Town of Hilton Head Island
Planning & Development Standards Committee
Regular Meeting
Wednesday, June 26, 2013 at 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. **Review of Minutes -** Regular Meeting of May 22, 2013

4. **Unfinished Business**
   None

5. **New Business**

   a) **Consideration of 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. *Presented by: Teri Lewis*

6. **Committee Business**

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, May 22, 2013 Meeting
3:00pm – Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman John McCann, Bill Harkins and George Williams

Committee Members Absent: None

Council Members Present: Lee Edwards

Town Staff Present: Jayme Lopko, Senior Planner
Jill Foster, Deputy Director, Community Development Department
Teri Lewis, LMO Official
Kathleen Carlin, Administrative Assistant

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1. Call to Order
Chairman McCann 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
Mr. Williams made a **motion** to approve the April 24, 2013 meeting minutes as presented. Chairman McCann **seconded** the motion and the motion **passed** with a vote of 2-0-1. Mr. Harkins abstained from the vote due to his absence from the meeting.

4. Unfinished Business
None

5. New Business
ZMA130003: 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. Chairman McCann introduced the application and requested that staff make their presentation.

Mrs. Jayme Lopko made the presentation on behalf of staff. Staff recommended that the Planning & Development Standards Committee forward the application to Town Council with a recommendation of *denial*, finding that the application is inconsistent with the Comprehensive Plan and does not serve to carry out the purposes of the Land Management Ordinance.

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Mrs. Lopko presented an in-depth overhead review of the application including the Vicinity Map, the Zoning Map, the Use Table and Applicant's Narrative.

A request from Chester C. Williams, Esq., 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). The properties are further identified on Beaufort County Tax Map 5, Parcels 336 through 342, and 344 through 375. The subject properties are currently platted as a 32 lot single-family subdivision with only one lot that has been sold and developed. This lot (Lot # 8) is excluded from this rezoning application.

The permitted uses and maximum impervious coverage requirements would not change as a result of rezoning to RM-12. There are other requirements that will change as a result of the rezoning such as open space, density, height, and parking requirements.

The properties are located within the Airport Overlay Zone Approach Path and Outer Hazard Zone, which places additional restrictions for height and use of the properties. The height restrictions move outward from the end of the airport primary surface at a rate of one foot upward for every 34 linear feet. The use restrictions are based on the occupant load of proposed use. Residential uses do not have an occupant load that will fall into one of the categories that have use restrictions.

The existing subdivision was approved in June of 2009. Since that time one house has been completed within the subdivision. The applicant states that this rezoning application is an attempt to avoid foreclosure by redeveloping the property into a high density multi-family development.

The applicant states in the narrative that the Beach City Place subdivision is a failed single-family residential development. The properties have been in default for an extended period of time and an Order of Foreclosure has been rendered against the property owner by the lender. The property owner has secured a commitment to refinance the loan for the redevelopment of the property into a multi-family residential project, but only if the permitted density is increased.

The purpose of the application is to rezone the properties to support the successful redevelopment of the property. The applicant currently has the right to redevelop the property for multi-family residential at a density of 4 units per net acre. However, this scenario is not seen as any more economically viable than the failed single family residential development. The effect of this rezoning will increase the permitted density to 12 units per net acre.

Mrs. Lopko reviewed the Findings of Fact and Conclusions of Law contained in the staff's report. Following staff's presentation, Chairman McCann requested that the applicant make his presentation.

Chester C. Williams, Esq., agent for the applicant, made the presentation. Mr. Williams introduced Rand Hannah, III, Esq., agent for Dr. Harindeyit Singh, who has a financial interest in 217 Beach City Road, LLC. Mr. Williams also introduced several members of the White family who are present at the meeting.

Mr. Williams reviewed the history of the application including details of the failed single-family residential development and foreclosure. Mr. Williams presented an overhead review of several maps related to the property. Mr. Williams presented comments with regard to the Planning Commission's

approval of the application on May 1, 2013. Following Mr. Williams' presentation, the committee and Mr. Williams discussed a couple of issues related to the application including safety concerns with regard to location of the airport. Following their discussion, Chairman McCann requested that Rand Hannah, Esq., present comments on behalf of his client, Dr. Harindeyit Singh.

Mr. Hannah stated that Dr. Singh is an investor in this project and is in favor of the application. Mr. Hannah presented an overhead review of a potential conceptual plan for development of the property into a multi-family subdivision. Mr. Hannah presented statements regarding the bank's position on the property. Mr. Hannah also presented statements regarding the applicant's efforts to work with the owners of Lot # 8 (Mr. and Mrs. David Jackson.) Following Mr. Hannah's presentation, Chairman McCann requested statements from the White family.

Mrs. Rosa White Cromwell presented statements in support of the application on behalf of herself and three of her sisters who were seated in the audience. Following these statements, Chairman McCann requested public comments and the following were received:

(1) Curtis Coltrane, Esq., agent for Mr. and Mrs. David (Alethea White) Jackson presented statements in opposition to the application. Mr. and Mrs. Jackson are property owners of Lot # 8, a single-family home. Mr. and Mrs. Jackson live in New York but plan to move to Hilton Head Island when they retire. The covenants for this property were written for a single-family neighborhood and Mr. and Mrs. Jackson are very much opposed to rezoning the property for high density multi-family use. Mr. Coltrane stated that the application is unfair to the interests of Mr. and Mrs. Jackson.

(2) Mr. Shelby Baker, property owner and representative of The Spa Property Owners Association, presented statements in opposition to the application.

(3) Mr. Frank Magnum presented public comments in opposition to the application. Mr. Magnum complimented Mrs. Lopko on the quality of the staff's report and presentation.

(4) Mr. Joe Maize, resident and pilot, presented statements in opposition to the application. Increasing the density of this property is not a good idea based on the location of the airport's flight path.

Chester C. Williams, Esq., presented follow up statements regarding issues of density and safety.

Chairman McCann and Mr. Chet Williams discussed the reasons for the application. Mr. Chet Williams presented statements related to economic development and residential development as well as failure of this single-family development. Mr. George Williams and Mrs. Lopko discussed Attachment "C".

Mr. George Williams stated that he is sympathetic to the White sisters' financial position on this issue. However, the Town should not pick and choose properties to be rezoned based on financial reasons. Mr. George Williams presented statements in support of protecting Mr. and Mrs. David Jackson's interests.

Mr. Harkins stated that he agrees with the comments presented by Mr. George Williams. Mr. Harkins stated that zoning is not a tool to correct investment failures. Mr. Harkins stated that the staff and the public presented cogent arguments in favor of denying the application. Mr. Harkins complimented Mrs. Lopko on the staff's report and the staff's presentation.

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Chairman McCann agreed with the statements presented by Mr. George Williams and Mr. Harkins. Chairman McCann stated that this is not an airport issue but rather an issue of density. The Town should not rezone property for the purpose of correcting a failed investment. At completion of the committee's discussion, Chairman McCann requested that a motion be made.

Mr. Harkins made a **motion** to recommend that the Planning and Development Standards Committee **forward** Zoning Map Amendment ZMA130003 to Town Council with a recommendation of **denial.** The committee finds the application to be inconsistent with the Comprehensive Plan and does not serve to carry out the purposes of the Land Management Ordinance. Mr. George Williams **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 4:00pm.

Submitted By:	Approved By:
_____	_____
Kathleen Carlin	John McCann
Administrative Assistant	Chairman

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TOWN OF HILTON HEAD ISLAND

Community Development Department

TO:	Planning & Development Standards Committee
VIA:	Teri Lewis, AICP, *LMO Official*
CC:	Charles Cousins, AICP, *Director of Community Development*
FROM:	Heather Colin, AICP, *Development Review Administrator*
DATE	April 15, 2013
SUBJECT:	Proposed Resolution No. 2013- Eliminate the distance requirements between an auto sales site and an existing residential use.

Recommendation:
Staff recommends that the Planning & Development Standards Committee forward the proposed Resolution to Town Council with a recommendation of approval.

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.

2013-

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 _____ DAY OF _____, 2013.

_____
Drew A. Laughlin, Mayor

ATTEST:

_____
Esther Coulson, Town Clerk

<u>Approved as to form:</u>

_____
Gregory M. Alford, Town Attorney

Introduced by Council Member: _____