



Town of Hilton Head Island
Regular Planning Commission Meeting
Wednesday, September 18, 2013
3:00 p.m. Benjamin M. Racusin Council Chambers
AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

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. **Chairman's Introduction to Meeting Procedures**
6. **Approval of Agenda**
7. **Approval of Minutes** - Planning Commission Meeting August 7, 2013
8. **Appearance by Citizens on Items Unrelated to Today's Agenda**
9. **Unfinished Business**
None
10. **New Business**
LMO Amendments - The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise Section 16-4-1305 to remove the standard that auto sales are not permitted on sites within 1,500 feet of an existing residential use.
Presented by: Anne Cyran
11. **Commission Business**
12. **Chairman's Report**
13. **Committee Reports**
14. **Staff Reports**
15. **Adjournment**

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

1 **TOWN OF HILTON HEAD ISLAND**
2 **Planning Commission Meeting**
3 **Wednesday, August 7, 2013**
4 **9:00a.m – Benjamin M. Racusin Council Chambers**

DRAFT

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6
7 Commissioners Present: Acting Chairman David Bennett, Tom Lennox, Alex Brown,
8 Judd Carstens, Terry Ennis, Bryan Hughes, Barry Taylor,
9 and Brian Witmer

10
11 Commissioners Absent: Chairman Gail Quick

12
13 Town Council Present: Bill Harkins

14
15 Town Staff Present: Anne Cyran, Senior Planner
16 Suzanne Brown, Addressing Technician
17 Scott Liggett, Director of Public Projects & Facilities/Chief Engineer
18 Shawn Colin, Deputy Director of Community Development
19 Kathleen Carlin, Secretary
20

21 **1. Call to Order**

22 **2. Pledge of Allegiance to the Flag**

23 **3. Roll Call**

24 **4. Freedom of Information Act Compliance**

25 Public notification of this meeting has been published, posted, and mailed in compliance
26 with the Freedom of Information Act and Town of Hilton Head Island requirements.

27 **5. Chairman's Welcome and Introduction to Meeting Procedures**

28 **6. Approval of Agenda**

29 The agenda was **approved** as presented by general consent.

30 **7. Approval of Minutes**

31 The Planning Commission **approved** the minutes of the July 17, 2013 meeting as presented
32 by general consent.

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

34 None

35 **9. Unfinished Business**

36 **ZMA130004**: A request from Noreen McMullin on behalf of Stewart Collins proposing to
37 amend the Official Zoning Map by amending the allowed uses of the properties located at
38 421, 425 and 427 Squire Pope Road to add Water-Oriented Embarkation Facilities,
39 Watercraft Rentals and Other Water-Oriented Uses. The properties are further identified on
40 Beaufort County Tax Map 3 as Parcels 127, 128 and 089A. Acting Chairman Bennett
41 introduced the application and opened the public hearing.

42
43 Acting Chairman Bennett stated that since the meeting on June 19th the applicant has
44 removed Watercraft Rentals from the application. The two remaining uses are Embarkation
45 Facilities and Other Water-Oriented Uses. Acting Chairman Bennett stated the Planning

1 Commission's procedure for hearing the application. The staff will make their presentation
2 first, followed by the applicant's presentation, followed by public comments. Following
3 public comments, the public hearing will be closed. The Planning Commission will then
4 discuss the application and make their decision.
5

6 Acting Chairman Bennett stated that new Planning Commissioner, Mr. Judd Carstens, will
7 recuse himself from today's discussion because he is a new Planning Commissioner and
8 was not present at the June 19th meeting. Commissioner Carstens then recused himself from
9 the dais. Acting Chairman Bennett then requested that Ms. Anne Cyran, case manager for
10 ZMA130004, make her presentation on behalf of staff.
11

12 Ms. Cyran presented an overhead review of the application including an aerial photo of the
13 vicinity and an aerial photo of Salty Fare. Ms. Cyran presented brief background details
14 regarding the Planning Commission's initial review of the application on June 19th.
15

16 Ms. Cyran stated that the two uses are an Embarkation Facility and other Water Oriented
17 Uses. The Watercraft Rentals use has been removed from the application. Ms. Cyran
18 stated that the Embarkation Facility use is a non-conforming use. The only conforming
19 uses that are currently allowed on the parcel are the commercial uses listed in the Land
20 Management Ordinance, Use Table.

