

TOWN OF HILTON HEAD ISLAND
Planning Commission
Minutes of the Wednesday, October 5, 2011 Meeting **APPROVED**
9:00a.m. – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox,
David Bennett, Jack Docherty, Terry Ennis, Bryan Hughes,
Terry Leary and Gail Quick

Commissioners Absent: Charles Young

Town Council Present: Mayor Pro Tem Ken Heitzke

Town Staff Present: Anne Cyran, Senior Planner; Nicole Dixon, Senior Planner
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Heather Colin, Development Review Administrator
Shawn Colin, Comprehensive Planning Division Manager
Kathleen Carlin, Secretary & Administrative Assistant

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. 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.
- 5. Presentation of Crystal Award to Outgoing Planning Commissioner, Ms. Therese Leary**
Mayor Pro Tem Ken Heitzke presented the Town's Crystal Award to outgoing Planning Commissioner, Ms. Terry Leary. Mr. Heitzke thanked Ms. Leary for her dedicated service on behalf of Town Council. A farewell reception will be held for Ms. Leary immediately following today's business meeting.
- 6. Swearing In Ceremony for new Planning Commissioner, Mr. Bryan Hughes**
Mayor Pro Tem Ken Heitzke performed the swearing in ceremony for new Planning Commissioner, Mr. Bryan Hughes. Mayor Pro Tem Heitzke thanked Mr. Hughes for his service on behalf of Town Council.
- 7. Approval of Agenda**
The agenda was approved as presented by general consent.
- 8. Approval of Minutes**
The Planning Commission **approved** the minutes of the September 7, 2011 meeting as presented by general consent.
- 9. Appearance by Citizens on Items Unrelated to Today's Agenda**
None
- 10. Presentation by Mr. Jack Alderman on behalf of the Greater Island Council**

Chairman Warden presented introductory comments on behalf of the Planning Commission. Chairman Warden stated that the Greater Island Council has adopted the 11 items of the Mayor's Task Force as one of their priorities for further study. Mr. Jack Alderman will provide an overview and status update of what the Council is doing so that this information can be included in the Planning Commission's task of developing goals for Town Council. Chairman Warden requested that Mr. Jack Alderman make his presentation.

Mr. Alderman stated that the Greater Island Council has 110 members and has been in existence on the Island for over 20 years. Mr. Alderman stated that the Council was very interested in the Mayor's Task Force, particularly the 11 key first steps. A Vision Steering Committee was formed by the Council to support these 11 key first steps. The Vision Steering Committee has 11 members; six of these members were members of the Mayor's Task Force.

Mr. Alderman stated that the Vision Steering Committee created six objectives: (1) to keep the community, and the region, informed of the Task Force's recommendations; (2) to actively advocate for their implementation; (3) to create the enthusiasm, the urgency, and the energy to move the recommendations forward toward implementation; (4) to identify the individuals and organizations that would be best equipped to actually carry out that implementation; (5) to convene and communicate with those individuals and organizations for the most effective coordinated approaches toward implementation; and (6) to be a center of long-term thinking and vision for the future of the Island and the region.

Mr. Alderman stated that the Vision Committee meets once or twice a month. The Greater Island Council is not an agent of the Town of Hilton Head Island; although they share many of the same goals. The Greater Island Council is a private organization and acts independently.

Mr. Alderman and the Planning Commissioners discussed a number of short-term goals including the need for technology upgrades. At the completion of the discussion, Chairman Warden thanked Mr. Alderman for his presentation.

11. Unfinished Business

ZMA110002: The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at 32 and 40 Marshland Road from the IL (Light Industrial) Zoning District to the RM-4 (Low to Moderate Density Residential) Zoning District. These parcels are further identified on Beaufort County Tax Map 8 as Parcels 8E and 410.

Chairman Warden presented a brief history of the application. Chairman Warden then reopened the public hearing for this application and requested that staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran stated that this application was first heard by the Planning Commission on September 7, 2011. Action by the Planning Commission was postponed at that time due to the Planning Commission's need for legal, written documentation regarding the validity of Mr. Henry Driessen's status as legal representative of Ms. Alexandria Patterson.

Ms. Cyran stated that staff has received the requested written legal documentation from Mr. Henry Driessen. Ms. Cyran presented a signed affidavit as proof of Mr. Driessen's appointment as Power of Attorney for Ms. Alexandria Patterson. Staff recommended that the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official.

