

THE TOWN OF HILTON HEAD ISLAND

Planning Commission

LMO COMMITTEE MEETING

APPROVED

Wednesday, April 6, 2011 Minutes

6:00pm – Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman Gail Quick, Jack Docherty, Terence Ennis, Charles Young, and Al Vadnais, Ex Officio

Committee Members Absent: None

Other Commissioners Present: Loretta Warden and Tom Crews

Town Council Members Present: None

Town Staff Present: Anne Cyran, Senior Planner
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Jill Foster, Community Development Department
Kathleen Carlin, Administrative Assistant

1. CALL TO ORDER

Chairman Quick called the meeting to order at 6:00pm.

2. ROLL CALL

3. 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.

4. APPROVAL OF AGENDA

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

5. APPROVAL OF THE MINUTES

The minutes of the March 16, 2011 meeting were **approved** as presented by general consent.

6. NEW BUSINESS

Chairman Quick stated that the committee is meeting a second time this evening to discuss and hear public comments on the proposed Outdoor Recreation and Water Front Mixed Use (WMU) District amendments to the Land Management Ordinance. The proposed amendments are to LMO Section 16-4-1204, Density Standards Table, and Section 16-4-1343, Outdoor Entertainment.

The committee first reviewed these amendments on March 16, 2011; and at that time the committee voted to return the amendments to the staff for additional study. The committee was concerned about approving such a drastic change; they also felt that the

brand image of the Island should be protected. The committee discussed the need for a special exception; they also stated that Outdoor Recreation and Outdoor Entertainment should be separate. The staff has responded to these recommendations. Chairman Quick then requested that staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Based on the request of the owner of Broad Creek Marina and comments received from the LMO Committee on March 16th, staff recommends allowing limited outdoor recreation uses in the WMU Zoning District to be permitted by special exception. Staff also recommends adding specific use standards for outdoor recreation uses in the WMU Zoning District.

Parcels in the WMU Zoning District are adjacent to Broad Creek, Skull Creek, and Port Royal Sound. Allowing limited outdoor recreation uses on these properties will broaden the scope of outdoor recreation opportunities on the Island. This amendment will also expand opportunities for property owners to develop, redevelop and market their properties. Ms. Cyran presented an overhead review of the vicinity map.

Per the committee's recommendation, this amendment will limit outdoor recreation uses in the WMU Zoning District to those permitted by special exception. Special Exception applications are reviewed by the Board of Zoning Appeals (to determine if the use meets both the Special Exception Review Criteria listed in LMO Sec. 16-3-1805 and the specific use standards listed in LMO Chapter 4, Article XIII, Specific Use Standards.) Staff is concerned that requiring owners to apply for and receive BZA approval (a process that is a minimum of forth-five days long) is contrary to Town Council's goal of amending the LMO to foster greater simplicity.

Outdoor recreation uses do not currently have specific use standards. The LMO Committee suggested that the use standards for outdoor recreation in the WMU Zoning District include: (1) a condition confirming that sites will be used in a way to enhance their natural features; (2) a condition that the use of outdoor entertainment facilities be limited to daylight hours; (3) a condition prohibiting structures from being located in the marsh, common space or state-owned property; (4) a condition limiting site lighting to reasonable levels and prohibiting light fixtures from being attached to recreation structures; (5) a condition limiting mechanical or other noises; and (6) a condition that adequate roadway infrastructure be available for these uses.

Based on the committee's suggestions, staff proposes adding three specific use standards for outdoor recreation uses: (A) "Uses shall be limited to those that both preserve and enhance the natural features of the subject parcel." This addresses concern # 1; (B) "Use of recreation facilities shall be limited to daylight hours." This addresses concern # 2; and (C) "Site lighting fixtures shall not exceed 20-feet in height, whether attached to a structure or freestanding." This addresses concern # 4. In addition, staff will review any outdoor recreation facilities to ensure they conform to the standards in LMO Sec. 16-5-1401, Site Lighting Design Requirements.

Ms. Cyran stated that three of the committee's concerns are addressed by current LMO and Municipal Code regulations and by the State's regulations.

Structures or uses are prohibited from wetland and other buffer areas by LMO Sections 16-5-808, 16-5-809 and 16-6-204. To build a structure in a wetland buffer, a property owner would have to obtain a variance from the Board of Zoning Appeals. Development in areas, beyond the OCRM (South Carolina Office of Ocean and Coastal Resources Management) Critical Line (including in the marsh and water) is reviewed and permitted by the State Department of Health and Environmental Control (DHEC).

The staff is concerned that adding a use condition for areas governed by the State is an attempt to regulate development beyond the Town's jurisdiction that will result in conflicts without resolutions.

The Town's Municipal Code Section 17-4-114(5) limits daytime and nighttime sounds in several zoning districts, including the WMU Zoning District, to specific decibels. Staff believes that the regulation of noise is currently addressed by the Municipal Code.

Current project review processes include confirming that new streets meet the standards of LMO Sec. 16-5-504, Design Standards by Street Type, and the existing streets are capable of handling the anticipated traffic generated by new uses.

Outdoor entertainment and water parks are separate uses in the Use Table. This amendment would not permit outdoor entertainment or water park uses in the WMU Zoning District.

Also, LMO Sec. 16-4-1213.C(4) (B), Outdoor Recreation/Entertainment, specifically states that, "Theme park, amusement park, boardwalk, or midway type attractions are only allowed inside completely enclosed buildings and are classified as Indoor Entertainment." This amendment would not permit these uses in the WMU Zoning District.

The amendment is supported by Town Council's Policy Agenda for 2011 which has amending the LMO to foster greater flexibility, simplicity and revitalization listed as a Top Priority. The amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities.

The proposed amendments to LMO Section 16-4-1204, Use Table, and Section 16-4-13XX, Outdoor Recreation will do the following:

- 1) Allow limited outdoor recreation uses in the WMU Zoning District to be permitted by special exception; and
- 2) Create specific use standards for outdoor recreation uses in the WMU Zoning District.

The proposed amendments **will not** do the following:

- 1) Allow outdoor recreation uses on all parcels adjacent to Broad Creek, Skull Creek or Port Royal Sound.
- 2 Allow outdoor recreation uses to be permitted without all of the required Town permits and approvals.

- 3) Allow outdoor recreation uses to be permitted by right. The proposed amendment would require property owner to obtain approval for a special exception from the Board of Zoning Appeals.
- 4) Approve or permit a zip line at Broad Creek Marina or any other project. All outdoor recreation projects in the WMU Zoning District, including the proposed zip line, must be reviewed and approved by the Board of Zoning Appeals, the Design Review Board and the Community Development Department.
- 5) Allow outdoor entertainment uses or water parks in the WMU Zoning District.

The committee discussed the proposed amendments with staff. Commissioner Ennis and the staff discussed the issue of daylight lighting and possible redundancy.

Following the committee's discussion, Chairman Quick requested comments from the public. The following citizens presented statements in support of approving the proposed amendments particularly as they related to the zip line activity concept: (1) Susan Thomas, Chamber of Commerce, (2) Mr. Truitt Rabun, project developer, recommended approval but without the special exception requirement; (3) Mr. Roger Freedman, Broad Creek Marina property owner, approval but without the special exception requirement; (4) Mr. Joe Maffo; (5) Mr. Ed McCullough; and (6) Mr. Gregory Petrowski. Chet Williams, Esq., cautioned the committee on the implications of the language.

At the completion of public comments and final discussion by the committee, Chairperson Quick requested that a motion on the proposed amendments be made.

Mr. Docherty made a **motion** to **approve** the proposed amendments as presented by staff this evening including the special exception requirement. Mr. Young **seconded** the motion. Mr. Ennis suggested that the motion be amended to remove the special exception requirement. Mr. Docherty declined to incorporate the suggested change into his motion. The motion **passed** with a vote of 4-0-0.

Chairman Quick thanked the public, the committee, and the staff for participating in this evening LMO Committee meeting.

7. ADJOURNMENT

The meeting was adjourned at 7:10pm.

Submitted by:

Approved by:

February 29, 2012

Kathleen Carlin
Administrative Assistant

Gail Quick
Chairman