21 The applicant proposes to amend the list of by right uses to include Water-Oriented
22 Embarkation Facilities and Other Water-Oriented Uses. Allowing Water-Oriented
23 Embarkation Facilities would allow ferries and other watercraft to provide transportation
24 services. Allowing Other Water-Oriented Uses on these parcels would allow boat tours,
25 charter trips, parasail tours and other similar activities to be offered.
26

27 The applicant originally proposed not to change the zoning but to add three uses to the
28 parcel. The original three uses would be an embarkation facility, rental watercrafts, and
29 other watercraft oriented uses.
30

31 The staff recommended that the Planning Commission find application ZMA130004 to be
32 consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the
33 LMO, based on those Findings of Facts and Conclusions of Law as determined by the
34 LMO Official and enclosed in the staff's report. Ms. Cyran completed her presentation by
35 briefly reviewing the public comments that have been received by staff.
36

37 Following the staff's presentation, Acting Chairman Bennett requested that the applicants
38 make their presentation.
39

40 Mr. Michael Moy, business owner, and Ms. Naureen McMullin, the applicant's
41 representative, presented statements in support of the application. Mr. Moy presented
42 statements in response to the concerns expressed by the Cypress Community and by Mr.
43 Curtis Coltrane, their legal representative. Ms. McMullin presented statements in support
44 of the application's intended use.
45

46 At the completion of the applicants' presentations, Acting Chairman Bennett requested
47 comments from the public. The following residents of the Cypress Community presented
48 statements in opposition to application ZMA130004: (1) Mr. H. F. Tomfohrde; (2) Mrs.

1 Mary Ellen McConnell; (3) Mrs. Barbara Smith; (4) Mr. J. P. Coleman; (5) Mrs. Sandra
2 Willis; (6) Mrs. Judith Tomfohrde and (7) Mrs. Donna Swart. All of the public comments
3 were in opposition to allowing jet skis at Salty Fare. A couple of public speakers also
4 stated concerns with safety issues.
5

6 Additional public comments in opposition to the application were presented by:
7 (1) Mr. Howard Davis, Jr., realtor; and (2) Mr. Peter Kristian, General Manger, Hilton
8 Head Island Plantation, POA. The speakers requested that the application be denied for
9 reasons of unintended consequences down the road. Mr. Kristian stated that a covenant
10 should be placed on the property limiting the type of use or an amendment to the LMO
11 should be made.
12

13 Curtis Coltrane, Esq., The Cypress Community's legal representative, also presented
14 statements in opposition to the application. Mr. Coltrane stated that the staff report and
15 recommendation for application ZMA130004 is founded on material errors of law and fact.
16 Mr. Coltrane presented legal statements regarding the allowed non-conforming uses.
17

18 At the completion of all public comments, Acting Chairman Bennett stated that the public
19 hearing for application ZMA130004 is closed. The Planning Commission discussed the
20 application including the uses, zoning currently in place, and the density rights.
21

22 Acting Chairman Bennett and Ms. Cyran discussed the allowed uses on the property. The
23 Planning Commission discussed whether application ZMA130004 is consistent with the
24 Comprehensive Plan and the Land Management Ordinance. The Planning Commission
25 also discussed the existing permitted uses.
26

27 Commissioner Lennox stated that he is torn between the staff's recommendation for
28 approval of the application versus the opposition that has been expressed by the
29 community. Commissioner Lennox also presented statements regarding the Town's
30 development/ redevelopment versus the peace and quiet of the residential neighborhood.
31

32 Commissioner Lennox and Ms. Cyran reviewed the aerial photo of the site and the location
33 of the parcels. Commissioner Taylor presented comments regarding the allowed uses and
34 Acting Chairman Bennett presented comments regarding the tracts of land and the allowed
35 uses. Commissioner Lennox stated that there are no inconsistencies in the staff's analysis.
36 Commissioner Ennis agreed with this statement and stated that the Comprehensive Plan is
37 very broad.
38

39 Following final discussion by the Planning Commission, Acting Chairman Bennett
40 requested that a motion be made.
41

42 Commissioner Ennis made a **motion** to forward application ZMA130004 to the Town
43 Council with a recommendation of **approval**. Commissioner Taylor **seconded** the motion.
44

45 Before a vote was taken, Acting Chairman Bennett requested that a recommendation be
46 attached to the motion. When the Land Management Ordinance (LMO) is rewritten, the
47 committee and consultants should take a close look at the broad range of permitted uses
48 that are allowed. The range of uses should be narrowed down. Commissioner Ennis and
49 Commissioner Taylor agreed to include this recommendation in their motion. The motion

1 **passed** with a vote of 6-1-0. Commissioner Witmer stated that he is opposed to the motion
2 because of concerns with the application's unintended consequences down the road.
3
4

5 **10. New Business**

6 **STRNM13005:** The Town of Hilton Head Island has applied to name the entry to the
7 Fernwood communities located at 50 and 55 Dolphin Head Drive. The affected properties
8 are further identified as Parcels 28, 28A, 28B and 28C on Beaufort County Tax Map #4.
9 The proposed names are Fernwood Trail and Fernwood Court.
10

11 Ms. Suzanne Brown made the presentation on behalf of staff. The staff recommended that
12 the Planning Commission *approve* the Fernwood Trail and Fernwood Court new street
13 name applications based on the review criterion outlined in the Land Management
14 Ordinance and enclosed in the staff's report.
15

16 In an effort to correct addressing issues in certain areas of the island, a meeting was set up
17 with the residents of the Fernwood Community to clarify their correct 911 address of 50
18 and 56 Dolphin Head Drive. Most of the residents had been using an address of XX
19 Fernwood or Fernwood Trail. It was determined that two different street names would
20 need to be established. A decision was made by the Chief to allow Fernwood Trail and
21 Court to be used with an exception to keep the identity of the neighborhood. There is
22 distinct signage for Fernwood with the units posted.
23

24 Ms. Brown briefly reviewed the Findings of Fact and Conclusions of Law. Following the
25 staff's presentation, Acting Chairman Bennett requested public comments and none were
26 received. Following discussion by the Planning Commission, Acting Chairman Bennett
27 requested that a motion be made.
28

29 Commissioner Ennis made a **motion** to **approve** application STRNM13005 as presented
30 by the staff. Commissioner Lennox **seconded** the motion and the motion **passed** with a
31 vote of 8-0-0.
32

33 **11. Commission Business**

34 None

35 **12. Chairman's Report**

36 None

37 **13. Committee Reports**

38 Commissioner Ennis stated that there will be a Comprehensive Plan Committee meeting on
39 August 21st.

40 **14. Staff Reports**

41 Mr. Scott Liggett presented an update on the Capital Improvements Program (CIP) on
42 behalf of staff.
43
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1 **15. Adjournment**

2 The meeting was adjourned at 10:50a.m.

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Submitted By:

Approved By:

Kathleen Carlin
Secretary

David Bennett
Acting Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Jayme Lopko, AICP, *Senior Planner*
FROM: Teri B. Lewis, AICP, *LMO Official*
DATE: September 12, 2013
SUBJECT: Proposed LMO Amendment – Auto Sales Standards

Recommendation

At their meeting on September 9th, 2013 the LMO Committee recommended 2-1 to forward the attached amendment to the Planning Commission with a recommendation of approval.

Staff recommends that the Planning Commission forward the attached amendment to Town Council with a recommendation of approval.

Summary

Staff recommends amending LMO Section 16-4-1305, Auto Sales, to remove the standard that sites where vehicles are sold cannot be located within 1,500 feet of an existing residential use. This amendment will allow new development and redevelopment of sites in the Commercial Center (CC) and Light Industrial (IL) Zoning Districts for a relatively benign retail use.

Background

On August 6, 2013, Town Council approved Resolution #2013-15 (attached) which directed staff to pursue an amendment to the LMO to eliminate the distance requirements between an auto sales site and an existing residential use.

This amendment was prompted by a discussion with a property owner whose tenant, an auto repair shop, wants to also sell vehicles but cannot due to the site's proximity to Hilton Head Plantation. The property owner brought to our attention that auto repair and auto sales uses are complementary uses that are frequently offered by the same business. It makes sense to allow some flexibility in Auto Sales use standards so that Auto Sales can be offered along with Auto Repair on appropriate sites.

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DIRECTING STAFF TO PURSUE AN AMENDMENT TO THE LAND MANAGEMENT ORDINANCE (LMO) TO ELIMINATE THE DISTANCE REQUIREMENTS BETWEEN AN AUTO SALES SITE AND AN EXISTING RESIDENTIAL USE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance ("LMO"); and

WHEREAS, at that time the Town Council determined that a separation requirement of 1,500 feet between a proposed auto sales use and an existing residential use was appropriate; and

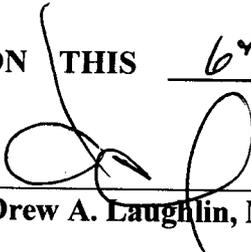
WHEREAS, Town Council has revisited this separation requirement and finds that it is onerous to auto sales businesses and in conflict with Town Council's desire to keep some auto sales uses on Hilton Head Island; and

WHEREAS, the Town Council adopted a Destination 2028 Guiding Principle that states that the Town should, 'sustain community prosperity through a diversified, strong local economy based upon resort, retirement, and non-hospitality businesses'; and

WHEREAS, one of the Town Council goals for 2018 is to provide a positive climate for business investment.

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DIRECTS STAFF TO PURSUE AN AMENDMENT TO THE LAND MANAGEMENT ORDINANCE (LMO) TO ELIMINATE LMO SECTION 16-4-1305.C, THE SEPARATION REQUIREMENT BETWEEN AUTO SALES AND EXISTING RESIDENTIAL USES.

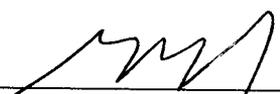
MOVED, APPROVED, AND ADOPTED ON THIS 6th DAY OF AUGUST, 2013.


Drew A. Laughlin, Mayor

ATTEST:


Estlier Coulson, Town Clerk

Approved as to form:


Gregory M. Alford, Town Attorney

Introduced by Council Member: GEORGE W. WILLIAMS, JR



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, CM, *Town Manager*
VIA: Teri Lewis, AICP, *LMO Official* *TL*
CC: Charles Cousins, AICP, *Director of Community Development*
FROM: Heather Colin, AICP, *Development Review Administrator* *HC*
DATE: July 12, 2013
SUBJECT: Proposed Resolution
Eliminate the distance requirements between an auto sales site and an existing residential use.

Recommendation:

The Planning and Development Standards Committee considered the proposed resolution on June 26, 2013 and voted 3-0-0 to forward the resolution to Town Council with a recommendation of approval.

Staff recommends that Town Council approve the proposed resolution.

Summary:

The conditions associated with uses in the LMO (Land Management Ordinance) were discussed at the LMO Rewrite Committee on February 2013. The Committee agreed with staff's recommendation to eliminate the existing conditions in the LMO. A citizen has requested that this move more quickly than the entire LMO rewrite process and an amendment to the current LMO to be ultimately approved by Town Council. The only condition that is proposed to be deleted as part of this process is the distance requirement between an auto sales use and an existing residential use.

Background:

Currently the LMO allows auto sales uses with conditions in the CC (Commercial Center) and IL (Light Industrial) districts. The conditions are:

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503.
- C. The site is not located within 1,500 feet of an existing residential use.
- D. The site is not located within 1,500 feet of an existing auto sales site.

The condition that requires 1,500 feet between an auto sales site and an existing residential use eliminates numerous properties that may otherwise comply and operate an auto sales business. Staff does not believe that the elimination of this condition would create incompatibility between the two uses. Therefore, this condition is requested to be deleted.

Staff Explanation

Staff recommends amending LMO Section 16-4-1305, Auto Sales, by removing the standard that sites where vehicles are sold cannot be located within 1,500 feet of an existing residential use. This amendment will allow new development and redevelopment of sites in the CC and IL Zoning Districts for a relatively benign retail use.

LMO Section 16-4-1204, Use Table, limits auto sales to parcels in the Commercial Center (CC) and Light Industrial (IL) Zoning Districts. The other standards for auto sales in LMO Section 16-4-1305 require that sites where vehicles are sold must have direct access to a major or minor arterial and cannot be located within 1,500 feet of an existing auto sales use, which limit the number of sites that meet these standards. The removal of the distance requirement will have a negligible effect on the few residential uses along major and minor arterials that abut parcels in the CC and IL Zoning Districts.

The perceived negative impacts of auto sales are the outdoor storage of merchandise and advertising. The LMO restrictions on site design reduce the visibility of outdoor storage areas, and the LMO restrictions on signs strictly limit outdoor advertising. These restrictions will minimize the negative externalities of auto sales uses.

Sec. 16-4-1305. – Auto Sales

Auto sales are permitted subject to the following standards.

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503.
- ~~C. The site is not located within 1,500 feet of an existing residential use.~~
- D. The site is not located within 1,500 feet of an existing auto sales site.

PLANNING COMMISSION QUARTERLY REPORT
3rd Quarter 2013

Previously Reviewed Applications or Documents:

<i>Land Management Ordinance Amendments:</i>	<i>Status:</i>
LMO Rewrite Committee	The Committee is nearly finished with the review of the draft LMO. The review will be complete by the end of September and the public adoption process is expected to start later in the fall.
The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise Section 16-4-1305 to remove the standard that auto sales are not permitted on sites within 1,500 feet of an existing residential use.	<ul style="list-style-type: none"> Public Hearing Date: September 18, 2013

<i>Zoning Map Amendments:</i>	<i>Status:</i>
<u>ZMA130003</u> - A request from Chester C. Williams on behalf of 217 Beach City Road, LLC proposing to amend the Official Zoning Map by changing the zoning designation of the property located at 1-16 and 20-70 Circlewood Drive from the RM-4 (Low Density Residential) Zoning District to the RM-12 (Moderate to High Density Residential) or WMU (Water Front Mixed Use) Zoning District. The properties are further identified on Beaufort County Tax Map 5, Parcels 8, 336 through 342, and 344 through 375.	<ul style="list-style-type: none"> Public Hearing Date: May 1, 2013
<u>ZMA130004:</u> A request from Noreen McMullin on behalf of Stewart Collins proposing to amend the Official Zoning Map by amending the allowed uses of the properties located at 421, 425 and 427 Squire Pope Road to add Water-Oriented Embarkation Facilities, Watercraft Rentals and Other Water-Oriented Uses. The properties are further identified on Beaufort County Tax Map 3 as Parcels 127, 128 and 089A.	<ul style="list-style-type: none"> Public Hearing Date: June 19, 2013

<i>Street Names:</i>	<i>Status:</i>
<u>STRNM13002:</u> The Town of Hilton Head Island has applied to modify the name of Mall Boulevard. The proposed name is Shelter Cove Lane. The properties affected are identified as Parcels 23, 26, and 30 on Beaufort County Tax	<ul style="list-style-type: none"> This application was heard at the June 19th Planning Commission meeting. The Commission voted unanimously to approve the application.

PLANNING COMMISSION QUARTERLY REPORT
3rd Quarter 2013

Map 12.	
STRNM13005: The Town of Hilton Head Island has applied to name the entry to the Fernwood communities located at 50 and 56 Dolphin Head Drive. The proposed names are Fernwood Trail and Fernwood Court.	<ul style="list-style-type: none"> • This application was be heard at the August 7th Planning Commission meeting. • The Commission voted unanimously to approve the application.

Appeals:	Status:
APL100006: Request for Appeal from Chester C. Williams on behalf of Ephesian Ventures, LLC. The Community Development Department issued a notice of action, approving the construction of a tabby walkway and brick areas at Edgewater on Broad Creek. The appellant contends that the Community Development Department erred in its decision to issue a notice of action and is requesting that the notice of action be declared void.	This item was postponed to a future date to be determined after a decision is made by the Circuit Court.

Ongoing Capital Improvement Projects:

Pathways:	Status:
Gardner Drive	<ul style="list-style-type: none"> • Out to bid. • Anticipated start of construction October 2013.
Pembroke Drive	<ul style="list-style-type: none"> • Out to bid. • Anticipated start of construction October 2013.
Fresh Market to Shelter Cove	<ul style="list-style-type: none"> • In-house design underway.
Shelter Cove to Mathews North	<ul style="list-style-type: none"> • In-house design underway.

Roadway Improvements:	Status:
Honey Horn Access Improvements	<ul style="list-style-type: none"> • Under construction. • Anticipated completion October 2013.
Ground Mounted Street Name Sign Installations / Replacements	<ul style="list-style-type: none"> • Phase 5 contract under review. • The final phase (5) includes 155 signs. • Phases 1-4 complete for a total of 229 signs installed to date.
Mast Arms at: William Hilton Parkway at Palmetto Dunes & William Hilton Parkway at Leamington	<ul style="list-style-type: none"> • Will be constructed with Leamington Intersection Improvements.
Main Street Turn Lane	Project Complete.
Leamington/Fresh Market Shoppes Intersection Improvements	<ul style="list-style-type: none"> • Design complete. • Out to bid.

PLANNING COMMISSION QUARTERLY REPORT

3rd Quarter 2013

	<ul style="list-style-type: none"> • Anticipated start of construction October 2013.
US 278 Pedestrian crosswalks at Regency, Chamber, and Yacht Cove Drives	Project Complete.
Lemoyne Avenue Roadway Improvements	<ul style="list-style-type: none"> • Public meeting on August 29th to present plans for pathway and roadway improvements. • Report to Town Council September 17th based on opposition to roadway improvements.
Left Turn Lane into Circle K near Yacht Cove	Project Complete.

<i>Park Development:</i>	<i>Status:</i>
Rowing & Sailing Center	<ul style="list-style-type: none"> • Development Plan Review under review. • Awaiting Army Corps. • Anticipated start of construction late November 2013.
Island Recreation Center Parking Lot Improvements	<ul style="list-style-type: none"> • Under construction – landscaping & final punchlist. • Target completion September 2013.

<i>Existing Facilities and Infrastructure:</i>	<i>Status:</i>
Fire Station #6	<ul style="list-style-type: none"> • Under construction. • Target completion July 2014.

<i>Power Line Burials</i> <i>15 year project due to be completed in 2019</i>	<i>Not CIP funded, included for update. Funded by 3% franchise fee from Palmetto Electric</i>
<ul style="list-style-type: none"> • Marshland Road • Spanish Wells Road feeder • Muddy Creek/Bryan Road • Squire Pope Road • William Hilton Pkwy/Chaplin Area 	<ul style="list-style-type: none"> • 80% Complete • 55% Complete (Jarvis Creek section postponed for new bridge) • 75% Complete • 90% Complete • 70% Complete

<i>New Facilities and Infrastructure:</i>	<i>Status:</i>
Palmetto Dunes Emergency Access Gate	Survey Ordered.
Dispatch/F&R Computer Systems Upgrades	Ongoing.

<i>Beach Maintenance:</i>	<i>Status:</i>
Dune Refurbishment	Ongoing.