

TOWN OF HILTON HEAD ISLAND
Planning Commission Meeting
Wednesday, November 6, 2013 **APPROVED**
9:00a.m – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Gail Quick, Vice Chairman David Bennett, Tom Lennox,
Alex Brown, Terry Ennis, Bryan Hughes, Judd Carstens and Brian Witmer

Commissioners Absent: Barry Taylor

Town Council Present: Bill Harkins

Town Staff Present: Jayme Lopko, Senior Planner & Planning Commission Coordinator
Anne Cyran, Senior Planner
Scott Liggett, Director of Public Projects & Facilities
Brian Hulbert, Staff Attorney
Shawn Colin, Deputy Director of Community Development
Teri Lewis, LMO Official
Kathleen Carlin, Secretary

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. **Chairman's Welcome and Introduction to Meeting Procedures**
6. **Approval of Agenda**
The agenda was **approved** as presented by general consent.
7. **Approval of Minutes**
The Planning Commission **approved** the minutes of the October 16, 2013 meeting as presented by general consent.
8. **Appearance by Citizens on Items Unrelated to Today's Agenda**
Mr. Peter Ovens, citizen, presented statements in support of moving the location of USCB to Sea Pines Circle instead of at Coligny Circle. For safety reasons, Mr. Ovens also recommended that a stop light be placed at the location of the police station and that the median crossing be closed at the location of Whole Foods. Chairman Quick thanked Mr. Ovens for his comments.
9. **Unfinished Business**
None

10. New Business

- a. **ZMA130007**: A request from Chester C. Williams on behalf of HSSC, LLC proposing to amend the Official Zoning Map by changing the zoning designation of the property located at 1-16 and 20-70 Beach City Road from the RM-4 (Low Density Residential) Zoning District to the RM-8 (Residential Moderate Density) Zoning District. The properties are further identified on Beaufort County Tax Map 5, Parcels 8, 336 through 342, and 344 through 375. Chairman Quick introduced the application and opened the public hearing. Chairman Quick then requested that the staff make their presentation.

Mrs. Lopko made the presentation on behalf of staff. The staff recommended that the Planning Commission find this application to be *inconsistent* with the Town's Comprehensive Plan and does not serve to carry out the purposes of the LMO, based on the Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed in the staff's report.

Mrs. Lopko corrected an error contained in the staff's report. The subject property was purchased by HSSC, LLC on September 3, 2013 and is no longer in foreclosure. Mrs. Lopko presented an in-depth overhead review of the application including the zoning map, vicinity map, and the use table.

The residential density would increase from 4 units per acre in the RM-4 district to 8 units per acre in the RM-8 zoning district. The number of permitted uses would decrease from the RM-4 to RM-8 district. Mrs. Lopko briefly reviewed the list of changes in the permitted uses. The maximum impervious coverage and permitted commercial density will not change as a result of the rezoning. There are other requirements that will change as a result of this rezoning such as minimum open space and maximum height.

The applicant is proposing to change the zoning designation of the subject property from RM-4 (Low Density Residential) to the RM-8 (Residential Moderate Density) zoning district. The subject properties are currently platted as a 32 lot single family subdivision with only one lot that has been sold and developed. This lot has been excluded from this rezoning application.

The properties are located within the Airport Overlay Zone Approach Path and Outer Hazard Zone, which places additional restrictions for height and use of the properties. The height restrictions move outward from the end of the airport primary surface at a rate of one foot upward for every 34 linear feet. The use restrictions are based on the occupant load of proposed use. Residential uses do not have an occupant load that will fall into one of the categories that have use restrictions.

The existing subdivision was approved in June of 2009. Since that time one house has been completed within the subdivision. These properties were the subject of previous rezoning application (ZMA130003) that was withdrawn by the applicant. The previous request was to rezone the properties from RM-4 to RM-12.

The applicant states in the narrative that the Beach City Place subdivision is a failed single family residential development. The properties have been in default for an extended period of time resulting in an Order of Foreclosure being rendered against the property owner by the lender.

