

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

June 19, 2012 Minutes

9:00a.m. – Benjamin M. Racusin Council Chambers **APPROVED**

Committee Members Present: Chairman Tom Crews, David Ames, David Bachelder,
Irv Campbell, Chris Darnell, Jim Gant, Walter Nester, and
Charles Cousins, *Ex-Officio*

Committee Members Absent: Councilwoman Kim Likins and Vice Chairman Gail Quick

Planning Commissioners Present: Loretta Warden, David Bennett and Bryan Hughes

Town Council Members Present: Bill Ferguson

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 9:00a.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 agenda was approved as presented by general consent.

4) NEW BUSINESS

Discussion of Code Assessment Changes

Chairman Crews stated that the committee will continue their review of the proposed changes to the Code Assessment with Clarion Associates, Mr. Craig Richardson and Mr. Stephen Sizemore. The committee began the review of the Code Assessment on Monday, June 18th.

Today the committee will complete the discussion on the proposed changes to Zoning Districts. They will then review the proposed changes to Design Standards, Redevelopment and Nonconformities, Ward 1, and Natural Resources.

In follow up to yesterday's discussion on the subject of hotels, Mr. David Bachelder shared some data relative to a study of hotels in Bluffton. Mr. Bachelder stated that five hotels have been built in Bluffton over the last decade. All five of these hotels are 3 and 4 stories in height with densities that average 35 rooms per acre. All of the hotels are located on 2 – 4 acres of land. The committee briefly compared the hotels in Bluffton to the hotels on the island. Chairman Crews thanked Mr. Bachelder for sharing this information with the committee.

Chairman Crews requested that the consultant begin their presentation on the next zoning district. Mr. Richardson made the following presentation on the WMU, MW and IL zoning districts:

WMU Water Front Mixed Use District, MW Marsh and Waterfront, and IL Light Industrial

It is recommended that we carry forward the WMU Waterfront Mixed Use District, with stepped down height requirements at the edge, if heights are lower in adjacent districts. It is also recommended to carry forward **MMU** and rename **MW Marsh and Waterfront** Allowed uses: single-family attached, multifamily, community service, day care, government facilities, religious institutions, parks, telecommunication facilities, utilities, eating establishments (without drive thrus), offices, bed and breakfast inns, convenience stores (without drive thrus or gas pumps), health clubs/spas, water oriented uses, and agriculture. The densities/intensities and related development standards are carried forward.

It is also recommended that we carry forward the IL Light Industrial/Commercial Distribution District and rename **IL Light Industrial**. Generally carry forward the current allowed uses. Carry forward current street buffers, but allow for reduction by up to 20 percent with additional tree plantings in the buffers to increase opacity levels. Modify use buffers to allow performance based standards.

The committee and the staff reviewed a large zoning map of the island to identify the WMU Districts. The committee reviewed the locations of Broad Creek, Skull Creek, Palmetto Bay, Edgewater, and the location at the end of Beach City Road. Mr. Ames stated that a hotel in the area of Palmetto Bay Marina makes sense because of the connection to services and amenities. However, allowing a 5-story hotel in the other locations may not be as defensible because these hotels would have to exist on their own. When you have higher densities in an area without services and amenities, you are asking people to get into their cars and go someplace else. Densities and services should go hand in hand. Mr. Ames stated concern in allowing a hotel in the location of Beach City Road due to proximity to the airport. Allowing a 5-story hotel to be placed close to the flight path would be a huge safety issue. Zoning should be handled in conjunction with other planning commitments. The committee discussed the Beach City Road location. This location will need to be treated differently. It should be isolated because it may need a district of its own. The committee will flag this issue for future consideration. The committee and Mr. Cousins discussed 'pockets of density' and the need for services to support the 'pockets of density'.

With regard to the area of Skull Creek, Mr. Ames stated that there is an opportunity to expand the uses in this area so that the Skull Creek area becomes something more than just residential. This area should be an activity center for the island. We need to be more intentional in this location. Public investment should be encouraged; the Town should step forward to encourage things to happen in this area that will make it a special place.

With regard to Broad Creek Marina, the committee stated that they need to understand what they are trying to achieve in this area and then go for it. The committee and Ms. Lewis discussed the allowed uses in the WMU district that would be needed for the desired type of development. The WMU District already has a lot of allowed uses to support this type of development.

Following this discussion, the committee and the consultant then moved to a review of the proposed Overlay Districts.

