

THE TOWN OF HILTON HEAD ISLAND
REGULAR PLANNING & DEVELOPMENT STANDARDS COMMITTEE MEETING
Benjamin M. Racusin Council Chambers **APPROVED**

Date: Wednesday, April 28, 2010

Time: 4:00pm

Committee Members Present: Chairman Bill Ferguson, Drew Laughlin and John Safay

Committee Members Absent: None

Council Members Present: None

Town Staff Present: Nicole Dixon, Planner; Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Sarah Skigen, Natural Resources Division Associate
Charles Cousins, Community Development Department Dir.
Jill Foster, Community Development Department Deputy Dir.
Kathleen Carlin, Administrative Assistant

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

Mr. Laughlin made a **motion** to **approve** the March 24, 2010 minutes as presented. Mr. Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

4) COMMITTEE BUSINESS

None

5) NEW BUSINESS

ZMA090005: The Town of Hilton Head Island is proposing to amend the Official Zoning Map for a portion of the IL, Light Industrial zoning district by changing the zoning designation of several properties located along Beach City Road and Mathews Drive and further identified on Beaufort County Tax Map 4, Parcels 318, 319A, 319, 320, 317, 25, 336, 348, 347, 346, 345, 343, 344, and 359; Tax Map 5, a portion of Parcel 15; and Tax Map 8, Parcels 281, 280, 1A, 238, 1, 1B, 172, 171, 173, 174, 175, 176, 190, 121, 115 and 120. This portion of the IL district will be rezoned to OCIL, Office/Light Commercial/ Light Industrial Zoning District with different design standards and permitted uses than the IL district.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Planning & Development Standards Committee forward Application for Zoning Map Amendment, ZMA090005, for the proposed OCIL Zoning District to Town Council with a recommendation of approval. Staff has determined that this application is compatible with the Comprehensive Plan and serves to carry out the purposes of the LMO based on the Findings of Fact and Conclusions of Law detailed in the staff's report dated April 28, 2010. Ms. Dixon stated that the Planning Commission met on February 17, 2010 to review this application and after a public hearing voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

Ms. Dixon presented a vicinity map of the OCIL zoning district. The purpose of the OCIL district is to provide a transition area between the more intense light industrial uses and the nearby residential uses of Palmetto Hall and Tabby Walk.

The OCIL district allows for non-medical office and other retail service uses, while still allowing some low intensity light industrial uses. The new district will create opportunities, minimize some existing non-conforming land uses, and encourage redevelopment for property owners in this corridor while providing balance among land use types.

The OCIL Zoning District was established in the Land Management Ordinance and approved by Town Council on November 3, 2009. Town Council's Policy Agenda for 2009 had Light Industrial District Zoning Review listed as a high priority and these amendments were drafted as a result of that review. The area subject to the rezoning contains some aging buildings with an increasing amount of vacant space and empty units. There are also several uses in some of these buildings that are currently non-conforming. Over the years, the Town has received many requests from business and property owners in the area to allow for more uses in the IL district.

The Town has also received many application requests from business owners to occupy space in some of these buildings but due to the requested uses not being permitted in the IL district, the Town had to deny the requests. When staff was tasked with creating the OCIL district in the LMO, these things were all taken into consideration when determining the uses that would be permitted.

Ms. Dixon concluded her presentation with a highlighted review of the required criteria. The Committee discussed several aspects of the application with Ms. Dixon. At the completion of this discussion, Chairman Ferguson requested public comments.

Councilman George Williams and Chester C. Williams, Esq., discussed any possible effect the application may have on St. John's Baptist Church. The staff reported that the application will have no effect on St. John's Baptist Church. At the completion of the discussion, Chairman Ferguson requested that a motion on this application be made.

Councilman Laughlin made a **motion** that the Planning & Development Standards Committee forward Application for Zoning Map Amendment ZMA090005 to Town Council with a recommendation of **approval**. Councilman Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

LMO General Amendments

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 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.

