

TOWN OF HILTON HEAD ISLAND
Planning Commission
Minutes of the Wednesday, March 7, 2012 Meeting APPROVED
9:00a.m. – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox, David Bennett, Alex Brown, Jack Docherty, Bryan Hughes, Gail Quick and Barry Taylor

Commissioners Absent: Terry Ennis, Excused

Town Council Present: Mayor Drew Laughlin

Town Staff Present: Nicole Dixon, Senior Planner
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Shawn Colin, Comprehensive Planning Division Manager
Teri Lewis, LMO Official
Brian Hulbert, Staff Attorney
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. Approval of Agenda**
The agenda was **approved** as presented by general consent.
- 6. Approval of Minutes**
The Planning Commission **approved** the minutes of the December 21, 2011 meeting as presented by general consent.
- 7. Appearance by Citizens on Items Unrelated to Today's Agenda**
None
- 8. Swearing in Ceremony for New Planning Commissioner – Mr. Alexander Brown, Jr.**
Mayor Drew Laughlin performed the swearing in ceremony for Mr. Alexander Brown, Jr. Mayor Laughlin stated his appreciation to Mr. Brown for his service to the Planning Commission and to the Town of Hilton Head Island. The Planning Commission welcomed Mr. Brown.
- 9. Unfinished Business**
None

**10. New Business
Public Hearing**

ZMA110007: A request from Mr. Joe Ryan, on behalf of several property owners, proposing to amend the Official Zoning Map by changing the zoning designation of seven properties located at 840, 852, 856, 862 and 870 William Hilton Parkway, and 1 and 2 Regency Parkway, from the OL (Office Institutional Low Intensity) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 11, Parcels 132A, 77, 26, 153, 138B, 155A and 154.

Chairman Warden introduced the application for Zoning Map Amendment and opened the public hearing. Chairman Warden then requested that the staff make their presentation.

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. Ms. Dixon reported that one property was taken out of the request (Parcel 26).

Mr. Joe Ryan, on behalf of several different property owners (Hargray, Prime Property Investments, Savannah Bank, S & C 278 Associates and the Romano Group Development), is proposing to amend the Official Zoning Map by changing the zoning designation of several properties located at 840, 852, 862 and 870 William Hilton Parkway and 1 and 2 Regency Parkway, from the OL (Office Institutional Low Intensity) Zoning District to the CC (Commercial Center) Zoning District.

The applicant has a business owner interested in opening a Mattress store in one of the Hargray buildings (862 William Hilton Parkway). Under the existing OL zoning designation, a retail store is not a permitted use. There are no current plans for redeveloping the remaining parcels, but the property owners decided to come together to rezone the properties for future opportunities. The lots proposed to be rezoned contain a portion of the Hargray development, the Savannah Bank, the vacant old Ronnie's bakery site, Stack's restaurant, and the Atrium building.

Ms. Dixon stated that the subject properties are surrounded by Town-owned property and the Fresh Market Shoppes to the south, Long Cove Club and hotel uses to the west and north, and Palmetto Dunes and South Island Square across William Hilton Parkway.

The applicant states in the narrative that the proposed application to rezone the subject properties from OL to the CC zoning district is more in character with the existing commercial uses in the surrounding area. The applicant believes that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to focus future development on infill development. The applicant also believes that by rezoning the properties to allow for retail possibilities, the marketability of the properties will increase

Ms. Dixon presented an in-depth review of the application including overhead photographs of the site. Mrs. Jayme Lopko presented statements regarding the number of properties. All

of the properties have been advertised; and the Planning Commission's decision does not have to be 'all or nothing'. The Planning Commission can decide which properties to allow. Following the staff's presentation, Chairman Warden requested that the applicant make his presentation.

Mr. Joe Ryan presented statements in support of the application. The applicant and the Planning Commission discussed several issues including the ownership of the parcels. Following their discussion, Chairman Warden requested public comments.

The following property owners from Long Cove presented statements in opposition to the application: Mr. Jonathon Mullen, Mr. Declan McMullen, Mr. Jack Holland, Mr. Gere Grimm, and Mr. David Wetmore. The property owners stated concern with the types of uses, the noise, the light and loss of privacy. If the application is approved, several property owners stated the need for adequate buffering. Following these public comments, Chairman Warden stated that the public hearing for this application is closed.

As part of the Planning Commission's discussion, Commissioner Quick stated concern with the Planning Commission's consideration of the application at this time due to the LMO Rewrite Committee's and the consultant's efforts to rewrite the current Land Management Ordinance. The Planning Commission should consider tabling this application until the consultant has had time to meet with Town Council, the LMO Rewrite Committee, and the Planning Commission. Commissioner Quick stated, and other Planning Commissioners agreed, that the Planning Commission does not seem to have all of the information that it needs at this time.

The Planning Commission also discussed concerns with including the larger Hargray property. It may be appropriate to rezone the remaining properties. Vice Chairman Lennox agreed with the poor timing of the application. Chairman Warden also agreed and stated her concern with the 'patchwork' nature of the zoning request. Perhaps some of the boundaries can be changed. Mrs. Jayme Lopko presented statements on behalf of staff regarding the Planning Commission's options for approving the application, approving the application with modifications, or disapproving the application.

Brian Hulbert, Esq., staff attorney, presented statements regarding action that can be taken by the Planning Commission. The Planning Commission cannot table or continue the application; only the applicant has the option to request an application to be tabled or continued. The Planning Commission and Mr. Hulbert also discussed the public notice requirements for this application.

At this time Mr. Charles Cousins requested that the Planning Commission take a 5-minute recess to allow staff an opportunity to discuss the issue of public notification. Chairman Warden agreed and the Planning Commission took a 5-minute recess at 10:10a.m. When the meeting reconvened at 10:15a.m, Chairman Warden discussed the options that are before the Planning Commission concerning their action on the application. The Planning Commission has the option of approving the application, approving the application with modifications, or disapproving the application. The Planning Commission and the staff discussed the public notification issue.

Mr. Brian Hulbert stated that he believed the ZMA should have been re-advertised after it was postponed in February. He said state code is very clear on this area. He recommended that this agenda item be re-advertised before another public hearing is held.

As part of this discussion, Ms. Teri Lewis stated that the Land Management Ordinance is very specific in this matter. If the staff is going to re-advertise, then the Planning Commission will need to treat this application as a new application. A new public hearing will need to be published with a minimum of 30-days public notice. The Planning Commission discussed the issue with staff and agreed with the recommended solution. Following final comments, Chairman Warden requested that a motion be made.

Vice Chairman Lennox made a **motion** recommending that the Planning Commission schedule a second public hearing for this application after proper notification has been given. Commissioner Quick **seconded** the motion and the motion **passed** with a vote of 8-0-0.

The staff will arrange a special meeting date and will contact the Planning Commission as quickly as possible.

Public Hearing

ZMA120002 - The Town of Hilton Head Island has applied to amend the Official Zoning Map by amending the Palmetto Dunes Resort Master Plan to change the land uses permitted on three parcels, located near the corner of William Hilton Parkway and Queens Folly Road. A portion of one property is currently zoned OL, Office/Institutional, and will be incorporated into the PD-1 as part of the Palmetto Dunes Resort Master Plan. The remainder of properties are currently zoned PD-1 within the Palmetto Dunes Resort Master Plan and assigned land uses of "HHI Fire Station", "PDR Maintenance" and "Outdoor Entertainment/Recreation." These designations will be changed to "Office", "Office/Maintenance" and "Government Facilities/Parks and Open Areas" with associated density. The properties are identified as parcels 19 and 347A on Beaufort County Tax Map 12 and parcel 2 on Beaufort County Tax Map 15. Chairman Warden stated that the public hearing for this application is now open.

Ms. Shea Farrar made the presentation on behalf of staff. Staff recommended that the Planning Commission find the 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.

Fire Station 6 is located near the entrance to Palmetto Dunes Resort on Queen's Folly Road. This facility was identified for replacement in the Town's 2012 Capital Improvements Program based on recommendations from the Town's Fire and Rescue Master Plan. The existing property would not accommodate the design that the Town uses for new fire stations, so alternative scenarios were explored. This resulted in an agreement between the Town, Palmetto Dunes Property Owner's Association (PDPOA) and Greenwood Communities and Resorts (GCR) to sell the existing fire station property to PDPOA and acquire the access needed to another Town property, better suited for the fire station. This will benefit both Palmetto Dunes and the Town. The Palmetto Dunes community will benefit by having its POA administration and security offices located at the entrance to the community, along with a new pass office. The Town will benefit by being able to relocate Fire Station 6 to a site that has better access and is of adequate size for the new fire station design.

In order for the proposed uses to be permitted on the applicable properties, the Town is proposing to rezone all properties to PD-1 as part of the Palmetto Dunes Resort Master Plan and to assign the appropriate land use designations.

The density associated with the OL Zoning District will also be incorporated into the PD-1 Zoning District for use with the development of the new fire station. No other density changes are proposed.

Ms. Farrar briefly reviewed the Findings of Fact and Conclusions of Law. The Planning Commission and the staff discussed the application. Following their discussion, Chairman Warden requested public comments and none were received. Chairman Warden then stated that the public hearing for this application is closed. Chairman Warden then requested that a motion be made.

Commissioner Docherty made a **motion** that the Planning Commission finds Application for Zoning Map Amendment, ZMA120002 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 determined by the LMO Official. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote of 8-0-0.

11. Commission Business

None

12. Chairman's Report

Chairman Warden presented a brief update on a couple of Planning Commission issues.

13. Committee Reports

(A) Commissioner Lennox reported that the CIP Committee will meet on Thursday, March 8th, at 10:30a.m. to review the proposed CIP Fiscal Year 2013.

(B) Chairman Warden reported that the Comprehensive Plan Committee will meet today at 1:30p.m. The committee will review the Population Element of the Comprehensive Plan.

(C) Commissioner Quick reported that the LMO Committee met on February 29th and again on March 5th to review the proposed Sign Amendments. The proposed amendments, with recommended revisions, have been forwarded to the full Planning Commission for review.

(D) The LMO Rewrite Committee will meet on Thursday, March 22nd and on Thursday, March 29th at 1:00p.m. The Committee will review the Code Assessment portion of the LMO.

(E) A joint meeting of the Planning Commission & Town Council is scheduled on Friday, March 30th 9:00a.m. The purpose of the joint meeting will be to discuss Code Assessment with the consultant.

14. Staff Reports

(A) Mr. Shawn Colin presented a staff review of Town Council's Goals for 2012 including the Targets for Action.

(B) Mrs. Jayme Lopko discussed training requirements and the scheduling of a group tour of historic property and CIP projects.

15. Adjournment

The meeting was adjourned at 11:10a.m.

Submitted By:

Approved By:

April 10, 2012

Kathleen Carlin
Administrative Assistant

Loretta Warden
Chairman