AZ Airport Overlay District, COR Corridor Overlay District; PD-2 Planned Development Overlay District; FB-NCOD Forest Beach Neighborhood Character Overlay District, FF-NCOD Folly Field Neighborhood Character Overlay District, HH-NCOD Holiday Homes Neighborhood Character Overlay District, RO Redevelopment Overlay District, CSPDAA&TAOD Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District.

The consultant recommends carrying forward PD-1. The consultant recommends carrying forward the overlay districts, with one exception. The exception is the RO Redevelopment Overlay District, which will be modified: (1) to serve as a “last resort” for the landowner to resolve nonconformities; (2) it requires rezoning, so it could be time consuming and uncertain; (3) depending on the ultimate form of the administrative adjustment and waiver, there will probably be modifications to design standards in the current provision; (4) it would require enhancement of nonconformities and provision of compensating public benefits.

Menu of compensating benefits in regulations could include: environmentally sustainable and energy efficient building design; provision of other green building elements; provision of cultural facilities; permanent protection of scenic views to the water; and enhanced environmental protection.

The consultant discussed their experience with these concepts in other communities. If you allow someone to expand a use, they will provide some kind of benefit in return for this.

The consultant also discussed the use of administrative adjustments and waivers. Some of the standards in this district will need to be modified. Exactly how that will be accomplished will not be known until the drafting process begins. The committee stated that the concepts need to be geared towards redevelopment and new development.

The committee discussed several issues related to Planned Unit Developments (PUD). The LMO is being rewritten to accommodate redevelopment and growth on the island for the next 25 years. It is difficult to predict where the next area of investment priorities will be.

The consultant described the role of a Zoning Administrator in solving a lot of unknown problems regarding use. Administrative waivers have been used successfully in other communities. The consultant stated that they are very optimistic that the use of administrative waivers will solve a lot of problems for the Town.

Chairman Crews presented statements regarding the Overlay Districts and design parameters. Technical overlay districts (like the airport) can be problematic because of the many technical components. Chairman Crews and Mr. Cousins briefly discussed the Airport Master Plan. It’s a challenge for the LMO to be an ‘all encompassing document’. Other sources of information may always be needed (reference DOT, DEHEC, and FAA). It may not be practical to expect the LMO to include all of the technical data that is needed. Incorporating by reference is a big challenge. The consultant will flag this issue for additional study.

Chester C. Williams, Esq., stated that this may be an illegal delegation of authority.

The committee reviewed the Critical Storm Protection and Dune Accretion Area. Mr. Darnell stated that this title and acronym (CSPDAA&TAOD) needs to be simplified. Mr. Darnell also presented comments on the Conservation District and Overlay District. Perhaps some of this overlay district information can be handled in a setback or a buffer from the OCRM line. Mr. Darnell stated that people often have trouble with these regulations because they are confusing.

Ms. Lewis and Mr. Darnell discussed the overlay district and the OCRM line. Mr. Darnell stated that development on the beach seems confusing because of the Transition Area, set back from the OCRM for the Town, and setback from OCRM. The process needs to be simplified.

Mr. Lewis stated that staff has tried to make the Transition Area and the CSPDAA mirror what the OCRM allows in the area. The staff agreed that the name is too long and should be simplified. The consultant will review this issue and see if the name can be simplified. Mr. Cousins and Mr. Darnell discussed the Conservation District. Mr. Darnell questioned the need for the Conservation District. The committee discussed the need to classify all of the property on the island. Mr. Nester agreed with Mr. Cousins that all property located within Municipal boundaries must have a classification.

Chester Williams presented comments regarding the PD-1 zoning districts without addressing the concerns from Town Council.

The committee and the staff discussed the issue and stated that it is complex issue. The committee stated that it should be dealt with as part of the LMO rewrite process.

Mr. Cousins and Mr. Nester discussed the possibility of taking all of the PUD master plans to make the definitions and commercial more consistent for all of them. Mr. Nester stated that the problem is nomenclature and we would not have the authority to do that. Mr. Nester also presented statements with regard to expanding the definitions and including a master listing of definitions.

Chairman Crews and the committee discussed the issue of trying to cross-reference everything in the LMO that is going to affect a piece of property. There are a lot of software and GIS issues involved; some communities have been successful in doing this. There are numerous administrative and legal issues involved.

