

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

APPROVED

January 24, 2013 Minutes

8:30a.m. – Benjamin M. Racusin Council Chambers

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

Committee Members Absent: None

Planning Commissioners Present: None

Town Council Members Present: Bill Harkins and John McCann

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 8:30a.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 December 10, 2012 meeting as presented by general consent.

5) NEW BUSINESS

Discussion of Module 1A of LMO Rewrite Draft (Chapters 1, 2, 8, 9, and 10 and Appendix A

Chairman Crews presented opening comments and welcomed the public. Chairman Crews stated that the committee and the staff will review Module 1A of the LMO Rewrite Draft, Chapters 1, 2, 8 and 9. Chairman Crews stated that Chapter 10 contains LMO definitions and is not quite ready. The consultant is still working on refining and updating the definitions. Chairman Crews stated that comments and questions from the

committee to the staff continue to be very important to the success of the project, particularly from this point forward. Chairman Crews also encouraged continued participation by the public. The public is encouraged to visit the Town's website for regular updates to the draft LMO Rewrite. Comments should be directed to Ms. Teri Lewis or Ms. Kathleen Carlin for follow up. Following this introduction, Chairman Crews requested that Ms. Teri Lewis make her presentation.

Ms. Lewis stated that staff has reviewed all of the comments that have been received from the committee in preparation for today's discussion. Staff has organized some of the broader questions from the committee. There are several issues that the committee will need to make a decision on.

Ms. Lewis began her presentation on LMO Rewrite Draft, Page 1-2, *Sec. 16-1-104, Applicability and Jurisdiction, B. Development Activities Constituting Development*. Ms. Lewis stated that one of the questions received by the staff was regarding the definition of development. Section B contains everything that constitutes development. The committee needs to decide if this definition is too broad of a category. Ms. Lewis stated that the definition tries to capture everything that could be reviewed for development under the Town's permitting process.

The committee discussed the definition of development with the staff. Chairman Crews stated that a repair may constitute development. The committee discussed item B. e., regarding the use of land ~ the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors, or emissions of waste material. The committee briefly discussed specific standards for lighting and noise. Vice Chairman Quick stated the importance of regulating excessive noise in residential neighborhoods. Following their discussion, the committee stated that requirements for regulation should be sent to the consultant for their input.

Mr. Lewis then reviewed *Page 1-5, Sec. 16-1-105. Relationship to Comprehensive Plan and Planning Policies, B. General Planning Policies, Item 4*. In considering applications for the development of land, the advisory and decision-making bodies shall be guided by the following general planning policies. Development shall be encouraged and permitted only through the preservation of trees throughout all developed areas in the Town.

The committee and staff discussed the preservation of single trees, taking a forest management approach, and the preservation of trees' canopies. In conclusion, the committee decided to add Preservation of Tree Canopy to this section.

Chet Williams, Esq., presented public comments regarding the South Carolina Code of Laws 6-29-1145, Relationship to Restrictive Covenants or Deed Restricts. Mr. Cousins requested that Mr. Williams present his legal questions in writing all at one time so that they can be forwarded to the Town's attorney for review. Chairman Crews agreed with this recommendation.

Ms. Lewis then reviewed *Chapter 2: Administration, Sec. 16-2-102, Standard Review Procedures, C. Neighborhood meetings*. Mr. Bachelder discouraged adding neighborhood meetings to the standard review procedures. The process needs to be kept as simple as possible. The other committee members agreed. In conclusion, the committee stated that neighborhood meetings should be eliminated from the draft.

Ms. Lewis then reviewed the proposed changes to *Sec. 16-2-102 F.2 Public Hearing Notice Requirements*. Mr. Lewis stated that the Town currently exceeds the State's

public notice requirements. The proposed change is for the Town to mirror the State's public hearing notice requirements. Mr. Cousins and the committee discussed the reasons for the proposed change. In conclusion, the committee decided to approve the change in public notice requirements to mirror the State code with the exception of mailed notice requirements. Mailed public notice requirements to remain as they are.

Chet Williams, Esq., the committee, and the staff discussed the requirements for public meetings and for public hearings as well as the 350-ft. public notice retirement. Based on the number of absentee property owners, the committee decided to keep the public notice requirement for properties located within 350-feet.

Ms. Lewis then reviewed page 2-36, *Sec. 16-2-103. Application Specific Review Procedures, b. Minor and Major Corridor Review. Minor*. Ms. Lewis stated that the committee had several questions on this section. Should this section be broadened? Does the committee believe more should be included in this section? Ms. Lewis discussed the existing procedure and the committee and staff discussed the intent of the proposed language.

The committee stated that if the change cannot be viewed from the corridor, why is an applicant required to request a waiver from review by the Design Review Board? A request for waiver from review by the DRB is an unnecessary step in the process. Ms. Lewis stated that if the requirement is eliminated, the project still needs to go through the regular permitting process. In conclusion, the committee decided that if the change cannot be viewed from the corridor, a request for waiver from the Design Review Board should not be necessary. The committee recommended delegating some Corridor Overlay District Review authority to staff level.

Ms. Lewis then briefly reviewed Chapters 8 and 9. Ms. Lewis stated that the committee did not have any major comments on these two chapters and neither did the staff. Have the procedures been streamlined enough? The staff and the committee agreed that they like the flowcharts and diagrams very much. The committee recommended that the flow charts and diagrams be used as much as possible. Ms. Lewis stated the success of the new process improvements. Input from the public has been very positive. The committee stated that the new format is organized and easy to follow.

The committee discussed the issue of an applicant requesting the deferral of a public hearing. How is good cause for granting the deferral determined? What is the requirement for an applicant who states that he is not ready to go before a public hearing?

Chet Williams, Esq., presented public comments on this issue. The committee requested that staff follow up on Mr. Williams' comments.

At the completion of final comments, the committee and the staff briefly reviewed next steps for future meetings. The next LMO Rewrite Committee meeting will be held on Thursday, February 14, 2013 at 8:30a.m. Following final comments, the meeting was adjourned.

6) ADJOURNMENT

The meeting was adjourned at 9:55a.m.

Submitted by:

Approved by:

February 14, 2013

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman