

TOWN OF HILTON HEAD ISLAND
Planning Commission
Minutes of the Special Tuesday, April 10, 2012 Meeting APPROVED
9:00a.m. – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox, Alex Brown, Jack Docherty, Terry Ennis, Gail Quick and Barry Taylor

Commissioners Absent: David Bennett, Excused; Bryan Hughes

Town Council Present: Bill Ferguson

Town Staff Present: Nicole Dixon, Senior Planner
 Anne Cyran, Senior Planner
 Jayme Lopko, Senior Planner & Planning Commission Coordinator
 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 March 7, 2012 meeting as presented by general consent.

7. Appearance by Citizens on Items Unrelated to Today's Agenda

None

8. Unfinished 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 five properties located at 840, 852, and 862 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, 153, 155A and 154. Chairman Warden opened the public hearing for the application and requested that 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 the Findings of Facts and Conclusions of Law determined by the LMO Official.

Ms. Dixon stated that the Planning Commission first reviewed this application on March 7th. At that time, Brian Hulbert, Staff Attorney, stated that the notification requirements for this application may not have been completely satisfied. The notification process began again with the applicant resending notification letters to all concerned parties within 350-feet and the staff re-advertising the public hearing.

The applicant is proposing to change the zoning designation of the subject properties from OL to the CC zoning district. The applicant has a business owner interested in opening a Mattress store on the Hargray property located at 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. However, the property owners decided to come together to rezone the properties for future opportunities. The lots proposed to be rezoned contain a Hargray building, the Savannah Bank, the vacant old Ronnie's bakery site, Stack's restaurant and the Atrium building.

The subject properties are surrounded by Town-owned and Hargray-owned property 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 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 feels 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 briefly reviewed the staff's Findings of Fact and Conclusions of Law. At the completion of staff's presentation, Chairman Warden requested that the applicant make his presentation.

Mr. Joe Ryan, with Weichert Realty, presented statements in support of the application. Mr. Ryan stated that several different property owners (Hargray, Prime Property Investments, Savannah Bank, S&C 278 Associates, and the Romano Group Development) have joined in requesting that the Official Zoning Map be amended by changing the zoning designation of the five properties. Mr. Ryan discussed the new business owner who is interested in opening a Mattress store at this location. Mr. Ryan stated that he believes the application is consistent with the Comprehensive Plan and is compatible with the present zoning and conforming uses of nearby property.

The Planning Commission discussed several issues including the retail possibilities for the property, the broad range of potential uses for this property in the future, and the excess vacant commercial space available elsewhere on the island. Several Planning Commissioners stated their concern with the 'piecemeal' rezoning of the property and the excess vacant commercial space. Following this discussion, Chairman Warden requested public comments and the following were received:

Mr. Gerry Grimm, Mr. Declan McMullen, and Mr. Al Vadnais, residents of the area, presented statements in opposition to the application based on concerns with the 'piecemeal'

rezoning of the area and the excess vacant commercial space already available. Ms. Jocelyn Staigar, presented general statements regarding the application. Following public comments, Chairman Warden stated that the public hearing for this application is closed.

Chairman Warden stated that the Planning Commission should proceed with caution in deciding the application. If the Planning Commission approves the application, the potential uses for this property in the future will be quite large. The availability of vacant commercial property on the island should be considered. Commissioner Quick agreed with the Chairman's concerns. Commissioner Quick stated that the application is not in the Town's best interest at this time primarily due to the large number of potential uses in the future. Commissioner Ennis stated that this is a difficult issue to decide because, while he agrees with the concerns previously stated, he also believes the Planning Commission should not stand in the way of someone who would like to open a new business.

Commissioner Docherty stated that he is in favor of approving the application based on the staff's Findings of Fact and Conclusions of Law. The application seems consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance. Following final discussion by the Planning Commission, Chairman Warden requested that a motion be made.

Commissioner Docherty made a **motion** to approve Zoning Map Amendment Application ZMA110007 as presented by staff. The application is consistent with the Comprehensive Plan and serves the purposes of the Land Management Ordinance. Commissioner Taylor **seconded** the motion and the motion **passed** with a vote of 4-3-0. Chairman Warden requested that those who voted in opposition state their reasons for being opposed to the motion.

Commissioner Quick stated that she is opposed to the motion because she believes that for long-range planning for the island and a consistent action based on our past history and the future vision of the island, it would be in the best interest of the Town not to approve this application at this time.

Commissioner Ennis stated that it is a tough decision because while we want to encourage new business opportunities on the island, we also need to think a little more strategically, too. What use are we going to make of this excess commercial space that we have? How will that fit into a long range plan so that we have a context to be able to put this in?

