

**THE TOWN OF HILTON HEAD ISLAND**  
**Planning and Development Standards Committee**  
**Minutes of Wednesday, May 25, 2011 Meeting**  
**4:00pm – Benjamin M. Racusin Council Chambers**

**APPROVED**

Committee Members Present: Chairman Bill Ferguson, Mayor Pro Tem Ken Heitzke  
and Bill Harkins

Committee Members Absent: None

Council Members Present: Kim Likins, Alternate

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

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**1) CALL TO ORDER**

Chairman Ferguson called the meeting to order at 4:00p.m.

**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. Heitzke made a **motion** to **approve** the minutes of the April 27, 2011 meeting as amended. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 2-0-1. Chairman Ferguson abstained from the vote due to his absence from the meeting.

**4) UNFINISHED BUSINESS**

None

**5) NEW BUSINESS**

**LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise the following sections: **Section 16-4-1204**: This will allow outdoor recreation uses to be permitted in the Water Front Mixed Use (WMU) Zoning District; **Section 16-4-13XX**: This new section will create the specific use standards for Outdoor Recreation uses.

Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that the Planning and Development Standards Committee forward the proposed amendments to Town Council with a recommendation for *approval*. Ms. Cyran stated that at the May 4, 2011 public hearing, the Planning Commission voted 7-1-0 to recommend approval of the proposed WMU LMO Amendment as presented by staff with the modification that *special exception* be changed to *permitted with conditions*. The staff made this modification and the proposed amendments reflect the recommendation of the Planning Commission.

Ms. Cyran presented the background of the proposed amendments. The staff presented a draft amendment to the LMO Committee during a public meeting on March 18, 2011. The LMO Committee discussed the following concerns: (1) limiting outdoor recreation uses to those that will protect and enhance sites' natural features; (2) limiting uses to daylight hours and limiting site lighting to prevent light pollution; (3) limiting related structures from being built in the marsh, open space or over water; (4) limiting mechanical and other noises; and (5) ensuring sites have adequate infrastructure to support outdoor recreation uses.

The staff discussed the recommendations and presented revised language at the April 6, 2011 LMO Committee meeting. The Committee recommended approval of the amendment as it was presented at that meeting. Ms. Cyran presented an overhead review of the Island showing the parcels zoned WMU Zoning District (Broad Creek, Skull Creek, and Port Royal Sound). The committee and staff discussed the existing uses in the WMU Zoning Districts.

Ms. Cyran stated that the owner of Broad Creek Marina requested that the LMO be amended to allow outdoor recreation uses – including zip lines and ropes courses – on parcels in the WMU Zoning District. The staff is proposing to allow outdoor recreation uses to be permitted with conditions in the WMU Zoning District and to create specific use standards for outdoor recreation uses that meet the purpose of the 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 stated that these amendments are 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. These amendments are also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities. This completed the staff's presentation on the proposed amendments.

As part of the committee's discussion on the proposed amendments, Mr. Heitzke requested additional information regarding the zip line concept (photographs, description, and, preferably a presentation by the applicant). The committee agreed with this request.

Ms. Teri Lewis stated that the committee is reviewing the proposed amendments for Outdoor Recreation in the WMU Zoning District (the committee is not approving a zip line on Broad Creek.) The committee stated that if the proposed amendments before them are approved, the zip line use will be permitted; therefore, it is appropriate to have a better understanding of the zip line concept.

Chairman Ferguson requested comments from Mr. Roger Freedman, owner of Broad Creek Marina. Mr. Freedman made an in-depth presentation on the zip line project. Mr. Freedman presented an overhead review of the Broad Creek Marina location. Mr. Freedman discussed the eco-tourism benefits and the marketability of the project. The committee discussed the issue at length; Mr. Heitzke stated his concern lighting, noise and associated uses.

Mr. Heitzke stated that it is difficult to visualize all of the elements of this project without the benefit of a site visit. Mr. Heitzke stated that he is not comfortable voting on today's proposed amendments because he has not had an opportunity to visit the Broad Creek Marina site where the zip line will be permitted with approval of the amendments. Mr. Charles Cousins stated that today's review is an

amendment to the LMO, and not a project to be approved at some future time. The zip line is not part of today's approval. The committee stated that they did not agree with this comment.

Following the committee's discussion, Chairman Ferguson requested public comments and the following were received: (1) Mr. Truitt Rabun, Land Planner, presented statements in support of the zip line project. The proposed change in the LMO affects the zip line and will allow it to happen; (2) Councilwoman Kim Likins presented statements in support of allowing the zip line project. Mrs. Likins stated that light and noise should not be a problem; (3) Citizen, Mr. Frank Sagendorph, stated concern with the zip line concept as he believes that this type of use is inappropriate in a Lowcountry setting; (4) Mr. Tom Crews presented statements in support of the zip line concept and the language being proposed today. Mr. Crews presented comments regarding Items B and C (lighting); (5) Chester C. Williams, Esq., presented statements with regard to the legality of the committee's vote to forward the proposed amendments to Town Council today.

Following these public comments, Mr. Heitzke stated that a site visit should be required prior to the approval of today's proposed amendments. This is because the zip line will be permitted as a result of approving the amendments.

The committee discussed making a group visit to the site to better understand the zip line concept. Mr. Cousins stated that it would be better if the committee members visited the site individually rather than as a group so that the visit is not considered a public meeting (2 or more committee members visiting the site together constitutes a public meeting). The committee agreed to visit the site individually. Following final comments, Chairman Ferguson requested that a motion be made on the proposed amendments.

Mr. Harkins stated that, based on the outcome of the above referenced site inspection, he would like to make a motion to **forward** the staff's report to Town Council with a recommendation of **approval** to amend Chapter 4 of the LMO to revise Section 16-4-1204 and add Section 16-4-13XX, with the condition that the revised language for Item A, "Uses shall be limited to those that are participatory in nature and include such facilities as challenge course activities, including such facilities as zip lines, ropes courses, and climbing walls; natural/cultural history based recreation such as nature trails and interpretive facilities; and arts and crafts activities" be used, and with the comfort provided to the committee by Mr. Tom Crews regarding Item B, "Use of recreation facilities shall be limited to daylight hours," and Item C, "Site lighting fixtures shall not exceed 20 feet in height, whether attached to a structure or freestanding," he would recommend their elimination. Chairman Ferguson **seconded** the motion and the motion **passed** with a vote of 2-1-0. Mr. Heitzke was **opposed** to the motion.

## 6. COMMITTEE BUSINESS

None

## 7. ADJOURNMENT

The meeting was adjourned at 5:25pm.

Submitted By:

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Kathleen Carlin  
Administrative Assistant

Approved By:

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Bill Ferguson  
Chairman

August 24, 2011