Redevelopment in Targeted Areas

The committee and the consultant discussed encouraging redevelopment in the Targeted Areas: (1) Coligny; (2) Shelter Cove and Shelter Cove mall area; (3) Mathews/Highway 278 intersection, including Pineland Mall and Northridge areas; (4) Stoney area; and (5) Mitchelville. This is addressed through a new I-MX District with subdistricts with distinct development standards for Coligny, Shelter Cove, and Mathews/Highway 278. The LMO should remove barriers to desired types of redevelopment in these targeted areas.

Ward 1

The LMO Rewrite report has identified the following Ward 1 issues:

Setbacks in Stoney and Chaplin limit ability to develop on small, narrow lots. In the SMU District, changes proposed beyond Highway 278 allowing reduction of street setbacks/buffers by up to 30 percent (with additional tree plantings), and provisions for administrative adjustments and waivers. Use buffers modified to allow performance standards. In Chaplin area no changes proposed to street buffers because lots seem adequate. Use buffers modified to allow performance standards.

Address Nonconformities:

Overarching approach to addressing nonconformities is multi dimensional:

(1) Evaluating uses and modifying districts to reduce nonconformities; (2) Evaluating design standards to reduce nonconformities, specifically:

Buffer and setback standards: revising adjacent use buffers to allow application of performance based standards; limited reductions of the street setback/buffers (in Coligny, away from Highway 278 in Shelter Cove, away from Highway 278 in the SMU District), due to the importance they play in maintaining the Town's character.

Parking standards: modernization of standards; possible further reductions in IM-Coligny Subdistrict; alternative arrangements for meeting, parking in addition to shared and off-site parking (deferred parking, tandem and valet parking, on-street parking); reduced parking demand; alternative configurations of parking.

Adding a range of flexibility provisions: Alternative forms of compliance (parking, landscaping, and possibly buffers.) Administrative adjustment – allows staff review and decisions on prescribed modifications to certain dimensional standards or numerical design standards to allow development that otherwise conforms to development goals of community. Can be used in a number of ways, and usually evolves during drafting process.

Recommendations:

(1) Up to 30% reduction of street setbacks/buffers in SMU District beyond Highway 278; (2) Up to 10% reduction in minimum parking standards; (3) up to a 10 % reduction in landscaping standards.

Exceptions to restrictions: (1) allowing nonconforming uses to expand throughout building where they are located; (2) allow conversion of nonconforming use to another nonconforming use when specific standards are established (from nonconforming light industrial to nonconforming retail in specific district.) Allow message of nonconforming signs to change with change of business occupant; (4) Adding a range of flexibility provisions: revised administrative waiver – target to nonconformities that pose greatest impediment to redevelopment – street buffers, off-street parking, impervious surfaces, and open space. Carry forward requirement that waiver be accompanied by site enhancement that reduces nonconformity for which restriction is waived.

Revised RO Overlay District: “Last resort” for landowner to resolve nonconformities. Requires rezoning, so it could be time consuming and uncertain. Depending on ultimate form of the administrative adjustment and waiver, probably be modifications to provisions standards. Require enhancement of nonconformities and provision of compensating public benefits. Menu included in regulations could include: environmentally sustainable and energy efficient building design; provision of other green building elements; provision of cultural facilities; permanent protection of scenic views to the water; enhanced environmental protection.

Revise Design Standards Related to Targeted Issues and Areas: Nonconformities:

Roads: Review and incorporate mobility standards, as appropriate, and standards related to public street connectivity, cross access, access way layout and coordinating with bicycle and pedestrian access, pedestrian circulation, and pedestrian cut-thrus.

Codes in the Southeast have included something called a connectivity index – ensures a minimum of connections on the road system. HHI is built out so that may not apply.

Buffers – street buffers carried forward

Building on suggestions in Sec. 2.6.2 of Assessment, will maintain current edge conditions, with the following exceptions:

- 1) In IMX-Coligny Subdistrict, recommend street buffers be eliminated and replaced by increased site and parking lot landscaping, and landscape strip along the road.
- 2) In IMX-Shelter Cove Subdistrict, recommend street setbacks beyond Highway 278 be reduced to 15-feet, consistent with proposed Shelter Cove Mall PUD amendment. Street trees would be strongly encouraged in this area.
- 3) Modification of use buffers so performance-based buffers could be applied.
- 4) Establishment of administrative adjustment to allow reduction of street buffers: a) beyond Highway 278 by up to 30 percent in SMU District; b) up to 20 percent in Sea Pines Circle area of IM-C Subdistrict with additional tree plantings. Up to 20 percent in IM District with additional tree plantings.
- 5) Require cross access between adjacent parcels on which there is commercial or mixed use development.
- 6) Incentives that allow further reduction or elimination of adjacent use buffers on developed sites, when vehicular and pedestrian cross access is provided in appropriate locations.