The purpose of this application is to rezone the properties to support the successful redevelopment of the property. The applicant currently has the right to redevelop the property for multi-family residential at a density of 4 units per net acre; however, this scenario is not seen as any more economically viable than the failed single family residential development. The effect of this rezoning will increase the permitted density to 8 units per net acre and reduce the number of permitted uses on the property.

Mrs. Lopko reviewed the Findings of Fact and Conclusions of Law contained in the staff's report. Mrs. Lopko also distributed copies of public comments received by staff since the meeting packet was posted and distributed to the Planning Commission. At the completion of the staff's presentation, Chairman Quick requested that the applicant make his presentation.

Chester C. Williams, Esquire, agent for the applicant, presented statements in support of the application. Mr. Williams presented a brief history of the previous application that was reviewed by the Planning Commission. Mr. Williams presented an overhead review of the application stating the applicant's desire to rezone the property from RM-4 to RM-8. The applicant would like to develop the property in an economically viable manner that provides workforce housing on the island. Mr. Williams stated that the applicant prefers to build residential housing that is aesthetically pleasing rather than manufactured housing.

At the completion of the applicant's presentation, Chairman Quick requested public comments and the following were received:

- (1) Curtis Coltrane, Esquire, agent, for Mr. and Mrs. David (Alethia) Jackson, the owners of the only single-family home in the failed subdivision. Based on the recent changes to the application, Mr. Coltrane stated that his clients, Mr. and Mrs. Jackson, are now in favor of the proposed change in zoning.
- (2) Mr. Shelby Baker, resident of The Spa, presented statements in opposition to the application due to concerns with increased density. The property should remain single-family residential.
- (3) Mr. Peter Ovens presented statements in opposition to the application due to concerns with increased density and safety issues based on location of the airport.
- (4) Mr. John Van Horn, resident of The Spa, presented statements in opposition to the application based on its inconsistencies with the Town's Comprehensive Plan.
- (5) Mr. Doug James presented general comments regarding the growth of Hilton Head Island and affordable housing.

Chester C. Williams presented follow up comments regarding work force housing versus low income housing.

At the completion of public comments, Chairman Quick stated that the public hearing for this application is closed. Chairman Quick invited discussion by the Planning Commission.

Commissioner Carstens presented statements with regard to the Bluffton marketplace and Hilton Head Island marketplace, land use issues, the need for workforce housing, and comments regarding the location of the airport.

Commissioner Hughes presented comments in support of the compromise being proposed by the applicant today. Increasing the density from RM-4 to RM-8 instead of RM-4 to RM-12

makes sense. Commissioner Hughes stated that there is a need for additional workforce housing on Hilton Head Island.

Commissioner Witmer and Mrs. Lopko discussed the location of adjacent properties on Beach City Road including the golf cottages and another failed single family subdivision. Commissioner Witmer presented comments in support of the compromise proposed today by the applicant.

Commissioner Ennis stated his concern with the application's inconsistencies with several elements of the Comprehensive Plan. Fundamentally, the application is not a good idea due its proximity to the airport. Increasing the density in this area does not make good sense because of the increased consequences of the risk.

Commissioner Brown stated that he agrees with Commissioner Ennis' concerns. Nothing has fundamentally changed with this second application. If multi-family workforce housing is approved for this location, it needs to be good quality construction and tastefully done. Commissioner Brown stated that manufactured homes are not suitable for this location.

Commissioner Lennox stated that he agrees with the comments presented by Commissioner Hughes. Commissioner Lennox stated that he is in support of the compromise proposed today by the applicant increasing the density of RM-4 to RM-8. This is a good solution for this failed single family residential property.

Vice Chairman Bennett stated that he does not see single family housing being successful at this property now or at any point in the future. Vice Chairman Bennett stated that he agrees with Commissioner Brown's comments regarding the need for quality housing that is compatible with the neighborhood. Manufactured housing is not suitable for this location.

Chairman Quick stated that she is in opposition to the application primarily because it will increase the number of people who will be possibly placed in harm's way. The increased density is not a good idea due to proximity to the airport. Chairman Quick also stated her concern with the application because the Town is currently undergoing a complete rewrite of the LMO.

At the completion of the discussion by the Planning Commission, Chairman Quick requested that a motion on the application be made.

Commissioner Ennis made a **motion to disapprove** the application because the application is fundamentally not a good idea based on safety concerns due to the location of the airport. Chairman Quick **seconded** the motion. The motion **failed** with a vote of 2-6-0. After additional discussion, Chairman Quick requested that a second motion be made.

Commissioner Lennox made a **motion** to forward the application to Town Council with a recommendation of **approval**. Commissioner Hughes **seconded** the motion. Prior to taking a vote, Vice Chairman Bennett asked the staff if the motion could be modified.

Mrs. Lopko and Mr. Brian Hulbert presented statements in clarification of the issue. This zoning map amendment application cannot be modified by the Planning Commission.

Mrs. Lopko and Chairman Quick discussed the Town's approval process for manufactured

homes. Mr. Chester Williams also presented comments regarding the approval process for manufactured homes.

At the completion of the discussion, Chairman Quick requested that a vote be taken on the motion made by Commissioner Lennox and seconded by Commissioner Hughes. The vote **passed** with a vote of 6-2-0. Chairman Quick and Commissioner Ennis were opposed to the motion.

Chairman Quick stated that she is opposed to the motion because increasing the density in this location is not a good idea based on the location of the airport. There are real safety concerns with increasing the consequences of the risk. Commissioner Ennis stated that he agrees with these concerns. The application is fundamentally not a good idea and is inconsistent with several elements of the Comprehensive Plan.

Mrs. Lopko stated that this application will be reviewed by the Planning & Development Standards Committee this afternoon at 3:00p.m.

- b. **LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise Section 16-4-1305 to remove the standard that auto sales are not permitted on sites within 1,500 feet of an existing residential use. Chairman Quick introduced the application and requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that the Planning Commission forward the proposed amendment to Town Council with a recommendation of approval.

At the LMO Committee meeting on September 9, 2013 the Committee recommended 2-1 to forward the amendment to the Planning Commission with a recommendation of approval.

The staff recommends amending LMO Section 16-4-1305, Auto Sales, to remove the standard that sites where vehicles are sold cannot be located within 1,500 feet of an existing residential use. This amendment will allow new development and redevelopment of sites in the Commercial Center (CC) and Light Industrial (IL) Zoning Districts for a relatively benign retail use.

On August 6, 2013, Town Council approved Resolution #2013-15 which directed the staff to pursue an amendment to the LMO to eliminate the distance requirements between an auto sales site and an existing residential use.

This amendment was prompted by a discussion with a property owner whose tenant, an auto repair shop, wants to also sell vehicles but cannot due to the site's proximity to Hilton Head Plantation. The property owner brought to our attention that auto repair and auto sales uses are complementary uses that are frequently offered by the same business. It makes sense to allow some flexibility in Auto Sales use standards so that Auto Sales can be offered along with Auto Repair on appropriate sites. Ms. Cyran reviewed the use table with the Planning Commission.

Ms. Cyran reviewed several large overhead maps showing the one existing location of auto sales as well as the potential locations for auto sales use. Ms. Cyran and the Planning Commission reviewed a couple of examples of a reduced requirement 500-ft. and 200-ft. from

a residential use. The staff recommended the complete elimination of the distance requirement from residential use because they could not see any advantages to keeping a separation requirement because of other standards and conditions that are already in place.

LMO Committee Chairman Brian Witmer thanked Ms. Cyran for her assistance in clarifying several issues related to the proposed amendments. Commissioner Carstens inquired about the amendments impact on the LMO rewrite that is currently underway. Ms. Cyran and Ms. Teri Lewis presented statements on this issue. Any amendments that are approved at this time will be included in the new LMO. Ms. Lewis stated that the LMO Rewrite Committee did recommend that all of the conditions related to auto sales be deleted. That recommendation has not gone beyond the LMO Rewrite Committee level. Following this discussion, Chairman Quick invited discussion by the Planning Commission.

The Planning Commission discussed the amendments. Chairman Quick stated that she would like to see some distance separation for auto sales from residential. Chairman Quick stated she is a little concerned about 125 possible locations for auto sales. Following final comments by the Planning Commission, Chairman Quick requested that a motion be made.

Commissioner Witmer made a motion to **approve** the LMO amendments with the condition that a 200-foot separation requirement is included. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote of 8-0-0.

Ms. Cyran stated that the LMO amendments will be reviewed by the Planning & Development Standards Committee this afternoon at 3:00p.m.

c. **CIP Presentation**

Chairman Quick requested introductory comments from Commissioner Lennox who is Chairman of the CIP Committee. Commissioner Lennox presented brief opening comments and then requested that Mr. Scott Liggett make his CIP presentation.

Mr. Liggett made the CIP presentation on behalf of staff. Mr. Liggett presented an overview of the proposed 2015 CIP. Mr. Liggett discussed the following items with the Planning Commission:

Fiscal Year 2015 – Proposed Priority Projects

A. **Pathways**

Pathway Rehabilitation

- US 278 – B (William Hilton Parkway) Fresh Market Shoppes to Shelter Cove/Chaplin – construction
- US 278 – B (William Hilton Parkway) Shelter Cove/Chaplin to Mathews Drive-north – FY 14 funding for design permitting, legal
- US 278-B (Gardner Drive to Jarvis Park / Honey Horn) – FY 14 funding for design, permitting, legal
- US 278 (westbound between Gum Tree Road to Squire Pope Road) - legal
- US 278-B (Village at Wexford to Arrow Road) – construction
- US 278-B (Jarvis Park/Honey Horn to Graves Bridge) – design, legal

B. **Roadway Improvements**

- Traffic Signal Mast Arms
 1. WHP @ Spanish Wells Road
- Private Dirt Roads Acquisition
- Mathews Drive / Marshland Road Roundabout
- Mathews Drive / Chaplin Area Connectivity
- Wm. Hilton Parkway Intersection Improvements at Squire Pope Road
- Lemoyne Road Reconstruction and Extension

C. Park Development

- Town Parks Upgrades
 1. Driessen Beach Park – small picnic shelter
 2. Veteran’s Memorial Park – benches, pergolas, site furnishings
 3. Crossings Park – picnic shelters (meadow area)
- Shelter Cove Community Park
- Island Recreation Center Enhancements – TBD, pending direction from Council
- Yacht Cove Community Park
- Ford Shell Ring Park

D. Existing Facilities & Infrastructure

- Rehabilitation and Renovation of Fixed Capital Assets
- Clean-up, safety and demolition of structures on Town Property /Unsafe structures ordinance demolition
- Town Hall Office Space Reconfiguration
- Fire Station #2 Replacement
- Fire/Rescue Training Center Enhancements

E. New Facilities

- Coligny Area Improvements
- Sewer Service Projects

F. Beach Maintenance

- Beach Management and Monitoring
- Island-wide Beach Renourishment

Chairman Quick thanked Mr. Liggett for his presentation. Following brief discussion by the Planning Commission, Chairman Quick requested that a motion be made.

Commissioner Lennox made a **motion** to forward the CIP presentation to Town Council with a recommendation of **approval**. Commissioner Ennis **seconded** the motion and the motion **passed** with a vote of 8-0-0.

11. Commission Business

Chairman Quick stated that Town Council will review the Coligny project on November 12, 2013 at 5:00p.m in Council Chambers.

Chairman Quick requested that Mr. Shawn Colin present the Planning Commission with an up-to-date report on the status of the Coligny project. Mr. Colin will provide the Planning Commission with the report on November 20, 2013.

12. Staff Reports

a) Mrs. Lopko presented an update on the status of street addresses for Shelter Cove Lane (STRNM13006).

b) Ms. Teri Lewis presented an update on the status of the LMO Rewrite. The first set of chapters will undergo a public hearing by the Planning Commission on December 4, 2013.

13. Adjournment

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

Submitted By:

Approved By:

November 20, 2013

Kathleen Carlin
Secretary

Gail Quick
Chairman