

TOWN OF HILTON HEAD ISLAND
Regular Planning Commission
Wednesday, June 19, 2013 Meeting **APPROVED**
3:00p.m – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Gail Quick, Vice Chairman Tom Lennox, Alex Brown, David Bennett, Jack Docherty, Terry Ennis, Bryan Hughes, Barry Taylor, and Brian Witmer

Commissioners Absent: None

Town Council Present: Mayor Pro Tem Bill Harkins and John McCann

Town Staff Present: Anne Cyran, Senior Planner
Jayme Lopko, Senior Planner and Planning Commission Coordinator
Randy Lindstrom, Administrative Battalion Chief
Charles Cousins, Director, Community Development Department
Kathleen Carlin, Secretary

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Presentation of Crystal Award to outgoing Planning Commissioner, Jack Docherty**
Mayor Pro Tem Bill Harkins presented the Town’s Crystal Award to outgoing Planning Commissioner, Mr. Jack Docherty. Mayor Pro Tem Harkins presented statements in appreciation of Mr. Docherty’s service to the Planning Commission on behalf of Town Council. A Farewell Reception was held for Mr. Docherty in Council Chambers following the meeting.
- 5. 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 the Town of Hilton Head Island requirements.
- 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 June 5, 2013 meeting as presented by general consent.
- 8. Appearance by Citizens on Items Unrelated to Today’s Agenda**
None
- 9. Chairman’s Introduction to the Planning Commission’s Meeting Procedures**
- 10. Unfinished Business**

None

11. New Business

Public Hearing

STRNM130002: The Town of Hilton Head Island has applied to modify the name of Mall Boulevard. The proposed name is Shelter Cove Lane. The properties affected are identified as Parcels 23, 26, and 30 on Beaufort County Tax Map 12. Chairman Quick introduced the application and opened the public hearing. Chairman Quick then requested that staff make their presentation.

Mr. Randy Lindstrom made the presentation on behalf of staff. Staff recommended that the Planning Commission *approve* the Shelter Cove Lane modified street name application based on the review criterion outlined in the Land Management Ordinance and contained in the staff's report.

The Town of Hilton Head Island has applied to change the name of Mall Boulevard to Shelter Cove Lane. Mall Boulevard is a short section of road leading into Shelter Cove Lane. With the design of the new mall and Community Park, the road layout of Shelter Cove Lane is shifting towards Mall Boulevard. This will become a through street with the existing Shelter Cove Lane. Mr. Lindstrom reviewed the application's Findings of Fact and Conclusions of Law.

At the completion of staff's presentation, Chairman Quick requested public comments and none were received. Chairman Quick then stated that the public hearing for this application closed.

The Planning Commission discussed the application including the criterion contained in the staff's report. At the completion of the discussion, Chairman Quick requested that a motion be made.

Commissioner Brown made a **motion** that the Planning Commission **approves** application STRNM130002 as presented by staff based on the Findings of Fact and Conclusions of Law contained in the staff's report. Commissioner Ennis **seconded** the motion and the motion **passed** with a vote of 9-0-0.

**Commissioner Jack Docherty recused himself from review of the following application, ZMA130004, due to a personal conflict of interest. A Conflict of Interest Form was completed, signed and attached to the official record.*

Public Hearing

ZMA130004: A request from Noreen McMullin on behalf of Stewart Collins proposing to amend the Official Zoning Map by amending the allowed uses of the properties located at 421, 425 and 427 Squire Pope Road to add Water-Oriented Embarkation Facilities, Watercraft Rentals and Other Water-Oriented Uses. The properties are further identified on Beaufort County Tax Map 3 as Parcels 127, 128 and 089A. Chairman Quick introduced the application and opened the public hearing. Chairman Quick then requested that the staff make their presentation.

Ms. Anne Cyran 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 serves 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 contained in the staff's report. Ms. Cyran presented an in-depth overhead review of the application including an aerial photo of the vicinity and an aerial photo of Salty Fare. Ms. Cyran also presented statements regarding public comments.

Salty Fare serves as an embarkation point for Daufuskie Island ferries and private chartered tours and provides office and retail space for a variety of businesses. Mr. Collins purchased the parcels in 2007 from the Bloody Point Group. In April 2013, Mr. Collins discussed with Town staff increasing the number of uses permitted on the waterfront parcels to allow a wider range of water-oriented services. He submitted this application in early May 2013.

The uses allowed on these parcels are all Commercial Uses measured in square feet listed in LMO Sec. 16-4-1204, Use Table, except for those uses listed in LMO Sec. 16-4-209.E. The current uses operating on site are offices, an art gallery, ferry service, kayak and paddleboard rentals, charter fishing, boat tours and jet ski rental.

The proposed uses are all currently occurring on the site, but they are considered legally non-conforming. A water-oriented embarkation facility has operated on the site since 1988. More recently a business license was issued in error to allow a business to operate boat tours and offer jet ski rentals.

If this application is approved, all legally non-conforming uses on the site will become conforming uses. Aside from bringing the site into compliance with the Land Management Ordinance, this change will allow multiple businesses to obtain licenses to offer Watercraft Rental and Other Water-Oriented Uses. Currently only one business has a business license to offer Watercraft Rental and Other Water-Oriented Uses.

Commissioner Bennett, Commissioner Ennis and Ms. Cyran discussed the reason for the legally non-conforming use. Ms. Cyran stated that a business license was issued by the Town in error earlier this year. Mr. Charles Cousins presented statements with regard to this issue. Mr. Cousins stated that the fact that a business license was issued in error by the Town has no bearing on the Planning Commission's decision on the application. The Planning Commission should base their decision on the Comprehensive Plan and the Land Management Ordinance. In conclusion, Ms. Cyran reviewed the staff's Findings of Fact and Conclusions of Law.

Following the staff's presentation, Chairman Quick requested that the applicant make his presentation.

Mr. Stewart (Kitt) Collins, property owner, presented brief statements in support of the application. Mr. Collins stated that he has read all of the correspondence received from the public. Mr. Collins acknowledged the public's concern and interest in knowing more about the uses for the site. Mr. Collins stated that he would like to extend an invitation to the public (particularly to his neighbors) to visit with him on site at Salty Fare. Mr. Collins stated that he would like to give a demonstration of the uses at Salty Fare, particularly the use of jet skis. Mr. Collins stated that he is interested in eco-tourism and in being a good

neighbor. Mr. Collins stated that he would like to work with the community so that everyone has a better understanding.

Mr. Collins suggested that the Planning Commission allow him an opportunity to meet with his neighbors on site at Salty Fare before they take action on this application.

Chairman Quick stated that she appreciates the applicant's willingness to work with the community and the Planning Commission. The Planning Commission supports the best possible use of the Salty Fare property.

Chairman Quick stated that she supports the applicant's request to postpone action by the Planning Commission until the applicant is able to meet with the public on site at Salty Fare. The Planning Commission agreed that having additional information would be helpful. Chairman Quick recommended that Mr. Collins meet with Mr. Peter Kristian, General Manager, Hilton Head Plantation POA, to work out the details for a community visit.

Following this discussion, Chairman Quick requested that a motion be made to continue the Planning Commission's discussion to the August 7, 2013 meeting. Prior to a motion being made, Mr. Cousins requested clarification with regard to the issue of attendance at the site (is the Planning Commission also invited). Chairman Quick stated that she would like to have the Planning Commission present if possible. Mr. Cousins stated that the applicant can meet with the public outside of a public meeting. If the Planning Commission wishes to attend, they would have to continue this public meeting. The Planning Commission would need to announce at this meeting the date and time of their visit to the site. Chairman Quick responded that it is not important that the Planning Commission attend the meeting. It is most important that the applicant meet with the community on site to resolve any concerns.

Mr. Cousins stated that the Planning Commission will still have to continue the public meeting. We will need to have a new public notice for a new public hearing. Mr. Cousins stated that it will be best to have a public notice for the continuation to make sure that everyone is aware. The Planning Commission can announce today when the issue will be taken up again (without having to do a new 30-day notice).

Chairman Quick requested to set the date for the continued discussion to August 7, 2013. Chairman Quick then requested that a motion be made to continue this discussion to the August 7, 2013 meeting.

Commissioner Taylor made the **motion** to continue this discussion to the August 7, 2013 meeting. Commissioner Witmer **seconded** the motion and the motion **passed** with a vote of 8-0-0.

12. **Commission Business**

Report from the Nominating Committee: Mr. Ennis presented the report on behalf of the committee. The Nominating Committee recommended the nomination of Ms. Gail Quick to serve as Chairman for the new term, July 1, 2013 to June 30, 2014.

The Nominating Committee further recommended that Mr. David Bennett serve as Vice Chairman for the new term, July 1, 2013 – June 30, 2014. Ms. Quick accepted the nomination to serve as Chairman for the new term and Mr. Bennett accepted the nomination to serve as Vice Chairman for the new term.

Mr. Docherty made the **motion** for Chairman and Vice Chairman as recommended by the Nominating Committee. Mr. Brown **seconded** the motion and the motion **passed** with a vote of 9-0-0.

The Nominating Committee then recommended that Ms. Kathleen Carlin serve as Secretary for the term, July 1, 2013 – June 30, 2014. Vice Chairman Lennox made the **motion** as recommended by the Nominating Committee. Mr. Ennis **seconded** the motion and the motion **passed** with a vote of 9-0-0.

13. Chairman's Report

None

14. Committee Reports

None

15. Staff Reports

Mrs. Jayme Lopko presented the Quarterly Report on behalf of staff.

16. Adjournment

The meeting was adjourned at 4:00p.m.

Submitted By:

Approved By:

July 17, 2013

Kathleen Carlin
Secretary

Gail Quick
Chairman