town's Green Community Steering Committee reconvened in August 2012 and began work on the stage two, planning process. Town staff and committee members drafted the attached proposed Sustainable Community Policy Resolution. The program timeline developed by Town staff indicates a stage two completion date tentatively scheduled for April 2014.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD  
ISLAND TO ADOPT A SUSTAINABLE COMMUNITY POLICY**

**WHEREAS**, the Island was originally developed using sustainable philosophies of many early developers such as Charles Fraser prior to Town incorporation; and

**WHEREAS**, originally in 1985 and most recently in 2010, the Town Council of the Town of Hilton Head Island did adopt the Comprehensive Plan, and, in 1987, did adopt the Land Management Ordinance, which have goals, strategies, and practices that promote sustainability; and

**WHEREAS**, the Land Management Ordinance is currently being revised and will include more sustainable practices and requirements; and

**WHEREAS**, in 2008 the Town Council of the Town of Hilton Head Island has adopted the International Codes Congress Building Codes which contain many sustainable building practices and requirements including the International Energy Efficiency Code; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island has adopted 2020 Guiding Principles, which include:

1. Living in harmony with nature, protecting the natural beauty, and creating a unique sense of place;
2. Sustaining community prosperity through a diversified, strong local economy based upon a resort, retirement, and non-hospitality businesses;
3. Providing meaningful experiences that cherish our history, the arts, cultural diversity, and enrich the lives of our residents and guests; and
4. Providing a serene, safe, and healthy living environment for residents, guests and visitors.

**WHEREAS**, the Town has written a *2012-2017 Sustainable Practices Action Plan* which details its sustainable program including the history of sustainability on the Island, performance indicators, goals and strategies, and future actions in the areas of environmental protection, cultural richness, and economy; with these specific goals:

1. Enhance the economic environment that sustains Hilton Head Island's unique way of life;
2. Protect our diverse natural resources, which are pivotal to our economic well being and high quality of life on the Island; and
3. Provide stewardship of the Town's unique cultural resources and distinctive character where art, music, performances and the stories of its people enhance and enrich the experience for all residents and visitors; and

**WHEREAS**, in 2010 The Town of Hilton Head Island began participating in the Audubon International Sustainable Communities Program which assists communities in assessing natural resources and environmental concerns, and identifies steps which can be taken

to move closer to community sustainability; and in 2011, was the first community in the State of South Carolina to be awarded the Green Community designation.

**NOW, THEREFORE BE IT, AND IT HEREBY IS RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT** in order to receive a “Sustainable Community” designation, Council adopts this Sustainable Community Policy that:

1. Applies the principles and goals described herein whenever possible in its planning, policy making, and municipal practices;
2. Encourages the practice of sustainable principles throughout the community; and
3. Adopts the following strategies for implementation:
  - Promote clean water and air by reducing the Town’s dependence on chemicals that pollute, and by investigating clean mass transit systems;
  - Market the Island as a sustainable destination after assisting the businesses in our community to become greener via education, practical suggestions and networking;
  - Promote festivals that celebrate the Island’s cultural diversity; and
  - Create green building and green site design standards for all Town Capital Improvement Projects as well as private development.

**MOVED, APPROVED, AND ADOPTED ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Drew A. Laughlin, Mayor

ATTEST:

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Victoria L. Pfannenschmidt, Acting Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_

**THE TOWN OF HILTON HEAD ISLAND**

**PLANNING & DEVELOPMENT STANDARDS COMMITTEE**

**2013 Meeting Schedule**

Meetings Are Held On the Fourth Wednesday of each Month at 4:00pm In Council Chambers	Meeting Deadline is at 12:00pm On the Following Dates:
January 23, 2013	January 4, 2013
February 27, 2013	February 8, 2013
March 27, 2013	March 8, 2013
April 24, 2013	April 5, 2013
May 22, 2013	May 3, 2013
June 26, 2013	June 7, 2013
July 24, 2013	July 5, 2013
August 28, 2013	August 9, 2013
September 25, 2013	September 6, 2013
October 23, 2013	October 4, 2013
November 27, 2013	November 8, 2013
* December 16, 2013	December 6, 2013

\* Meeting on Monday, December 16th is due to the Holidays.