Ms. Nicole Dixon made the presentation on behalf of staff. Staff recommended that the Planning & Development Standards Committee forward the proposed 2010 General LMO Amendments to Town Council with a recommendation of approval.

The staff reviews the LMO Amendments on an annual basis. During the year staff maintains a list of items that should be researched for further review and consideration for revision. The proposed 2010 General LMO Amendments include changes to Chapters 4, 5 and 6.

Chairman Ferguson requested that the staff present the proposed 2010 General Amendments on an individual basis. The Committee will consider each amendment, take public comments, and vote on each individually.

Ms. Dixon stated that the Planning Commission voted to recommend approval of the proposed amendments as presented by staff at the April 7, 2010 public hearing. Ms. Dixon made her presentation as follows:

- (1) **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.

In order to be more flexible for redevelopment and development opportunities, and to be more business friendly so that auto sales uses do not have to locate off island, the staff recommended reducing the separation requirement between auto sales facilities and between auto sales facilities and residential uses from 1,500 feet to 500 feet.

The staff recommended a 500 foot separation between auto sales facilities because the separation requirements between other like uses (liquor stores, nightclubs and bars, and tattoo facilities) is already established as 500 feet.

After researching the issue further, staff determined that there are no parcels within the Town that would allow an auto sales use using the existing 1,500 foot separation requirement, along with the other standards that are currently provided in the LMO for auto sales use. If the separation is reduced to 500 feet, there would be 75 parcels that would allow the location of an auto sales use.

In an effort to be consistent with other sections in the LMO, the staff is also proposing to add language stating how the distance shall be measured.

Councilman Laughlin stated that part of the impetus for this was that there is no need to have that kind of separation between small auto lots and residences. Another was that we have at least one business within the 1,500 feet that managed to get a business license for auto sales. That started generating calls from a competitor who was denied a permit for auto sales because of the 1,500 foot requirement. Councilman Laughlin and Ms. Teri Lewis discussed this issue at length. Ms. Lewis stated that neither of these businesses is located on a major or a minor arterial. This condition would have to be eliminated to allow auto sales use. Councilman Laughlin stated that, to be fair, if we are going to make an amendment, we need to treat similar properties and similar businesses in a similar way. Councilman Laughlin and Ms. Lewis also discussed the proximity of these two businesses in relationship to the location of Palmetto Hall.

As part of this conversation, Councilman Laughlin questioned the need to have these restrictions in this area at all because we are basically talking about very small auto lots that are adjunct uses to body shops and auto repair shops. There does not seem to be a negative impact to this area as a large auto mall on Hilton Head Island is very unlikely. Ms. Lewis and Councilman Laughlin discussed reducing the separation requirement to 250 feet between auto sale uses.

Councilman Safay stated concern that, if the separation requirement is eliminated, the area may end up having too many small auto sales businesses located one after another. Having a separation requirement may be important due to the residential location. After additional discussion regarding the exact distance between the two existing auto repair businesses, Ms. Lewis excused herself from the meeting in order to check the exact measurement. At this time Chairman Ferguson invited public comments and the following were received:

Chet Williams, Esq., presented statements related to the two existing auto repair businesses. Councilman George Williams presented statements in concern of the idea of eliminating all separation requirements for this use. Standards for a minimal lot size, in addition to a maximum lot size, may be a good idea with regard to lot sizes for auto sales. We may not want to have “pocket size” auto sales lots.

Following these public comments Ms. Lewis returned to the meeting with the requested information regarding the distance separation between the two auto repair businesses. If we keep the 500 feet from existing residential use, then both of the two properties that we are talking about would be fine. The business that currently does not have auto sales on it is 1,200 feet from the residential use and the business that does have auto sales on it is 640 feet from a residential use. The two businesses are only 457 feet from each other so the 500 foot separation requirement is not met. The Committee and staff also discussed the issue of the major and minor arterial.

