

TOWN OF HILTON HEAD ISLAND
Planning Commission Meeting
Wednesday, June 4, 2014
9:00a.m – Benjamin M. Racusin Council Chambers

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

Commissioners Absent: Brian Witmer

Town Council Present: Bill Harkins, Kim Likins and John McCann

Town Staff Present: Teri Lewis, LMO Official
Curtis Coltrane, Esq., Town Attorney
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Brian Hulbert, Staff Attorney
Charles Cousins, Director Community Development
Shawn Colin, Deputy Director Community Development
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. Approval of Agenda

The agenda was **approved** as presented by general consent.

6. Approval of Minutes

The Planning Commission **approved** the minutes of the Special Meeting held on April 23, 2014 as submitted by general consent. The Planning Commission also **approved** the minutes of the regular May 21, 2014 meeting as submitted by general consent.

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

a) Mr. Jim Collett, Chairman of the Telecommunications Taskforce, presented statements in concern of the proposed draft LMO language for cell towers. Mr. Collett stated that the proposed language does not include some of the previously agreed upon improvements to the permitting process for cell towers.

Chairman Quick requested that this item be placed under Unfinished Business on the June 18, 2014 agenda.

b) Mr. John Lane, business owner of Reilly's Wine & Spirits, presented statements in concern of the proposed draft LMO language regarding the potential loss of separation requirements for liquor stores. Mr. Lane encouraged the Planning Commission to retain the existing separation requirements for liquor stores.

- c) Mr. David Martin, business owner of Piggly Wiggly, presented statements in concern of the need to improve beach parking in the Coligny area. Mr. Martin encouraged the Town to take quick action to improve beach parking.
- d) Mr. Philip Johnson, business owner of Park Plaza Wine & Liquor, presented statements in concern of the proposed draft LMO language regarding the potential loss of separation requirements for liquor stores.
- e) Ms. Dot Law, Chaplin POA representative, presented statements in concern of the potential changes to the LMO regarding minimum acreage requirements for the subdivision of land owned by members of the native island community.
- f) Mr. Bill Eisenman – Edgewater Homeowners Association, presented statements in concern of several issues including the community’s WMU classification and proposed changes in density requirements.
- g) Ms. Deborah Urato, resident and business owner, presented statements in concern of inadequate parking conditions at Coligny and unsafe walking conditions for pedestrians on Lagoon Road.

8. Unfinished Business

Chairman Quick requested that staff add a status update for Coligny Area Improvements to Unfinished Business until the Coligny project is finished.

**9. New Business
Public Hearing**

- a) Repeal of existing Land Management Ordinance and Adoption of a new Land Management Ordinance as part of Title 16 of the Municipal Code.
- b) Repeal of existing Official Zoning Map and Adoption of a new Official Zoning Map as part of Title 16 of the Municipal Code.
- c) Amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project.

Chairman Quick introduced the business items and opened the public hearing. Chairman Quick requested that Mr. Jim Gant, LMO Rewrite Committee, and Curtis Coltrane, Esq., make their presentations.

Mr. Gant presented brief comments regarding the history and intent of the LMO Rewrite Committee. Town Council adopted a resolution in March 2011 to appoint the committee to lead the effort to rewrite the Land Management Ordinance. The LMO Rewrite Committee, working with the staff, a consultant and numerous experts has created a document that is easier to read and enables redevelopment while still holding true to the values and characteristics of Hilton Head Island.

Mr. Gant stated that since the proposed changes to Chapters 1 and 2 are more legal in nature, Curtis Coltrane, Esq., will present those changes. Mr. Coltrane reviewed the proposed changes to Chapters 1 and 2. All revisions are in compliance with the State Enabling Act.

Mr. Coltrane stated that the Planning Commission is asked to take the following actions following the public hearing: (1) Recommend to Town Council the repeal of the existing Land Management Ordinance document with the exception of Chapter 5, which relates to impact fees; (2) Concurrent with the recommendation to repeal the old LMO, the Planning Commission will recommend adoption of the new LMO; (3) Amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project and (4) to accept or reject the proposed changes to the Zoning Map.

Mr. Coltrane stated that adoption of the new LMO is scheduled to occur by second reading by Town Council sometime in August 2014. The Planning Commission's public review of the new LMO will continue to the June 18, 2014 meeting. This completed Mr. Coltrane's presentation on Chapters 1 and 2.

Mr. Jim Gant then reviewed the proposed changes to Chapters 3 – 10. Mr. Gant combined his review of Chapters 3 and 4. The new LMO is easier to read and easier to understand. Several improvements in clarity of the document have been made including the addition of more graphics and tables. Mr. Gant briefly reviewed the changes to Development Review Procedures, Conditions, and Uses. Zoning has to be a balance between community vision and the rights of property owners.

Mr. Gant stated that the only change to Chapter 5, Article XVIII (Impact Fees) is to re-number it in conjunction with the Land Management Ordinance Rewrite project. Mr. Gant reviewed the proposed changes to Chapter 5 (Design Standards) and to Chapter 6 (Natural Resources). Mr. Gant stated that there are no substantive changes to Chapter 7, Chapter 8 or Chapter 9. Changes to these chapters are minimal, if any.

Mr. Gant reviewed the proposed changes to Chapter 10 (definitions of some important terms as well as the Appendices.) Mr. Gant reviewed the proposed changes to the new Zoning Map, which includes all of the proposed changes to the LMO. This completed Mr. Gant's presentation to the Planning Commission.

The Planning Commission complimented Mr. Gant on the clarity of his presentation as well as proposed changes. Chairman Quick stated that the public hearing will continue to the June 18, 2014 meeting.

Chairman Quick expressed her appreciation to Mr. Jim Gant for his valuable contributions to the LMO Rewrite Committee. Chairman Quick also recognized the LMO Rewrite Committee members present at today's meeting: Chairman Tom Crews, Mr. David Ames, Mr. David Bachelder, Mr. Chris Darnell, and Councilman Kim Likins. Chairman Quick then requested public comments and the following were received:

(a) Mr. David White presented statements regarding the zoning of single-family property owned by native islanders; (b) Ms. Dot Law, Chaplin POA, presented statements in concern of potential changes to density requirements for single family compounds. Mr. Gant stated that the committee was not able to find a solution to the challenges facing the subdivision and development of single-family properties in native islander communities. The committee is still investigating potential solutions; (c) Mr. Bill Eisenman presented comments in concern of the review process for timeshares; (d) Mr. Richard Pattisall, presented statements regarding the issue of permits for cell towers; (e) Chester C.

Williams, Esq., presented general statements regarding the LMO including native island family compounds; (h) Thomas Barnwell, Jr., presented comments regarding the challenges facing the redevelopment of Ward One.

Commissioner Brown recommended that Ward One be included in the Initiative Areas. Ms. Quick asked that Mr. Brown bring this item up at the June 18, 2014 meeting. Commissioner Brown agreed. Following final comments by the Planning Commission, Chairman Quick stated that the public hearing for the draft LMO will remain open until the June 18, 2014 meeting.

d) Rules of Procedure – Commissioner Hughes presented comments on behalf of the Rules of Procedure Committee. The Rules of Procedure Committee met recently to review the current rules of procedure. Attendees included Mrs. Jayme Lopko and Mr. Brian Hulbert, staff attorney. The committee discussed several issues including the Planning Commission's receipt of supplemental materials for business items on the agenda. The Planning Commission discussed the distinction between Public Hearings and Appeals as related to the timely receipt of additional or supplemental materials.

Mr. Hughes stated that new language is proposed for the hearing of an Appeal. The new language mirrors that in the BZA's Rules of Procedure. The required deadline is four business days prior to the meeting date. The Planning Commission can take a vote whether or not to consider the new information. Based on the amount of new material received, the Planning Commission may consider postponing their review of an application. Following discussion by the Planning Commission, Chairman Quick requested public comments and the following were received:

(a) Chester Williams, Esq., presented statements in concern of the proposed deadline for receipt of supplemental materials at a public hearing. Additional materials should be able to be submitted to the board up to and including the public hearing date. Mr. Williams stated that Applications for Appeals should have a cutoff date for the submission of supplemental materials.

Brian Hulbert, staff attorney, presented statements on behalf of staff. The Planning Commission can receive supplemental materials for a public hearing. The Planning Commission can consider and accept the additional materials for a public hearing. However, if the amount of new information is voluminous and too much to consider within a short timeframe, the Planning Commission may decide that it would be better to continue the review of an application.

The Planning Commission discussed the issue and recommended that the Rules of Procedure Committee meet once again prior to the June 18, 2014 meeting. The Planning Commission will consider the committee's recommendation and will vote on the proposed changes on June 18, 2014. The staff will add this item under Unfinished Business on the June 18th agenda. Following their discussion, Chairman Quick requested public comments and the following were received:

(a) Chester Williams, Esq. presented statements in support of the Planning Commission being required to accept supplemental materials up to and including the date of a public hearing; (b) Mr. Herbert Ford, citizen, presented statements in support of the comments just presented by Mr. Chester Williams regarding the submission of supplemental materials.

10. Commission Business

(a) Appointment of a Nominating Committee for the election of Officers

Chairman Quick stated that the following Planning Commissioners are appointed to the Nominating Committee: Commissioner Lennox (Chairman), Commissioner Taylor, Commissioner Ennis and Chairman Quick. Chairman Quick requested that a motion be made to confirm the appointment of the Nominating Committee.

Vice Chairman Bennett made the **motion** to appoint the Nominating Committee as stated by Chairman Quick. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote of 8-0-0.

(b) Staff update on the Coligny Project

Commissioner Ennis requested that the staff present an update on the Coligny Project. Mr. Shawn Colin presented the update on behalf of staff.

Chairman Quick and other Planning Commissioners stressed the need to move quickly with the interim improvements (particularly parking improvements at Coligny Beach). Charles Cousins presented statements in clarification of the process and procedure for moving forward to the Town Manager and Town Council.

Chairman Quick suggested securing some volunteers to advise the public of additional parking opportunities, particularly on busy weekends. Brian Hulbert, Esq., presented comments in concern of potential liability to the Town.

11. Chairman's Report

Chairman Quick stated that the following will be sworn in as new Planning Commissioners on July 2, 2014: Mr. Jim Gant, Mr. Peter Kristian, Mrs. Carolyn McVitty and Mr. Todd Theodore. Mr. Brian Witmer will be leaving the Planning Commission as of June 30th to join the Design Review Board. Mr. Witmer will be sworn in as a new member of the DRB in July.

12. Committee Reports

None

13. Staff Reports

None

14. Adjournment

There being no further business, the meeting was adjourned at 11:30a.m.

Submitted By:

Approved By:

June 18, 2014

Kathleen Carlin
Secretary

Gail Quick
Chairman