Chairman Warden requested public comments on the application and none were received. Chairman Warden then closed the public hearing for the application. Following final comments, Chairman Warden requested that a motion be made.

Commissioner Quick made a **motion** to **approve** Zoning Map Amendment Application, ZMA110002. The application is consistent with the Town's Comprehensive Plan and does serve to carry out the purposes of the LMO, based on the Findings of Facts and Conclusions of Law as determined by the LMO Official. Commissioner Leary **seconded** the motion and the motion **passed** with a vote of 8-0-0.

12. **New Business**

Public Hearing

ZMA110005: A request from Truitt Rabun, on behalf of Circle K Stores, proposing to apply the RFZ (Redevelopment Floating Zone Overlay District) to the existing OL (Office Institutional Low Intensity) Zoning District for properties located at 825 and 827 William Hilton Parkway. The site contains a nonconforming structure and several site features and in order to redevelop the property, the applicant applied for the RFZ to allow flexibility in certain design standards that constrain the redevelopment. The properties are further identified on Beaufort County Tax Map 12, Parcels 19A and 19B.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official.

Truitt Rabun, on behalf of Circle K Stores, is proposing to apply the RFZ (Redevelopment Floating Zone Overlay District) to the existing OL (Office Institutional Low Intensity) Zoning District for the properties located at 825 and 827 William Hilton Parkway. The site contains a nonconforming use, a nonconforming structure and several nonconforming site features. In order to redevelop the property, the applicant has applied for the RFZ to allow flexibility in certain design standards that constrain the redevelopment.

The applicant is proposing to apply the RFZ to two properties which contain a Circle K gas station/convenience store and a car wash. Circle K leases the gas station property and is under contract to purchase the car wash property. Once purchased, Circle K plans to demolish the car wash and expand the gas station by adding a second fueling canopy and improving the vehicular circulation and parking for both sites.

The subject properties are surrounded by a Town owned property and Palmetto Dunes to the north, a church to the east and south and a cellular phone service business and a restaurant across William Hilton Parkway.

The properties are currently zoned OL. A gas station and convenience store are not permitted uses in the OL zoning district, therefore they are considered nonconforming uses.

Pursuant to LMO Section 16-7-201, Expansion, no nonconforming use may be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on the effective date of this Title and no additional accessory use or structure may be established on the site of a nonconforming use.

The existing fueling canopy is located within the minimum adjacent street setback and buffer, and therefore is considered a nonconforming site feature. The properties contain several other nonconforming site features: lack of vegetated buffers, inadequate setbacks, inadequate parking spaces, medians, drive aisles, loading space, lack of open space and too much impervious coverage. Pursuant to LMO Section 16-7-106, Waiver by Administrator, provisions dealing with nonconforming site features may be waived if certain criteria can be met. One of those criteria is that the proposed expansion, enlargement or extension does not occupy a greater footprint than the existing nonconforming structure or site feature. The applicant is proposing to add a second fueling station within the adjacent street setback and buffer and therefore doesn't meet the criteria for a waiver.

Ms. Dixon stated that staff met with the applicant several times to review their options, and it was determined that the RFZ is the only option to allow the redevelopment of the site in this manner, while still retaining some nonconformities. The RFZ will reduce the required adjacent street and use setbacks and buffers by 50% to allow the placement of the additional fueling station.

The RFZ process requires the Design Review Board (DRB) to review and approve a conceptual landscape plan prior to the Planning Commission public hearing. On August 23, 2011, the DRB approved a conceptual landscape plan for this project.

Ms. Dixon presented an in-depth review of the application including the vicinity map, the zoning map, the proposed redevelopment plan, boundary survey and site analysis. The applicant was not present at the meeting for comments or questions from the Planning Commission. Ms. Dixon stated that the Traffic-Engineering Department has approved the application.

The Planning Commission discussed the application at length. Several members of the Planning Commission expressed their concern with safety issues (access points based on traffic congestion at the intersection). The Planning Commission stated that the aesthetic improvements to the site are welcome; however, traffic and pedestrian concerns in this area are real.

Chairman Warden stated her concern with the long-term implications of the Redevelopment Floating Zone application because future ownership of the site is unclear. Ms. Dixon and Mrs. Jayme Lopko stated that the Redevelopment Zoning designation is permanent and any changes that are made to the site in the future will need to be approved.