Mr. Darnell presented statements regarding the consultant's response to the LMO Rewrite Committee's comments on the Code Assessment. The consultant and Mr. Darnell discussed street trees (do not make it a hard number). They also discussed modernizing minimum parking standards. Mr. Darnell presented statements regarding the parking graphic. People may not wish to park in the back of a 'big box' building.

Parking: Building on the suggestions in Sec. 2.6.1 of Assessment on revisions to parking will: Provide more specific provision for offsite parking; Identify uses where shared offsite parking might be appropriate; Allow for certain percentage of on street parking in I-MX-Shelter Cove District (beyond Highway 278).; Establish different minimum parking standards in IM-X Coligny

The consultant stated that we are considering the allowance of some on-street parking and having different parking requirements for different locations. We are also considering allowing decreased parking requirements. We are also looking at bicycle parking standards.

Mr. Irv Campbell presented comments with regard to the need to accommodate large tour buses. Expansion will increase the number and the size of tour buses. The consultant will review this.

Height: Stepped down height requirements proposed to be included at edge of WMU District (which has a 75-foot height limit), those areas of the HR and I-MX-Shelter Cove districts with 75-foot height limits, and other locations where there might be a significant height difference between districts. To protect single-family residential neighborhoods from height incompatibilities, neighborhood compatibility standards are proposed.

The committee discussed several issues including pervious - impervious surface coverage requirements. Mr. Nester presented statements regarding the reduction of parking requirements and setting minimum parking requirements. Town should not require businesses to have more

parking then they need. The committee discussed peak periods of parking and caps on maximum parking.

Following this discussion, the consultant and the committee moved to Natural Resources. Mr. Stephen Sizemore made the presentation on behalf of the consultant.

Water Quality – The Town should move forward and apply to the state for delegated authority to apply state stormwater management regulations rather than the combination of town and Beaufort County regulations, as currently required by the LMO. The benefits are: (1) State regulations more adaptable to redevelopment and development than current LMO and Beaufort County stormwater regulations (relying on assortment of low impact development technique and engineered structural facilities that allow stormwater management to be tailored to specific sites); (2) Engineers designing stormwater management for development in Hilton Head Island would be subject to familiar single set of standards.

The consultant will: (1) work with the Town staff and team members to determine if certain stormwater techniques are more appropriate to Hilton Head Island, focusing on revisions and enhancements that encourage “green” stormwater management techniques, and then propose supplemental standards, as necessary, to encourage use of those techniques; (2) Further evaluate parking reduction provisions to see if there are additional ways to reduce parking; (3) Tailor wetland buffer regulations to wetland types and surrounding context. Clearly identify activities allowed and prohibited in wetland buffers, and expand those activities allowed to include essential and water-dependent development activities.; Allow modest selective pruning as necessary to enhance the effectiveness of the buffer vegetation in protecting water quality and establishing limited view corridors; Strengthen the language in the purpose and intent section. Prohibit the use of pesticides, herbicides, and fertilizers in wetland buffers.

Tree Preservation and Protection – Recommend retaining the LMO’s current tree preservation standards supplemented by standards requiring retention of existing tree canopy, with required percentage varying along a sliding scale based on existing tree canopy on the site.

Dune Protection and Redevelopment of Beachfront Property – Modify view corridor provisions to: (1) include specific criteria that clarify how view corridors to the beach may be established, based on maximum percent of site that can be devoted to view corridors; (2) give highest priority to corridors established through removal of non-native invasive vegetation; (3) preserve low growing vegetation within corridors to retain or establish root systems important to dune preservation; (4) add flexibility provisions that allow consideration of alternative forms of compliance.

The committee and the consultant discussed water quality, allowing some variation in the width of buffers, essential activities allowed in buffer areas, selective pruning, and operational issues (what happens around the buffer.)

The committee and the consultant discussed additional standards. Are they needed? Water quality in Broad Creek is good at this time. The committee asked if the buffer has to be as large as it is. The committee also discussed the buffers around man-made lagoons, the treatment of lagoon edges, pesticides and lagoons, golf courses and residential. Mr. Ames stated that Hilton Head Island should have water standards that raise the bar. The committee agreed to address the issues of water quality and wetland buffers further and provide feedback to the consultant.

5) ADJOURNMENT

Following final comments, the meeting was adjourned at 12:05pm.

Submitted by:

Approved by:

July 19, 2012

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman