



Town of Hilton Head Island  
Planning Commission  
LMO Rewrite Committee Meeting  
July 24, 2014  
8:30 a.m.

Hilton Head Public Service District Community Meeting Room

## **AGENDA**

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

- 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 the Agenda**
- 4. Approval of the Minutes – May 1, 2014**
- 5. New Business**
  - a. Review specific list of concerns from Town Council
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND  
Planning Commission  
**LMO REWRITE COMMITTEE MEETING**  
May 1, 2014 Minutes  
8:30a.m. – Benjamin M. Racusin Council Chambers

Draft

Committee Members Present: Vice Chairman Gail Quick, David Ames, David Bachelder, Chris Darnell, Jim Gant, Walter Nester, Kim Likins, *Alternate* and Charles Cousins, *Ex-Officio*

Committee Members Absent: Tom Crews, Irv Campbell,

Planning Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official

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**1) Call To Order**

Vice Chairman Quick called the meeting to order at 8:43 a.m.

**2) Freedom of Information Act**

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 the Agenda**

The committee **approved** the agenda as presented by general consent.

**4) Approval of the Minutes**

The committee **approved** the minutes of the March 27, 2014 meeting as presented by general consent.

**5) Public Comment**

Mr. J.K. Tiller, representing Mr. Gordon Faulkner who owned the property that was Modern Classic Motors, stated that that property has been rezoned to *Medical* in the new LMO. Mr. Faulkner would like to retain a small portion of that area as *Commercial/Office Use*. Mr. Tiller stated that Mr. Faulkner would like for restaurant use to be allowed there.

***Mr. Chris Darnell recused himself from this discussion.***

After much discussion, Mr. Ames made a motion to include that portion of Main Street / U.S. 278 frontage and up to the office building one past JD Banks could be included within the Main Street district. Mr. Gant seconded. The motion passed unanimously.

## 6) Unfinished Business

### a. Review of updated language related to tree trimming/removal in PUDs

Mr. Gant stated that one issue that needs to be resolved is: “How much authority do we grant POAs to trim trees on their commonly owned and managed property behind their gates?” It was decided that including specimen trees, trimming would be allowed but removal would have to go to the Board of Zoning Appeals for a Variance. Mr. Nester requested that in the LMO Rewrite Draft Chapter 6 – 16-6-104 (Tree Protection) B (Applicability) under 2. Exemptions, viii – 03, last sentence that the word *feasible* be changed to *reasonable*. There were no objections to this request.

It was also decided that a definition will be added for POA. Something specific would be added back into the LMO defining PD1 POA. Mr. Grant made a motion to grant flexibility to the PD1 POA but restrict any “sub unit” under the POA. Mr. Ames seconded the motion. The motion passed unanimously.

### b. Review of specific language to allow the elimination of some vehicle parking spaces for bike parking

The Committee discussed the measurements of parking space stalls.

Mr. Gant on behalf of Mr. Tom Crews suggested that 50 feet from a primary entrance to a building is too close. The Committee disagreed and decided to keep the language as is. Mr. Nester referred to Item ii. In a convenient location that can be viewed from the building; and suggested removing the word *convenient* and replacing the word *can* with *may*. Mr. Ames made a motion to accept those changes. Mr. Nester seconded. The motion passed unanimously.

## 7) New Business

### a. Update on Chapter 2

Mr. Curtis Coltrane stated that he still has items to discuss with the consultant. Issue about what are and are not public hearings. What remains will be sorted out quickly and may need to meet with the prep team one more time.

Mr. Gant stated that Mr. Tom Crews created a drawing of what the new setbacks in Coligny would look like but unsure if this is what the Committee envisioned how the 1 foot setback would look like to encourage side walk cafes, etc. The Committee wants to allow outdoor seating area or open space with grass and trees right up to the 1 foot line.

After much discussion, Mr. Ames made a motion that 50 to 70% of the building façade be within 10 ft (every building the same); 30% of building façade be within 25 ft; outdoor use up to the property line and trees are required every 25 to 30 ft. Mr. Gant seconded. The motion passed unanimously.

The Planning Commission will have a public meeting at 9:00 a.m. on Wednesday, May 7 to review Chapters 3 and 4 as well as the proposed zoning map. The Planning Commission will have a public meeting at 3:00 p.m. on Wednesday, May 21 to review Chapters 5, 6 and 7. The Planning Commission will have a public hearing at 9:00 a.m. on Wednesday, June 4 and at 3:00 p.m. on June 18 to present all ten chapters plus appendices. A copy of this schedule will be sent out to the Planning Commission and LMO Rewrite members and the prep teams will assist at these meetings.

**7) ADJOURNMENT**

The meeting was adjourned at 9:56 a.m.

Submitted by:

Approved by:

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

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Tom Crews  
Chairman

DRAFT



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** LMO Rewrite Committee  
**FROM:** Teri Lewis, *LMO Official*  
Jim Gant, *Member, LMO Rewrite Committee*  
**DATE:** July 17, 2014  
**SUBJECT:** Specific Areas of Concern from Town Council

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At the July 8, 2014 Town Council workshop, a number of concerns with the proposed new LMO were discussed. A few were resolved by explaining the rationale. The remaining major concerns are:

1. Density in the Coligny Resort and Sea Pines Circle zoning districts and the Skull Creek area.
2. A concern from the Telecommunications Task Force that the proposed setback standards for cell towers along minor and major arterials are too restrictive.
3. Eliminating the requirement for 500 ft. separation between liquor stores.

At the July 15 Town Council meeting the decision was made to return the draft to the LMO Rewrite Committee for additional discussion on specific items. The attached document outlines the major issues as well as some smaller issues and provides background data to facilitate the discussion at the LMO Rewrite Committee meeting on July 24th. Please review the attached information in detail and come prepared to discuss each issue.

While specific direction was not provided from Town Council, we believe the expectation is that the draft LMO will be placed on the September 2<sup>nd</sup> Town Council for first reading and that at that time, the Committee will provide a more in depth explanation of our recommendations related to the concerns listed above and explanations for any recommended changes.

# TOWN COUNCIL CONCERNS

## I. COLIGNY CONCERNS

1. The increase in allowable height, density and setbacks close to street could create a building mass that does not fit the HHI image.

### Proposed Changes to LMO

- On Pope Avenue and North Forest Beach, Avocet and Lagoon Roads
  - Maximum building height is 60 ft
  - Setback angle 60 degrees
  - Maximum height of 36 ft at setback line
  - Permissible height rises along 60 degree angle to max of 60 ft at back portion of parcel
  - 36 ft at front would allow 2 story residential above commercial
  - No dwelling units or hotel rooms on first floor
  - All ground floor uses must be commercial

### Changes in density and allowed uses

	<b>PROPOSED ZONING</b>	<b>CURRENT ZONING</b>
<b>DENSITY</b>	<i>CR</i>	<i>CCW</i>
<i>Residential</i>	Undefined but limited by applicable design and performance standards	4 DU
<i>Hotel</i>	35 Rooms	NA – Use not allowed
<i>Non Residential</i>	Undefined but limited by applicable design and performance standards	8,000

### Comparison with Current LMO

	<b>CURRENT LMO</b>	<b>PROPOSED LMO</b>	<b>PROPOSED LMO</b>
<b>BUILDING HEIGHT</b>	45 ft (3-4 stories)	60 ft (4-5 stories)	Allows more stories
<b>STREET SETBACK</b>	25 ft	30 ft	Requires more setback
<b>SETBACK ANGLE</b>	75 degrees	60 degrees	Moves building back from street

**Background data - Current Coligny Plaza Buildings**

- Commercial Density - 137,306 sq ft on 9.62 acres = 14,272 sq ft/acre
- Actual Parking spaces – 469
- Required under current LMO standards - 410
- 700 outdoor dining seats with no additional parking required
  - In the current LMO, parking for restaurants is 1 space per 100 GFA for both indoor and outdoor dining areas. Parking for shopping centers is 1 space per 335 GFA. Restaurants within shopping centers are not required to add extra parking for any outside dining areas.
  - The impact of this can be seen using Coligny Plaza as an example. Using the industry standard of 12 sf per seat, at 700 outdoor dining seats that equates to a total of 8,400 square feet. At a stand-alone restaurant this would require an additional 84 spaces but at a restaurant that is part of a shopping center there is no requirement for providing additional parking spaces for outdoor dining.
  - Shopping center spaces are all shared with the intent that all businesses are not necessarily open at the same times every day.
  - The Committee should determine if a parking requirement should be established for outdoor dining at restaurants that are part of shopping centers.

**Why what is proposed in the LMO the right answer**

- Provides maximum flexibility to developer in defining solution
- Although a specific number is not assigned to the density categories, the density is limited by other requirements such as height, setbacks and required parking

**What is the alternative - evaluate test cases to define specific density recommendations**

- *Case 1 - 16,000 sq ft/acre and 12 dwelling units/acre*
  - 153,920 sq ft commercial
  - 115 dwelling units
  - 400 parking spaces required

<b>USE</b>	<b>24 hour trip rate</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
<b>Shopping Center</b>	6571.53	147.74	570.96
<b>Apartments</b>	764.75	58.65	71.3

- *Case 2 - 16,000 sq ft/acre and 16 dwelling units/acre*
  - 153,920 sq ft commercial
  - 153 dwelling units
  - 431 parking spaces required

<b>USE</b>	<b>24 hour trip rate</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
<b>Shopping Center</b>	6571.53	147.744	570.969
<b>Apartments</b>	1017.45	78.03	94.86

- *Case 3 - 16,000 sq ft/acre and 35 hotel rooms/acre*
  - 153,920 sq ft commercial
  - 336 hotel rooms
  - 532 parking spaces required

<b>USE</b>	<b>24 hour trip rate</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
<b>Shopping Center</b>	6571.53	147.744	570.969
<b>Hotel</b>	2997.12	225.12	235.2

2. Increased Density will compound parking problem.

- In the Coligny Resort District, increased density is used as an incentive for redevelopment. In order to actually utilize the increased density, however, it is unlikely that the parking requirements for sites will be able to be completely addressed on site. A developer will have to address the parking requirements via a structured parking facility or by participating financially with the Town to build one.
- Because of the limitations imposed by the size of the district, the resolution of the parking will likely have to be addressed on a district-wide basis, via the construction of one or more shared parking facilities.
- The Town's participation in the development of such facilities and the location and financing of such facilities present significant policy issues for the Town Council.

3. The proposed setback of 30 ft does not require a separator between the pathway and any outdoor patio that a business may elect to build, creating the potential for conflict between patrons at tables and activity on the pathway.
  - OPTION A - require an additional 2-3 ft separator between path and owner space
  - OPTION B - allow each business to determine what is needed based on their planned usage of the space

## II. SEA PINES CIRCLE DENSITY AND USE CHANGES

The concern is that an increase in density will compound existing traffic problems. Without a better understanding of the impact of USCB, there should not be additional development in this area.

### Changes in density and allowed uses

	PROPOSED ZONING	CURRENT ZONING
<b>DENSITY</b>	<i>SPC</i>	<i>DCW, CC</i>
<i>Residential</i>	12 DU	4 DU
<i>Hotel</i>	35 Rooms	NA – Use not allowed
<i>Non Residential</i>	10,000	10,000 (Office)  8,000 (Other)

### Background Data/Considerations

- Commercial density was increased from 8,000 to 10,000 sq ft to be consistent with other commercial areas, and to enable redevelopment of any office buildings which were previously allowed at 10,000 sq ft.
- Trip generation rates:

<b>USE</b>	<b>24 hour trip rate</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
<b>Shopping Center (8,000 sq ft)</b>	341.6	7.68	29.68
<b>Apartments (12 units)</b>	79.8	6.12	7.44
<b>Hotel (35 rooms)</b>	312.2	23.45	24.5
Assumptions: <ul style="list-style-type: none"> <li>o 1 acre site</li> <li>o Trip rate for Apartments @ 12 units/1 acre</li> <li>o Trip rate for Hotel @ 35 rooms/1 acre</li> <li>o Trip rate for shopping center @ 8,000 sq ft/1 acre</li> </ul>			

### Why what is proposed in the LMO the right answer

- Creates opportunity for redevelopment targeted primarily at northwest quadrant of circle area

### What is the alternative

- Option A - remove hotels as allowable use
- Option B – remove hotels as allowable use and roll back residential density to 4 d/u per acre
- Option C – remove hotels as allowable use and roll back residential density to 4 d/u per acre and roll back commercial density to 8,000 sf/acre

### III. WATERFRONT MIXED USE DISTRICT

The concern is that additional density along Skull Creek will increase traffic load beyond what the infrastructure can reasonably sustain.

#### Proposed LMO Changes

1. Respond to residents requests for additional development opportunities on parcels that are along the water
2. Increase residential density from 12 to 16 du/acre
3. Increase hotels from 20 to 35 rooms/acre
4. Upzoned an area of RM-4 along Skull Creek to the WMU district (shown as hatched area on attached map)
5. Major use changes -Allow churches, outdoor recreation, water parks, offices, auto rental

#### Background Data

- Total acres in WMU along Skull Creek (including upzoned portion): 59.8
  - deduct already developed land or land with an approved permit: 36
  - deduct land with no development rights: 4.2
  - deduct Town/County owned land: 13.4
  - = net maximum for development: **6.2 acres**
- Number of parcels in maximum for development: 8
  - number of small parcels will inhibit development and reduce total build out
- Calculate total additional units assuming 50% of available acreage is developed
  - 6.2 (net maximum acreage) x 4 (increase from 12-16) x 50% = 12.4

What is the traffic impact of building at 12 units/acre vs. 16 units/acre:

<i>USE</i>	<i>24 hour trip rate</i>	<i>AM Peak Hour</i>	<i>PM Peak Hour</i>
<b>Apartments (12 units)</b>	246.05	18.87	22.94
<b>325.85Apartments (16 units)</b>	325.85	24.99	30.38
○			

- Calculate total additional units assuming 50% of parcels rezoned from 4 d/u to 16 are developed but taking out those parcels already developed as subdivisions
  - 21.6 (acreage) x 12 (increase from 4 to 16) x 50% = 129.6
- What is the traffic impact of building at 4 units/acre vs. 12 units/acre vs. 16 units/acre:

<i>USE</i>	<i>24 hour trip rate</i>	<i>AM Peak Hour</i>	<i>PM Peak Hour</i>
<b>Apartments (4 units)</b>	285.95	21.93	26.66
<b>Apartments (12 units)</b>	857.85	65.79	79.98
<b>Apartments (16 units)</b>	1143.8	87.72	106.64
<u>Assumption:</u>			
○ This assumes that half of the 21.6 acres available for development is developed.			

**Why what is proposed in the LMO the right answer**

- The upzoning of RM-4 parcels along the water provides the same opportunities for development that are provided to other parcels along the water (existing WMU parcels)

**What is the alternative**

- Option A - Keep the existing residential DU at 12 units per acre but realize that this affects the WMU areas along Broad Creek as well
- Option B – Do not upzone the RM-4 parcels along Skull Creek
- OptionC – Keep the existing residential DU at 12 units per acre and do not upzone the RM-4 parcels along Skull Creek

#### **IV. LIQUOR STORE SEPARATION**

The proposed LMO eliminates the requirement for a 500 ft separation between liquor stores. Should the 500 ft be maintained ?

The LRC reviewed all of the conditions associated with liquor stores at their meeting on 2/14/13. After careful review they recommended to eliminate 'residential district' from condition A and eliminate condition B altogether.