Chairman Warden stated that she is opposed to the motion because she feels that there is no urgent and compelling need to act on this request at this time. Chairman Warden stated that she believes that the many broad uses which are currently approved in the CC Zoning designation are much too broad for the ways in which we might wish this property to be utilized in the future.

Ms. Nicole Dixon stated that this application will be reviewed next by the Planning & Development Standards Committee on Wednesday, April 25, 2012 at 4:00p.m.

9. New Business

Public Hearing

LMO Amendments: The Town of Hilton Head Island is proposing to revise and amend Chapter 3, Article IX and Chapter 5, Article XIII of the Land Management Ordinance (LMO). The proposed amendments will move the following sections from Chapter 3, Article IX, Sign Permits, into Chapter 5, Article XIII: Section 16-3-901, Applicability; Section 16-3-902, Signs Exempt from Permit; Section 16-3-903, Sign Alterations Exempt from Permit; and Section 16-3-904, Submission Requirements. The proposed amendments will revise the language in each affected section. The proposed amendments will clarify the purpose of the sign regulations, bring the regulations into conformance with recent judicial decisions, reorganize the regulations into a more intuitive order, and update the regulations to reflect changes in advertising and to provide reasonable accommodation of some previously prohibited signs. Chairman Warden opening the public hearing for this application and requested that the staff make their presentation.

Ms. Anne Cyran made the (*attached*) presentation on behalf of staff. Ms. Cyran reviewed the proposed amendments on a section-by-section basis with the Planning Commission. The staff recommended that the Planning Commission forward the proposed amendments to Town Council with a recommendation for *approval*.

In 2010 Town Council directed staff to rewrite the sign standards, which were enacted as part of the original LMO in 1987, to ensure they would stand up to legal challenges and to address trends in sign technology. These amendments also meet a Top Priority of Town Council's Policy Agenda for 2011 – Amending the LMO to Foster Greater Flexibility, Simplicity and Revitalization.

The Land Management Ordinance (LMO) Committee met on February 29, 2012 and March 5, 2012 to discuss the proposed amendments. At the conclusion of the March 5th meeting, the committee requested that staff review the proposed amendments with the Town Attorney to ensure the amendments are all legally sound.

At completion of staff's presentation, Chairman Warden requested public comments and the following were received: Mr. Joe Ryan presented statements regarding standard size signs and sign riders. Ms. Jocelyn Staigar presented general statements regarding sign systems and non-conforming signs. Chester C. Williams, Esq., presented legal statements regarding the Town's regulation of content of signs. Following these public comments, Chairman Warden stated that the public hearing for this application is closed. At this time Commissioner Ennis excused himself from the rest of the meeting.

Following final discussion by the Planning Commission, Chairman Warden requested that a motion be made.

Commissioner Taylor made a **motion to approve** the revisions to the proposed LMO Sign Amendments as presented by the staff. Commissioner Quick **seconded** the motion and the motion **passed** with a vote of 6-0-0.

10. Commission Business

None

11. Chairman’s Report

Chairman Warden stated that she presented the Semi-Annual Activity Report to Town Council on March 20th. The report contained Planning Commission activity for July – December 2011.

12. Committee Reports

A. Commissioner Quick stated that the LMO Rewrite Committee has received the first Code Assessment Report from the consultant. The committee has responded to the consultant.

B. Commissioner Quick stated that the LMO Committee will meet at 6:00p.m this evening to review the staff’s proposed amendments to Cell Towers.

C. Commissioner Lennox stated that the CIP Committee has met three times most recently on March 8th for review of the proposed CIP Fiscal Year 2013.

13. Staff Reports

A. Mr. Scott Liggett presented the CIP FY 2013 Priority Project on behalf of staff. Following this presentation and discussion by the Planning Commission, Chairman Warden requested that a motion on the presentation be made.

Vice Chairman Lennox made a **motion** to **approve** and forward the CIP FY 2013 Priority Project as presented by the staff with the addition of a reference to the Life Care Center renovation. Commission Taylor **seconded** the motion and the motion **passed** with a vote of 7-0-0

B. Mrs. Jayme Lopko presented the Quarterly Report. Mrs. Lopko reported that Application for Public Project Review PPR120001 was withdrawn by staff and was not heard by the Planning Commission. Also, Application for Zoning Map Amendment ZMA120002 will return to the Planning Commission on May 16th.

14. Adjournment

The meeting was adjourned at 11:05a.m.

Submitted By:

Approved By:

May 2, 2012

Kathleen Carlin
Administrative Assistant

Loretta Warden
Chairman