

**TOWN OF HILTON HEAD ISLAND**  
**Planning Commission**  
**Minutes of the Wednesday, April 18, 2012 Meeting    APPROVED**  
**3:00p.m. – Benjamin M. Racusin Council Chambers**

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

Commissioners Absent: Gail Quick

Town Council Present: None

Town Staff Present: Shea Farrar, 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** - Chairman Warden stated that approval of the Special Planning Commission meeting minutes dated April 10, 2012 is deferred to May 2, 2012.

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

None

**8. New Business**

**Public Hearing**

**ZMA120003:** A request from Mr. Chester C. Williams, on behalf of the Miller Family Limited Partnership VI, to amend the Official Zoning Map by changing the zoning designation of a property located at 807 William Hilton Parkway from OL, Office/Institutional, to PD-1 as part of the Palmetto Dunes Resort Master Plan with a land use designation of Commercial. The property is further identified as Parcel 16A on Beaufort County Tax Map 12. Chairman Warden opened the public hearing for the application and requested that staff make their presentation.

Ms. Shea Farrar made the presentation on behalf of staff. 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. Plantation Center is a shopping center located near the entrance to Palmetto Dunes Resort that offers a mix of retail sales and

services. The property was developed with six buildings during the 1970's under Beaufort County Ordinances, before the incorporation of the Town.

When the Land Management Ordinance (LMO) was adopted in 1987, the property was included in what is now the OL Zoning District. This District was oriented more toward office and institutional uses than retail sales and services which had been the historic uses of the property. Under the OL Zoning District regulations shopping centers are not permitted, making the existing shopping center a legally nonconforming use. According to the applicant, this has created problems for securing tenants and making improvements to the property. Also, the amount of square footage that was built on the property exceeds what was allowed by the new district making the site nonconforming for density. OL Zoning District regulations permit up to 19,840 square feet of development on the property depending on the use. However, the property is currently developed with 38,161 square feet.

To help resolve these issues, the applicant is requesting to rezone the property into the PD-1 Zoning District as part of the Palmetto Dunes Resort Master Plan, with an assigned land use of Commercial, but excluding eating establishments with a drive-thru. Because the permitted uses for properties within PD-1 District are primarily governed by the use(s) assigned by the master plan, there is more flexibility with the assignment of land uses than in the OL District. As a result of the approval of this application, the shopping center use would be considered conforming. The only use on the property that will remain nonconforming is the liquor store. LMO Section 16-4-409E identifies certain uses that must be specifically stated as a permitted use on master plans within the PD-1 Zoning District and a liquor store is one of those uses. The change to specifically allow the liquor store on the property was not requested as a part of the application.

After reviewing the application, staff felt that not all of the additional commercial uses requested by the application were appropriate for the property. After discussions with the applicant, it was agreed that to exclude the following uses in addition to Eating Establishments with a drive-thru from being permitted on the property: Auto Repairs, Kennel/Boarding, Water Park, Taxicab Service and Towing Service. It was also agreed that the following uses would require the approval of a Special Exception by the Board of Zoning Appeals: Indoor Recreation, Indoor Entertainment and Outdoor Recreation.

In addition to changes in permitted uses, the applicant is also requesting to change the permitted density. Master Plans within the PD-1 Zoning District are also used to assign a maximum amount of development that can be built on a property, so the applicant is requesting that the existing 38,161 square feet of development become the maximum permitted density assigned to the property. In addition, the applicant proposes to limit the maximum size of any one commercial establishment on the property to 10,000 square feet and the maximum height of any structure to 45feet to allow for two habitable stories over parking.

As a result of this amendment, the maximum impervious coverage allowed on the site will be increased from 60% in the OL Zoning District to 65% in the PD-1 Zoning District and the height restriction on the property will be increased from 35 feet to 45 feet. Ms. Farrar presented a brief review of the Findings of Fact and Conclusions of Law.

At the completion of staff's presentation, Chairman Warden requested that the applicant make his presentation. Chester C. Williams, Esq., stated that he is the agent for this application. Mr. Williams stated that he agrees with the staff's recommendation for approval of the zoning

request application. Mr. Williams stated that all of the public notice requirements and the public hearing requirements for the application have been met. The application meets all of the required criteria.

Mr. Williams presented an overhead map review of the Palmetto Dunes Master Plan approved by the Town on May 7, 1986. Mr. Williams discussed several issues including the legal nonconforming use related to a liquor store. Mr. Williams discussed the limitation of 10,000 sq. ft. of commercial space with a maximum height limit of 45-ft. (two stories over parking). Mr. Williams also reviewed the prohibited uses for the property. Mr. Williams stated that the property owner, Mr. Richard Kolsch, is available for questions or comments. The property owner, Mr. Richard Kolsch, presented brief comments in support of the application.

Following the applicant's presentation, Chairman Warden requested public comments and none were received. Chairman Warden then stated that the public hearing for this application is closed.

The Planning Commission stated that they agreed with the intent of the application. At the completion of the discussion, Chairman Warden requested that a motion be made.

Commissioner Ennis made a **motion** to **approve** Zoning Map Amendment ZMA120003 as presented by staff. The application is 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. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote of 8-0-0.

**9. Commission Business**

None

**10. Chairman's Report**

Chairman Warden stated that Commissioner Lennox and Commissioner Ennis will be involved in the recently created Economic Development Citizens Committee.

**11. Committee Reports**

None

**12. Staff Reports**

None

**13. Adjournment**

The meeting was adjourned at 3:30p.m.

Submitted By:

Approved By:

May 2, 2012

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Kathleen Carlin  
Administrative Assistant

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Loretta Warden  
Chairman