The Planning Commission discussed access to the site and their concerns with traffic and pedestrian safety. Ms. Dixon stated that staff believes that the proposed improvements make the site much safer than it is now. Following the staff's presentation, Chairman Warden requested that the applicant make his presentation. The applicant, Mr. Truitt Rabun, is unavailable; however, Circle K business owner, Mr. Josh Lieberman, will make his presentation.

Mr. Josh Lieberman presented statements regarding the history of his business on site. Mr. Lieberman discussed the many challenges dealing with traffic, congestion, parking and safety concerns. The Planning Commission and Mr. Lieberman discussed existing site conditions, proposed improvements, and concerns with pedestrian and traffic safety.

At completion of the discussion, Chairman Warden requested public comments. Mr. Tom Crews presented statements in support of the application. Mrs. Mary Amonitti, citizen,

presented comments in concern of traffic and pedestrian safety. Following these comments, Chairman Warden stated that the public hearing for the application is closed. Following final statements by the Planning Commission, Chairman Warden requested that a motion be made.

Vice Chairman Tom Lennox made a **motion** that Application for Zoning Map Amendment, ZMA110005, be **approved**. The application is consistent with the Town's Comprehensive Plan and does serve to carry out the purposes of the LMO, based on the Findings of Facts and Conclusions of Law as determined by the LMO Official. Commissioner Ennis **seconded** the motion and the motion **passed** with a vote of 7-1-0. Commissioner Bennett stated that he is opposed to the motion due to his concerns with traffic and pedestrian safety. The intersection needs to be improved in this area.

13. Commission Business

The Planning Commission's 2012 Meeting Schedule was approved by general consent as submitted by the staff.

14. Chairman's Report

Chairman Warden stated that she is pleased to appoint Bryan Hughes to the Rules of Procedure Committee. Chairman Warden stated that Commissioner Docherty has agreed to serve as Chairman of the Rules of Procedure Committee.

15. Committee Reports

- 1) CIP Committee - Commissioner Lennox reported that the CIP Committee met on September 22, 2011. The Committee reviewed in detail the anticipated projects to be recommended to Town Council for Fiscal Year 2013. Mr. Scott Liggett also introduced the new Priority Rating System for all projects. The CIP Committee will meet again on October 13, 2011 at 3:00pm.
- 2) LMO Rewrite Committee – Commissioner Quick reported that the LMO Rewrite Committee continues to meet every Thursday afternoon at 1:00pm in Council Chambers. Commissioner Quick will present a status update on Request for Proposals (RFP) at the October 19, 2011 meeting.
- 3) LMO Committee – Commissioner Quick stated that the LMO Committee has no meetings scheduled at this time.
- 4) Comprehensive Plan Committee: Commissioner Ennis reported that the Comp Plan Committee met yesterday (October 4th) for the second time. Their goal is to reach a Top 5 or Top 10 of more tractable objectives that can be placed before Town Council. The committee is scheduled to meet again on October 11th at 9:00am.

16. Staff Reports

- 1) Mrs. Jayme Lopko presented the Quarterly Report. The Planning Commission and the staff discussed the status of the dune refurbishment project, the Port Royal Re-nourishment project, and the Arrow Road traffic circle.
- 2) Chairman Warden requested a status update on the Tolling Agreement (APL100006). Chester C. Williams, Esq., agent for the appellant, responded with brief comments.
- 3) Mr. Shawn Colin stated that the Planning & Development Standards Committee is scheduled to hold a special meeting on Monday, October 17, 2011 at 2:00pm in Council

Chambers. This is a follow-up to the Special P&DS Committee meeting on September 26, 2011. All Planning Commissioners are encouraged to attend.

4) Ms. Heather Colin introduced the newest member of the Community Development Department, Mr. Rocky Browder. Rocky is an Environmental Planner responsible for Natural Resource related permits and project reviews. The Planning Commission welcomed Rocky Browder.

5) Ms. Teri Lewis reported that the LMO Rewrite Committee is scheduled to review and approve the final Request for Proposals (RFP) document on October 6, 2011. Chairman Warden requested that Ms. Lewis provide a status update and next steps for the RFP on October 19, 2011.

17. Adjournment

The meeting was adjourned at 10:15am. Chairman Warden invited everyone to attend the farewell reception for Ms. Terry Leary immediately following the meeting.

Submitted By:

Approved By:

October 19, 2011

Kathleen Carlin
Administrative Assistant

Loretta Warden
Chairman