Councilman Laughlin recommended that, if the distance measurements are accurate, then we should get rid of Section “B” and change Section “D” to 400 feet. If these changes are made, the amendments will need to return to the Planning Commission. The staff and the Committee reviewed the zoning map and the areas that are affected. At the completion of the discussion, Chairman Ferguson requested that a motion be made.

Councilman Laughlin made a **motion** that the Planning & Development Standards Committee forward to Town Council with a recommendation of approval Sec. 16-4-1205 with the following conditions: (1) eliminate Sec. “B”; (2) and reduce the 500 foot requirement to 400 feet for Sec. “D”. Councilman Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0. If Town Council wishes to adopt this in the form proposed, then the recommendation will return to the Planning Commission for their review.

(2) Sec. 16-4-14XX (New Section). Special Events

Vendors associated with a Special Event approved by the Town, where the event will occur on a site of 50 acres or more, may occupy a recreational vehicle overnight subject to approval by the Administrator.

Sec. 16-4-1405. Open Air Sales

Temporary open air sales of Christmas trees and pumpkins are permitted in certain districts according to the Use Table (Sec. 16-4-1104), provided that the sales activity does not last longer than 30 days and all other applicable codes, including sanitation and electrical codes, are met. The vendor, subject to approval by the Administrator, may utilize a recreational vehicle for living on the property for the duration of the permit.

In order to accommodate the needs of some vendors who wish to stay overnight for certain special events or open air sales, staff is proposing the following language. The staff recommended that these two amendments be reviewed and voted on together.

Following the Committee's discussion on the proposed amendments, Chairman Ferguson requested public comments and none were received. Chairman Ferguson then requested that one motion be made for both sections.

Councilman Laughlin made a **motion** to forward Sec. 16-4-14XX (New Section). Special Events and the amendment to Sec. 16-4-1405. Open Air Sales to Town Council with a recommendation of **approval** as presented. Councilman Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

(3) Sec. 16-5-12XX (New Section). On-Street Parking

The Town of Hilton Head Island may install public parking on non-arterial streets where deemed appropriate.

In order to assist with redevelopment efforts, staff proposes to allow the Town to install public parking for public use. This would not be allowed to satisfy any off-street parking requirements for private development; however, would be used as a tool to encourage redevelopment in certain areas (for example, the Mathews Drive Connectivity Project). At the completion of the discussion, Chairman Ferguson requested public comments and none were received. Chairman Ferguson then requested that a motion be made.

Councilman Safay made a **motion** to forward Sec. 16-5-12XX (New Section) On Street parking to Town Council with a recommendation of approval as presented. Councilman Laughlin **seconded** the motion and the motion **passed** with a vote of 3-0-0.

(4) Sec. 16-6-305. Dune Protection Standards

A. For purposes of protecting, stabilizing and restoring dunes and dune systems on Hilton Head Island, the following standards shall apply:

1. No change.
2. No dune shall be leveled, breached, altered or undermined in any way by development or other human-caused activity such as boat storage, nor shall dune vegetation be disturbed or destroyed, with the exception of construction of boardwalks or similar beach access which have minimal effect on the natural features of the dune. If removal or disturbance of dune vegetation cannot be avoided, replacement vegetation shall be planted. For purposes of providing views to the beach in areas where the view has been materially impaired, the Administrator may approve selective pruning, in accordance with accepted International Society of Arboriculture practices. The Administrator may allow removal of non-native invasive vegetation in the dune systems, including but not limited to, Chinese Tallow or Beach Vitex. In addition, the Administrator may approve the removal of trees below 6 inches in diameter, with the exception of Live Oaks, or grant a tree removal permit for trees of protected size if determined by the Administrator it is needed to create a view corridor. All trees removed must be cut flush with existing grade and leave the root system intact.

Ms. Dixon stated that in order for the Administrator to have more flexibility with allowing tree removal, removal of non-native vegetation and providing more views to the beach, as requested by Town Council, staff is proposing the new language. There is similar language already in the LMO that allows for some pruning of vegetation for views of wetlands.

Ms. Sarah Skigen, Natural Resources Division Associate, and the Committee discussed the importance of the dune system, the issue of opening selected ‘view corridors’, and the ‘selective removal’ of certain trees. The Natural Resources Division Administrator or Associate will authorize all permits. The Committee stated their support for ‘opening certain view corridors’ as much as possible as long as the dune system is not jeopardized. Ms. Skigen stated that the Natural Resources Division staff has been successful in working with the public on this issue.

Following staff’s presentation and discussion by the Committee, Chairman Ferguson requested public comments. Councilman George Williams presented statements in concern of protecting the dune system and protected size trees. The role of the Natural Resources Division will be very important in protecting the dune systems. Following final comments, Chairman Ferguson requested that a motion be made.

Councilman Safay made a **motion** that the Planning & Development Standards Committee forward Sec. 16-6-305. Dune Protection Standards to Town Council with a recommendation of **approval** as presented by staff. Councilman Laughlin **seconded** the motion and the motion **passed** with a vote of 3-0-0.

Municipal Code Amendment

The Town of Hilton Head Island is proposing to amend Title 8, Chapter 1 of the Municipal Code to revise Section 8-1-413, Destruction of Sea Oats or Other Dune Vegetation. This amendment goes along with the proposed general amendments to the LMO, Section 16-6-305, Dune Protection Standards, to allow the Administrator to have more flexibility with allowing tree removal, removal of non-native invasive vegetation and pruning to provide more view corridors to the beach.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Planning & Development Standards Committee forward the proposed amendment to Town Council with a recommendation of approval.

The Planning Commission held a public hearing for proposed LMO amendments on April 7th, 2010. Those amendments include changes to LMO Section 16-6-305, Dune Protection Standards, which if approved, requires revisions to Municipal Code Section 8-1-413, Destruction of Sea Oats or Other Dune Vegetation. Town Council directed staff to draft language in the LMO that would allow the Administrator to have more flexibility with allowing tree removal, removal of non-native invasive vegetation and pruning to provide more view corridors to the beach. The changes in the LMO create the need for revisions to the Municipal Code. The proposed changes are indicated with new text by a double underline and deleted text by strike through.

Proposed Municipal Code Amendment

In order for the Administrator to have more flexibility with allowing tree removal, removal of non-native vegetation and providing more views to the beach, as requested by Town Council, staff is proposing the new language.

Sec. 8-1-413. Destruction of sea oats or other dune vegetation.

It shall be unlawful for any person to alter, remove, destroy or otherwise engage in any activity which results in damage or destruction of remove or otherwise destroy sea oats or any other vegetative matter growing out of the sand dunes with the exception of permitted

elevated dune walkovers or pruning of dune vegetation when authorized by the Town, in accordance with accepted International Society of Arboriculture practices, and Land Management Ordinance (LMO) Sections 16-3-402(A)(4), 16-5-806(C) and 16-6-305(A). The LMO Administrator may allow removal of non-native invasive vegetation in the dune systems, including but not limited to, Chinese Tallow or Beach Vitex. For purposes of providing views to the beach in areas where the view has been materially impaired, the LMO Administrator may approve the removal of Pine trees below 6 inches in diameter by cutting flush with existing grade and leaving the root system in tact.

Councilman Safay made a **motion** that the Planning & Development Standards Committee forward the Municipal Code Amendment revising Sec. 8-1-413 which goes along with the general amendments in LMO Sec. 16-6-305, as modified. Councilman Laughlin **seconded** the motion and the motion **passed** with a vote of 3-0-0.

6) ADJOURNMENT

The meeting was adjourned at 5:20pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Bill Ferguson
Chairman