

THE TOWN OF HILTON HEAD ISLAND
Planning Commission
Minutes of the Wednesday, April 7, 2010 Meeting APPROVED
9:00am – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Al Vadnais, Vice Chairman Loretta Warden,
Tom Crews, Jack Docherty, Terence Ennis, Therese Leary,
Gail Quick and David White

Commissioners Absent: Tom Lennox, Excused

Town Council Present: None

Town Staff Present: Nicole Dixon, Planner; Marc Torin, Inspections/Compliance
Charles Cousins, Community Development Department Director
Scott Liggett, Public Projects & Facilities Director/Chief Engineer
Teri Lewis, LMO Official
Sarah Skigen, Natural Resources Division Associate
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Kathleen Carlin, Administrative Assistant

I CALL TO ORDER

Chairman Vadnais called the meeting to order at 9:00am.

II PLEDGE OF ALLEGIANCE TO THE FLAG

III ROLL CALL

IV 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.

V USAGE OF CELLULAR TELEPHONE

Please turn off all cellular phones so that the meeting is not disturbed. Use of the cell phone is allowed in the hallway outside of Council Chambers.

VI APPROVAL OF THE AGENDA

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

VII APPROVAL OF THE MINUTES

The February 3, 2010 meeting minutes were **approved** as presented by general consent. The February 17, 2010 meeting minutes were **approved** as presented by general consent.

VIII APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA

None

IX UNFINISHED BUSINESS

None

X NEW BUSINESS

PUBLIC HEARING

Proposed 2010 General Amendments to the Land Management Ordinance

LMO Amendments - The Town of Hilton Head Island is proposing to amend Chapters 4, 5 and 6 of the Land Management Ordinance (LMO) to revise the following articles and sections, including:

Sections 16-4-1205, 16-4-New Section, 16-4-New Section, and 16-4-1405: 16-4-1205. This reduces the separation requirement between auto sales facilities and between auto sales facilities and residential uses. 16-4-New Section. This creates standards and separation requirements for auto repair facilities to limit nuisances to surrounding properties. 16-4-New Section This will allow vendors associated with a special event on a site of 50 acres or more, to occupy a recreational vehicle overnight. 16-4-1405. This will allow vendors associated with open air sales to occupy a recreational vehicle overnight.

Section 16-5-New Section: 16-5-New Section. This will allow on-street parking for a public use. **Section 16-6-305:** 16-6-305. This will allow selective pruning and removal of non-native invasive vegetation in dune systems in order to provide more views to the beach.

Chairman Vadnais requested that staff review each of the proposed amendments individually. Following each of the presentations, the Planning Commission will discuss the proposed amendment and the Chairman will then invite public comments. Following final comments by the Planning Commission, the Planning Commission will vote on each of the individual amendments.

Ms. Nicole Dixon made the presentation on behalf of staff. The first amendment is to **Sec. 16-4-1205**. This section deals with auto sales. Staff is proposing to reduce the 1,500 foot separation requirement between auto sales facilities and between auto sales facilities and residential uses to 500 feet to be more flexible for redevelopment opportunities and to provide more opportunities for businesses to locate an auto sales use on Hilton Head Island (versus having to move off Island).

On March 3, 2010 the LMO Committee met to discuss the amendments. The Committee voted to send this item back to staff to clarify the reason why the change was being made. Ms. Dixon reported that the Town Council directed staff to make the change. In researching the issue further, staff discovered that there are currently no properties on the Island that would allow an auto sales use that would meet the distance requirement along with the other requirements of being located on a major or minor arterial (and still being separated from residential use).

Mr. Charles Cousins presented statements in clarification of Town Council's directive to staff regarding the proposed amendment to Sec.16-4-1205. Mr. Cousins reviewed the history of the directive as well as the reasons for making the proposed change (staff did not want to create additional nonconformities on the Island for auto repairs).

Following this discussion, Ms. Dixon distributed a new staff chart related to the 2010 General LMO Amendments. The chart identified the distance separation requirements for Conditional Uses. The Planning Commissioners reported that the information in the new chart is very helpful.

This completed the staff's presentation on Sec. 16-4-1205. Following discussion by the Planning Commission, Chairman Vadnais requested public comments on this amendment and none were received. Following final comments by the Planning Commission, Chairman Vadnais requested that a motion be made.

Commissioner Crews made a **motion** that the Planning Commission **approve** the proposed amendment to Sec. 16-4-205 regarding the separation requirements between auto sales facilities and between auto sales facilities and residential uses as presented by staff. Commissioner Leary **seconded** the motion and the motion **passed** with a vote of 6-2-0.

Vice Chairman Warden and Commissioner White were **opposed** to the motion because they felt that the change in the separation requirement is too radical. A separation requirement of 750 feet rather than 500 feet would be more reasonable.

Sec. 16-4-New Section. This amendment would have created standards and separation requirements for auto repair facilities to limit nuisance to surrounding properties.

Ms. Dixon reported that the review of this new section is **removed** from today's agenda. Ms. Lewis stated that this is due to the number of nonconformities that would be created by the proposal. The Planning Commission discussed the issue with staff. Following their discussion, Chairman Vadnais requested that a motion be made to remove this section from today's agenda.

Commissioner Crews made a **motion** to **withdraw** Sec. 16-4-New Section for auto repairs from today's agenda. Commissioner Quick **seconded** the motion and the motion **passed** with a vote of 8-0-0.

Sec. 16-4-New Section. This amendment will allow vendors associated with a special event on a site of 50 acres or more to occupy a recreational vehicle over night. Staff is proposing the language to accommodate the needs of some vendors who wish to stay overnight for certain special events or overnight sales. Ms. Dixon and the Planning Commission discussed the proposed amendment.

Chairman Vadnais stated that the review of this section should be combined with the review of Sec. 16-4-1405 due to the simplicity of the changes. The Planning Commission and staff also discussed the issue of Open Air Sales and the permitting process.

At the completion of the discussion, Chairman Vadnais requested public comments on the two amendments and none were received. Chairman Vadnais then requested that a combined motion on Sec. 16-4-New Section and to Sec. 16-5-1405 be made.

Vice Chairman Warden made a **motion** that the Planning Commission **approve** the proposed amendments to Sec. 16-4-New Section and to Sec. 16-4-1405 as presented by staff. Commissioner Quick **seconded** the motion and the motion **passed** with a vote of 8-0-0.

Section 16-5-New Section: This amendment will allow on-street parking for public use. The proposed language is intended to assist redevelopment efforts (for example, the Mathews Drive Connectivity Project). The adopted language will allow the Town to create parking for public use. It is not intended to allow private developers to develop on-street parking to meet their parking requirements. An application for Public Project Review will be required. Ms. Dixon

and the Planning Commission discussed the proposed amendment. Following this discussion, Chairman Vadnais requested public comments and the following were received: Ms. Ronnie Kincaid presented comments related to on-street parking on Mathews Drive. At the completion of final comments by the Planning Commission, Chairman Vadnais requested that a motion be made.

Commissioner White made a **motion** that the Planning Commission **approve** the proposed amendments to Sec. 16-5-New Section to allow on-street parking for public use as presented by staff. Vice Chairman Warden **seconded** the motion and the motion **passed** with a vote of 8-0-0.

Section 16-6-305: This amendment will allow selective pruning and removal of non-native invasive vegetation in dune systems to provide more views to the beach. Ms. Dixon and the Planning Commission discussed the proposed amendment.

Ms. Sarah Skigen presented statements on behalf of the Natural Resources Division. Ms. Skigen discussed the term “materially impaired” as it relates to vegetation and the viewing corridors of the beach. The term “materially impaired” provides guidelines for the staff to work with in the same way that views of wetland buffers currently does. The issue of selective tree removal was also discussed. Ms. Skigen stated that the Natural Resources Administrator or Natural Resources Associate will make final determinations. The Planning Commission and the staff discussed the extent of the proposed changes and the need for final approval by the Natural Resources Division.

At the completion of the discussion, Chairman Vadnais requested public comments and the following were received: Ms. Ronnie Kincaid and Chester C. Williams, Esq., presented statements. Mr. Williams stated that the term “materially impaired” is too subjective and needs to be made clear.

At the completion of the discussion by the Planning Commission, Chairman Vadnais requested that a motion on Sec. 16-6-305 be made as written including the staff’s last two sentences.

Commissioner Crews made a **motion** that the Planning Commission **approve** Sec. 16-6-305 as written and presented including the staff’s last two sentences. Commissioner Docherty **seconded** the motion and the motion **passed** with a vote of 8-0-0.

This concluded the Planning Commission’s review of the proposed 2010 General Amendments to the Land Management Ordinance.

Draft Capital Improvement Program FY 2011

Mr. Scott Liggett prefaced the staff’s presentation by requesting that CIP Chairman David White present opening statements on behalf of the CIP Committee.

Commissioner White stated that the CIP Committee met on March 16, 2010. The Committee reviewed the draft Single-Year Spread Sheet, the 10-Year Spreadsheet, and the CIP Overview. The CIP Committee provided the staff with their recommendations on these documents. Mr. Liggett reported that the Committee’s recommendations have been incorporated into the staff’s presentation.

In accordance with State law, the proposed Capital Improvements Program for Fiscal Year 2011 was developed by the staff for review and recommendation to the full Planning Commission (via the CIP Committee). The Pathways & Parks section was also reviewed by the Parks & Recreation Commission. The Planning Commission annually recommends the proposed CIP to Town Council for deliberations during their Budget Workshop.

The CIP is a 10-year program of which one year is funded for implementation. The nine subsequent years are programmed with estimates of funding requirements. Some of the programmed estimates for projects in the out years are listed as To Be Determined.

The CIP is based on a variety of sources: Town Council's Policy and Management Agendas 2010 which included input from the public and the Town's Boards, Commissions and Committees. Other source documents include: The 2004 Comprehensive Plan which incorporates the Initiative Area Plans, the Transportation Plan which includes pathways and roads; the Town-Wide Drainage Plan; the Fire & Rescue Master Plan, and the Recreation Element; the adopted Countywide All Hazard Mitigation Plan, the Comprehensive Emergency Management Plan which is being improved as a part of the Disaster Recovery Commission's work program; the Beach Access Plan, the Beach Maintenance Monitoring reports, the Broad Creek Management Plan, and a Space Needs Study of all Town facilities and properties to include Town Hall, all parks, Fire & Rescue stations, and Town wide infrastructure.

The proposed CIP Budget incorporates 16 different funding sources: (1) Traffic Impact Fees; (2) Parks Impact Fees; (3) Interfund Borrowing; (4) Fund Balance (Prior Year Funding); (5) New Fiscal Year Taxes; (6) Sunday Liquor Sales Permit Fees; (7) Storm Water Utility Fees; (8) County Contributions; (9) General Obligation Bonds; (10) Revenue Bonds; (11) Grants; (12) Accommodation Tax; (13) Beach Fees; (14) Hospitality Tax; (15) Tax Increment Financing; and (16) Lease Fund.

Mr. Liggett and the Planning Commission discussed the status of projects in the following categories: (1) Pathways category; (2) Drainage Improvements category; (3) Roadway Improvements; (4) Parks Development; (5) Existing Facility & Infrastructure category; (6) New Facilities & Infrastructure category; and (7) Beach Maintenance category.

Following staff's presentation and discussion by the Planning Commission, Chairman Vadnais requested that a motion be made on the Draft Capital Improvement Program for Year 2011.

Commissioner White made a **motion** that the Draft Capital Improvement Program for Year 2011 be **approved** as presented by staff. Commissioner Leary **seconded** the motion and the motion **passed** with a vote of 8-0-0.

XI COMMISSION BUSINESS

Chairman Vadnais stated that the Planning Commission has no agenda items scheduled for the regular meeting on April 21, 2010. This meeting will be canceled. The staff also has no agenda items for the upcoming Planning Commission meeting on May 5, 2010. The status of this meeting will be determined by the Chairman at a later date.

XII CHAIRMAN'S REPORT

None

XIII COMMITTEE REPORTS

Commissioner Crews presented an update of the 2010 Comprehensive Plan on behalf of the Comprehensive Plan Committee. The Committee met this morning to review some procedural issues as well as minor changes in language. Commissioners Crews stated that all Planning Commissioners were in attendance at this meeting. The Committee moved to approve the recommended changes in language. The 2010 Comprehensive Plan is scheduled for review by the Planning & Development Standards Committee later this month. Commissioner Crews stated that another Committee meeting will be scheduled soon to discuss the proposed Energy Element and the proposed Community Design Element.

Commissioner Quick reported, on behalf of the LMO Committee, that a new procedure is needed for the review of proposed LMO amendments. The Committee would like to receive, in advance of their future meetings, additional information from staff regarding proposed LMO amendments. This information should include the history of the proposed amendment, the staff's reasons for requesting the change, and the pros and cons of the proposed change.

The Planning Commission agreed with Commissioner Quick's recommendation for the receipt of this information. Chairman Vadnais requested that Commissioner Quick prepare a draft of the recommended procedure for future review by the Planning Commission.

Vice Chairman Warden reported that the Rules of Procedure Committee will meet sometime next month to discuss anticipated changes to the Planning Commission's Rules related to final adoption of the 2010 Comprehensive Plan. The staff will work with Vice Chairman Warden on making the meeting arrangements.

XIV STAFF REPORTS

Mrs. Jayme Lopko presented the Quarterly Report to the Planning Commission. At the completion of her presentation, Chester C. Williams, Esq., presented statements regarding Roadway Improvements, particularly Overhead Mounted Street Signs. Mr. Williams also presented statements in regard to Chapter 29 of Title 6 of the South Carolina State Code Enabling Act as it relates to the powers and authority of the Planning Commission.

Mr. Mark Torin, Inspections and Compliance, presented a status update on the burial of power lines. The Planning Commission and Mr. Torin discussed the issue.

There being no further business, the meeting was adjourned at 10:30am.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Al Vadnais
Chairman