- The conditions for liquor stores from the current LMO are:
  - *Liquor stores are permitted subject to the following standards.*
    - *A. Is not located less than 200 feet from the nearest property line of any existing church or place of worship, public or private school, or residential district; and*
    - *B. Is not located within 500 feet of an existing liquor store.*
    - *C. These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed liquor store or any parking lot designated to be used by patrons of the store*

The LMO Rewrite Committee felt that the Town did not need to regulate specific business types, allowing the market to determine location.

Town Council appears to want to keep current restriction.

#### **V. Prohibition of business operations in public storage facilities**

The current LMO does not allow the operation of businesses within individual storage units but the language is not as clear as what is proposed in the new LMO. The proposed LMO is more specific in prohibiting businesses, based on the potential for business types that may propose a hazard to other owners (e.g. an auto repair business) or violate other building codes or parking standards. The parking standards for self-storage units are very low and are not designed to accommodate business parking.

The impact of the proposed LMO is that any storage facility currently housing small businesses is non-conforming. Long time existing businesses may be legally non-conforming based on pre 1987 operation and would need to be evaluated on a case by case basis.

**IV. Should there be additional limits on convenience stores in RM 4 district.**

The proposed LMO allows small "neighborhood" convenience store as requested by some owners on the island's north end. Under the proposed code they must be under 1,200 sq ft and located on a minor arterial road with no access to a major arterial road. There are no regulations restricting the number on any given arterial street.

There was some concern expressed by Town Council about the impact a convenience store could have on neighboring residential properties and that there were not any separation standards proposed for convenience stores in the RM-4 district.

**V. What does the proposed LMO do to address decaying properties?**

EXPLAINED - NO LONGER AN ISSUE

The proposed LMO makes it easier to redevelop properties through changes to the use table and numerous minor changes, which taken together eliminate many of the obstacles currently perceived as limiting redevelopment.

The proposed LMO (as primarily a zoning ordinance) does not address appearance standards of buildings. These would have to be addressed through a change to the Municipal Code to adopt a property maintenance code.

**VI. Why were Fresh Market Shoppes left in the Long Cove PUD versus being rezoned to Light Commercial?**

EXPLAINED - NO LONGER AN ISSUE

One of the objectives of the LMO Rewrite was to avoid creating new non-conformities. Rezoning the Shoppes to the LC zoning district would have created two new non-conformities:

1. The density limitation in Light Commercial is 10,000 sq ft per acre. The existing Fresh Market Shoppes occupy 104,993 sq ft on 9.67 acres for a current density of 10,857 sq ft per acre
2. The building at Fresh Market Shoppes is one continuous building. Light Commercial limits individual buildings to a 20,000 sq ft maximum.

**VII. What has changed with adjacent use setbacks and buffers?**

EXPLAINED - NO LONGER AN ISSUE

There were no changes to setback requirements between adjacent uses.

Buffers are eliminated between like business uses, as an incentive to encourage connectivity (either parking lots, or walkways) between businesses. This encourages walkability, and helps to reduce traffic impact of autos exiting one business and immediately entering the next.

**VIII. Telecommunications**

The primary concern is that setbacks defined in the new LMO will limit locations for cell towers and discourage tower investment on Hilton Head Island. Four other small concerns are:

1. The proposed requirement to prove that no existing tower or structure is suitable is not needed.
2. Requiring a balloon test has no impact on screening and should be dropped.
3. The requirement to meet winds from at Category 5 hurricane to qualify for a 35% reduction in setback is open ended and unrealistic.
4. The timely action guidance meets the FCC guideline of 150 days but should be changed to 90 days to signal HHI's receptiveness to investment in cell towers.

**Background Data**

<b>Code Section</b>	<b>2012 (or earlier)</b>	<b>DRAFT LMO REWRITE</b>
<i>Setback from OCRM lines</i>	Fall zone + 20'	Tower height
<i>Setback from major arterials</i>	Fall zone + 20'	Tower height
<i>Setback from minor arterials</i>	Fall zone + 20'	80% of tower height
<i>Setback from other streets</i>	Fall zone + 20'	Fall zone + 20'
<i>Setback from residential structures</i>	Fall zone + 20' (owner of structure can waive this requirement)	Fall zone (owner of structure can waive this requirement)
<i>Setback from any structures other than the tower and associated equipment</i>		Fall zone (owner of structure can waive this requirement)
<i>Setback from adjacent uses</i>		Fall zone
<i>Cell Towers in PUDs</i>	Requires support of majority of affected property owners w/in 100' (minor ZMA – staff level approval) OR must go through the regular ZMA process (PC and TC level approvals)	Is treated as a minor ZMA as long as it is not on single family property
<i>Zoning Districts where cell towers are allowed</i>	Allowed by special exception (requires BZA approval) in the PR zoning district, allowed with conditions in 12 zoning districts, not allowed at all in 10 zoning districts	Allowed with conditions in every zoning district except the Conservation district
<i>Separation between towers</i>	10,500' unless this distance is too far or a co-location agmt can't be achieved	none
<i>Adjustment to required street setback #1</i>		Street setback can be reduced as long as a sight line or balloon test is done that shows tower will be screened from motorists (reduced

		setback can't be w/in fall zone)
<i>Adjustment to required street setback #2</i>		Street setback can be further reduced by up to 35% in all residential districts as well as 7 of the business districts as long as 8 criteria are met**
<p><b>**The below conditions only apply if you are taking advantage of Setback Adjustment #2:</b></p> <ol style="list-style-type: none"> <li>(1) The reduction is consistent with the character of <b>development</b> on surrounding <b>land</b>;</li> <li>(2) <b>Development</b> resulting from the reduction is consistent with the purpose and intent of the tower setback standards;</li> <li>(3) The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed <b>development</b>, or (b) results in improved site conditions;</li> <li>(4) The reduction will pose a danger to the public health or safety;</li> <li>(5) Any adverse impacts directly attributable to the reduction are mitigated;</li> <li>(6) The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts;</li> <li>(7) The setback exceeds the <b>fall zone</b> of the tower; and</li> <li>(8) The tower meets the wind-load rating to survive a Class V hurricane.</li> </ol>		

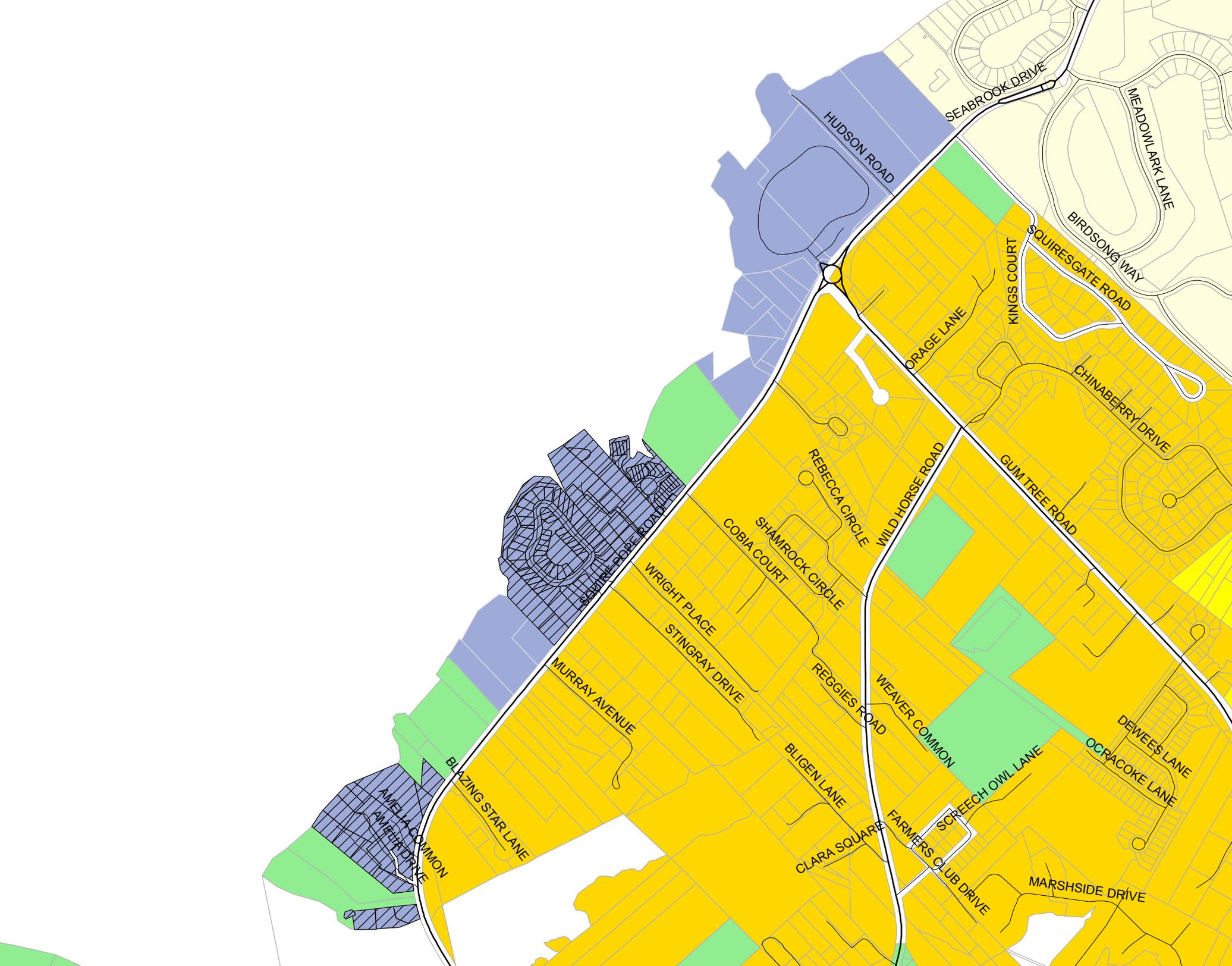
- At the time of the last update to this section (May 2012) fall zones of towers were defined as 50 ft. A setback of fall zone plus 20 ft would have equaled 70 ft.
- With advances in tower construction, fall zones have become as small as 10 ft - as certified for the Hilton Head Plantation cell tower, resulting in potential for towers within 30 ft of major and minor arterials and the OCRM line if the proposed setback language is changed back to 'fall zone plus 20 feet'.
- The new Jos. A banks store at Shelter Cove Towne Centre is exactly 60 ft from the 278 right away and has been the subject of complaints that it is too close to the road.
- The setback metric should be changed to a fixed number and not tied to fall zone which is changeable.

**Why what is proposed in the LMO the right answer**

- 150 ft setback provides the best edge protection for major arterials and beach.

**What is the alternative**

- Define the setback as a specific number (no longer use the fall zone as part of determining the setback).
- Change proposed LMO to eliminate the requirements in issues 2,3 4 above.



HUDSON ROAD

SEABROOK DRIVE

MEADOWLARK LANE

BIRDSONG WAY

KINGS COURT

SQUIRESGATE ROAD

ORANGE LANE

CHINABERRY DRIVE

WILD HORSE ROAD

GUM TREE ROAD

REBECCA CIRCLE

COBIA COURT

SHAMROCK CIRCLE

WRIGHT PLACE

STINGRAY DRIVE

MURRAY AVENUE

REGGIES ROAD

WEAVER COMMON

DEWEES LANE

OCRACOKE LANE

BLAZING STAR LANE

BLIGEN LANE

SCREECH OWL LANE

CLARA SQUARE

FARMERS CLUB DRIVE

MARSHSIDE DRIVE

AMELIA COMMON

AMELIA DRIVE