

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE WORKSHOP MEETING

October 29, 2012 Minutes

2:00p.m. – Benjamin M. Racusin Council Chambers

APPROVED

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick,
David Ames, David Bachelder, Irvin Campbell,
Chris Darnell, Walter Nester, Councilwoman Kim Likins,
Ex-Officio; Charles Cousins, *Ex-Officio*

Committee Members Absent: Jim Gant

Planning Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Crews called the meeting to order at 2:00 p.m.

2) 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.

3) APPROVAL OF THE AGENDA

The committee approved the agenda as presented by general consent.

4) APPROVAL OF THE MINUTES

The committee **approved** the minutes of the October 24, 2012 meeting as presented by general consent.

5) NEW BUSINESS

a) Discussion of maximum height in the proposed HR (Hotel & Resort) zoning district.

Chairman Crews presented opening comments regarding the regulation of open space, common areas, and edges in PUDs. Chairman Crews thanked the attending public and invited their participation. Chairman Crews then requested that Ms. Teri Lewis present introductory statements on behalf of staff.

Ms. Lewis stated that in the past the staff has received several requests from the general managers of Hilton Head Plantation POA and Palmetto Dunes POA regarding a request to revise the LMO as it relates to the management of trees in common areas. The general managers of these POAs would like to have additional flexibility in regulating the removal of trees and management of trees located in the common areas of their PUDs (except within the edges of the PUDs).

Ms. Lewis and Mr. Charles Cousins have met several times with the general managers in an effort to gain a better understanding of their requests. In addition to the issue of tree management in common areas, the general managers would also like any buildings that are constructed within the PUD common areas to be treated like single family in terms of permitting. This means that they would only go through the building permit review process; they would not go through the development plan review (DPR) process. If the property is located within the Corridor Overlay District, the project would still go through the Design Review Board process. The staff has a few concerns with projects not going through the DPR process because of the Town's need to verify wetlands, road widths, fire hydrants, parking space size and compliance with the master plan.

Ms. Lewis stated that the general managers of Hilton Head Plantation POA and Palmetto Dunes POA are present, and they would like an opportunity to speak to the committee about these issues. The Committee will discuss these items and then make a recommendation to the consultant.

Chairman Crews and Ms. Lewis briefly discussed the Town's legal obligations related to these issues. If the Town regulates something, it may not delegate this authority to another entity.

Chester C. Williams, Esquire, stated that he believes the Town is not allowed to delegate this authority to the PUDs. Mr. Walter Nester stated that the tree ordinance may be able to be different for PUDs through an exemption. Mr. Nester also presented comments regarding PUD open space, restrictive rights covenants, and exemptions for trees located in certain common areas from the Town's oversight. For example, an exemption would be for the removal of dead trees under a certain height.

Mr. Cousins and Mr. Nester discussed a couple of parameters such as the amount of acreage that the common space occupies. Mr. Nester cautioned against a reference to acreage as this may be problematic in the future. Mr. Nester, Mr. Cousins, and Mr. Peter Kristian discussed the distinction between common area and open space. Mr. Nester stated that open space is the green element and the common area is enjoyed by all residents.

Public speaker, Mr. William Lincicome, presented statements regarding the definition of open space and its relationship to the original entitlement. Mr. Charles Cousins presented statements with regard to how open space is calculated by individual master plans. Mr. Cousins stated that additional input is needed from the consultant regarding what is and what is not considered open space.

Mr. Peter Kristian, General Manager, Hilton Head Plantation POA, presented statements in support of the POAs request to regulate the trees located in the PUD's open space. Mr. Kristian presented statements in concern of safety/hazardous conditions associated with dead and damaged trees following a storm (majority of these issues are emergencies and associated with road right of ways). Mr. Kristian and the committee discussed the definition and uses of open space, recreational areas, passive recreational areas, and road

right of ways.

Mr. Perry White presented public statements regarding the history of the tree ordinance, PUD master plans, and the use of exemptions.

Mr. Jim Fisher, past President of the Hilton Head Plantation POA, presented public statements in support of the need for exemptions for trees located in common areas and golf courses. Safety issues need to be considered. Mr. Charles Cousins presented statements regarding the need for input from the consultant. The committee agreed with the need to see what the new tree ordinance may be as we shift our focus from single tree preservation to forest management. The committee discussed the distinction of trees that are located in rights of way versus trees located in a park. PUDs should be allowed to be a little more aggressive in the management of trees that are located in rights of way.

At the completion of discussion on trees, the committee stated that they should ask the consultant to provide advice on structuring the new ordinance whereby the PUDs would be able to self govern certain aspects of the community with performance standards regarding the trees in common areas. The committee stated that they are not passing on delegation of authority.

The committee then discussed another PUD issue. Mr. Peter Kristian presented statements regarding buffers and the width of pathways. Mr. Kristian stated the need for community input as related to by right uses within a PUD. Mr. Kristian recommended that the zoning be changed with regard to by right uses. Chester C. Williams, Esq., presented a legal opinion of by right uses as related to master plans.

Mr. Peter Kristian, the staff and the committee discussed concerns with by right uses within a PUD. Mr. Nester presented legal comments regarding the Land Management Ordinance and the creation of PUD master plans. The nomenclature is a complex issue and now is the time to address it. The committee discussed how best to address this issue with the consultant. The committee discussed a recommendation to standardize the maps, the GIS system, and nomenclature for all of the PUDs.

Mr. Nester recommended that the committee ask the consultant for feedback on the viability of standardization of nomenclature for land use designations for all PUDs before we ask them to begin work on it because of the financial obligation. The committee agreed that this is a good idea. Ms. Lewis will discuss this with the consultant.

b) Discussion of future meeting dates

Ms. Lewis and the committee discussed next steps. Ms. Lewis stated the committee is scheduled to receive the first draft from the consultant sometime in late November. Staff will review today's discussion the consultant. Ms. Lewis recommended that starting January 2013 the committee resume their regular meeting schedule (twice a month). The committee discussed which days of the week are best for them. The committee decided that Thursday mornings work best. The committee updated their 2013 calendars to meet on the second and fourth Thursdays of each month from 8:30-10:30a.m.

Following final comments, the meeting was adjourned.

6) ADJOURNMENT

The meeting was adjourned at 3:50pm.

Submitted by:

Approved by:

December 10, 2012

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman