

**TOWN OF HILTON HEAD ISLAND**  
**Planning and Development Standards Committee**  
**Minutes of the Wednesday, August 28, 2013 Meeting**  
**4:00pm – Benjamin M. Racusin Council Chambers**

**APPROVED**

Committee Members Present: Chairman John McCann, Bill Harkins and George Williams

Committee Members Absent: None

Council Members Present: None

Town Staff Present: Heather Colin, Development Review Administrator  
Teri Lewis, LMO Official  
Jill Foster, Deputy Director, Community Development Department  
Charles Cousins, Director, Community Development Department  
Shawn Colin, Deputy Director, Community Development Department  
Eileen Wilson, Senior Administrative Assistant

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**1. Call to Order**

Chairman McCann called the meeting to order at 4:00p.m.

**2. 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.

**3. Approval of Minutes**

Mr. Williams made a **motion** to **approve** the June 26, 2013 meeting minutes as presented. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

**4. Unfinished Business**

None

**5. New Business**

**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 and Other Water-Oriented Uses. The properties are further identified on Beaufort County Tax Map 3 as Parcels 127, 128 and 089A.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran stated the Planning Commission met on June 19, 2013 and on August 7, 2013 to review ZMA130004 and after a public hearing, voted 6-1-0 to forward the application to Town Council with a recommendation of *approval*, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance.

The staff recommends that the Planning & Development Standards Committee forward the application to Town Council with a recommendation of *approval*.

Ms. Cyran stated the 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. Water-oriented tours operate from the site.

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 proposed uses are currently occurring on the site, but they are considered legally non-conforming. If this application is approved, all legally non-conforming uses on the site will become conforming uses.

The application initially included Watercraft Rental as a proposed use, but after the June 19, 2013 Planning Commission public hearing, the property owner withdrew that use from the rezoning request. Following the staff's presentation, Chairman McCann requested that the applicant make his presentation.

Mr. Michael Moy, business owner, presented statements in support of the application. Mr. Moy and Chairman McCann discussed details regarding the on-site advertising for the rental of jet skis. Chairman McCann stated his concern that the on-site advertising gives the impression that the jet skis may be rented for private use rather than by guided tour only. Chairman McCann requested that the applicant review the on-site advertising to make sure that 'guided tours only' is clearly stated. Mr. Moy stated that he will review the business's on-site advertising for clarity.

Mr. George Williams and Mr. Moy discussed the specific locations for the guided tours. Mr. Harkins asked Mr. Moy if he felt there are any adverse effects on the neighborhood due to the noise from jet skis. Mr. Moy stated that he does not believe there are any adverse effects of noise to the community related to the use of jet skis.

Mr. Stewart Kittredge Collins, property owner, presented statements in support of the application. Mr. Collins discussed several issues with the committee including his efforts to work with the community.

Mr. George Williams and the staff discussed one or two examples of by-right commercial uses that are allowed on the property. Following this discussion, Chairman McCann requested comments from the public. The following residents of the Cypress Community presented statements in opposition to application ZMA130004:

(1) Mr. H. F. Tomfohrde; (2) Mrs. Marilyn Eitel; (3) Mrs. Barbara Smith; (4) Mr. Mark Ponterarie, managing partner of The Cypress Company, presented statements in opposition to the zoning map amendment application; (5) Mrs. Sandra Willis; (6) Mrs. Judith Tomfohrde.

All of the public comments were in opposition to the application based on concerns with noise from jet ski use and safety concerns associated with jet ski use.

Curtis Coltrane, Esq., The Cypress Community's legal representative, also presented statements in opposition to the application. Mr. Coltrane stated that the staff report and the recommendation for application ZMA130004 are founded on material errors of law and fact. Mr. Coltrane presented legal statements with regard to the allowed non-conforming uses. Mr. Coltrane stated that the application is in violation of the Land Management Ordinance.

Additional public comments in opposition to the application were presented by: (1) Mr. Howard Davis, Jr., realtor; and (2) Mr. Peter Kristian, General Manger, Hilton Head Island Plantation, POA. These speakers requested that the application be denied for reasons of the open-ended nature of the request and unintended consequences down the road.

Mr. Kittredge Collins, property owner, presented additional statements in support of the application and in response to the concerns presented by the Cypress Community. Following final public comments, Chairman McCann invited discussion by the committee.

Mr. George Williams presented statements in concern of the open-ended nature of the application and unintended consequences. Mr. Williams stated that it is difficult to support the zoning change as proposed today.

Mr. Harkins agreed with Mr. Williams' statements. Mr. Harkins stated concern with the harm caused to a large number of residents for the benefit of a few. The potential risk due to the broad use of language is too great.

Chairman McCann stated that he agrees with the concerns voiced by his fellow councilmen, Mr. Williams and Mr. Harkins. Following final comments by the committee, Chairman McCann requested that a motion be made.

Mr. Harkins made a **motion to deny** application for Zoning Map Amendment ZMA130004 based on the committee's concerns with the negative impact to the community and the open-ended nature of the application. Mr. Williams **seconded** the motion and the motion **passed** with a vote of 3-0-0.

**6. Committee Business**

None

**7. Adjournment**

The meeting was adjourned at 5:15 p.m.

Submitted By:

Approved By:

November 6, 2013

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Eileen Wilson,  
Sr. Administrative Assistant &  
Kathleen Carlin,  
Administrative Assistant

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John McCann  
Chairman