



The Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
July 21, 2011
1:00 p.m.
Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 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 the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes** – July 14th meeting
- 5. New Business**
 - A. Review and discussion of issues related to the Town Council charter bullets
 - B. Open Session for committee discussion on Goals, Concepts, Concerns and other broad scope thoughts.
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

THE TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

July 14, 2011 Minutes

1:00p.m. – Benjamin M. Racusin Council Chambers

DRAFT

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

Committee Members Absent: David Bachelder and Walter Nester

Planning Commissioners Present: Loretta Warden

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Shawn Colin, Comprehensive Planning Division Manager
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Crews called the meeting to order at 1:00 p.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 agenda was approved as presented by general consent.

4) APPROVAL OF THE MINUTES

The minutes of the July 7th meeting were approved as presented by general consent.

5) NEW BUSINESS

Review and discussion of issues related to the Town Council charter bullets:

Chairman Crews stated that the committee and the staff will review and discuss the six directives that were given to the committee by Town Council.

Also, based on their review of LMO Chapters 1 - 10, the committee will discuss comments, thoughts and suggestions with the goal of creating a matrix to align with the charges received from Town Council. The committee will also work to create one or more 'buckets' based on this information.

Chairman Crews stated that Mr. Jim Gant will make a brief presentation on his summation of the issues and discussion up to this point. Mr. Shawn Colin will then lead the committee through a more structured Power Point presentation with regard to the six directives from Town Council.

Prior to these presentations being made, Vice Chairman Gail Quick and Mr. David Ames presented comments on an upcoming event. Clemson has partnered with Design Works in the creation of week-long charettes with other communities. The Clemson/Design Team is planning to visit Hilton Head Island sometime in mid-August. Further details are unknown at this time.

With regard to next steps, Mr. Gant stated that the committee needs to review their list of issues and the notes that have accumulated up to this point. Two categories should result: *Issues and Ideas for Solutions*. It will be important for the committee to first define the problem and then match it to the list of directives from Town Council. A list of criteria needed for the solution should be considered. This information would be very helpful to a consultant later on.

The committee discussed several issues with staff including the problem of dealing with State agencies. The committee and the staff also discussed the importance of encouraging input from certain developers. It will be important for developers to include specifics on issues that may be beyond the LMO.

The committee also discussed the issue of 'policy versus change to the ordinance'. The policy should be broad enough to use guidelines. Consequences and impacts need to be considered. The committee discussed the definition of a 'problem statement'. Ms. Jill Foster stated that the committee can formulate their own definition of a problem statement based on what they are trying to do. The committee agreed with this idea.

Following this discussion, Chairman Crews requested that Mr. Shawn Colin make his (*attached*) Power Point Presentation. Mr. Colin presented statements regarding Town Council Directive # 1, *Development Application review & permitting Processes and Procedures*; Directive # 2, *Design Standards*, Directive # 3, *Identify and Prioritize Revitalization and Investment Zones*; Directive # 4, *Zoning Districts*, Directive # 5, *PD-1's*, Directive # 6, *Nonconformities*.

“Develop a customer friendly, comprehensive code that minimizes regulatory barriers for development, identifies areas to focus investment and areas to be protected, allows for markets to influence development, provides flexibility to balance private property interests with the greater good of the community.”

The committee thanked Mr. Gant and Mr. Colin for their presentations. Chairman Crews requested that Mr. Colin and Mr. Gant meet to combine their lists into one main list. The combined list will be provided to the committee for their review.

Following final comments by Chairman Crews, the meeting was adjourned at 3:00p.m.

Submitted by:

Approved by:

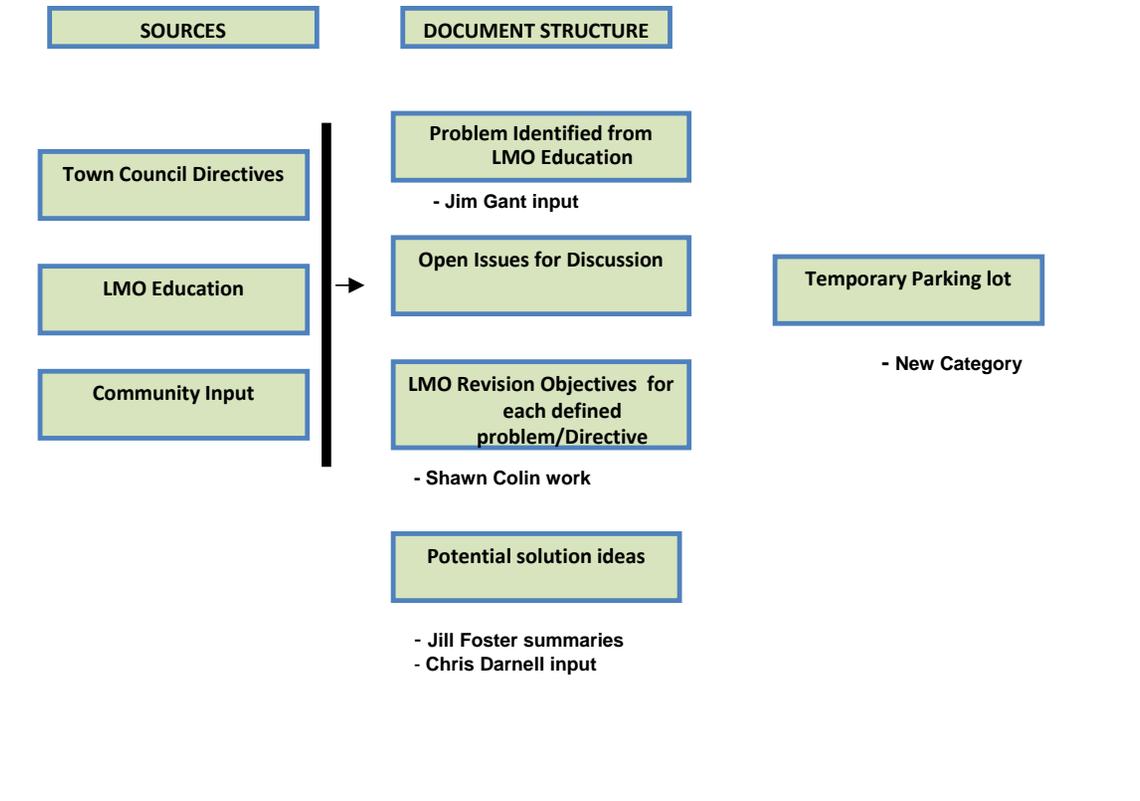
Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

DRAFT

LMO Committee Working Notes

The drawing below identifies the sources of input (to date) for this work, and the structure of the following notes. It is a rough working document combining several document inputs as indicated



Town Council Directives

- Address development application review and permitting processes
 - Eliminate unnecessary processes and procedures
 - Eliminate unnecessary submittal requirements
 - Conform notice requirements to State Code
 - Review criteria for special exceptions/variances and rezoning. Make them flexible and easy to understand
- Address Zoning Districts
 - Review recent rezoning requests
 - Evaluate current and future market trends
 - Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests
- Address Design standards
 - Develop specific design standards for selected zoning districts.
 - Review non-district specific design standards & natural resource standards.
 - Eliminate outdated requirements, create flexibility where appropriate
- Address administrative waivers
 - Develop process to allow more waivers at staff level
- Address nonconformities
 - Evaluate policy on nonconformities
 - Develop framework to facilitate improvement of existing nonconforming sites
- Address PD-1's
 - Evaluate the use of master plans for zoning purposes
 - Consider more broad designations of allowed uses & densities
 - Develop a framework to establish consistent development regulations for all PUDs
 - Evaluate the current 'use it or lose it' clause and determine appropriate applications
- Identify and prioritize revitalization and investment zones
 - The Coligny area and Shelter Cove Mall are already identified by Town Council, Comprehensive Plan and Mayor's Task Force as top priority investment areas.
 - Existing TIF district has prioritized areas.
 - Other suitable areas should be identified and prioritized

Potential Statements of Problems/Issues from LMO Review

1. The current structure of the LMO is not easy to follow and procedures not clear and often too complicated, causing increased costs and delays in approvals. The requirement to seek approval from multiple Boards also increases costs and extends approval times.
2. The combination of too many zoning districts each with specific uses that are in some cases too narrow, complicated and hinders redevelopment of existing non-conforming properties
3. Design standards (????????)
4. Natural Resources:
 1. Wetlands regulations have grown more difficult to meet due to the COE identifying all HHI water bodies to be critical areas which then requires compliance with LMO buffer requirements. E.g. golf course ponds, loss of water views due to woody vegetation
 2. Tree protection has been very successful resulting in some case of overgrowth.
 3. Regulations or interpretations beyond the statements in the LMO by tree administrator create complex costly impediments to redevelopment
 4. Dunes protection requirements are not clear and at times appear to conflict with SC regulations
5. The requirement to address all non-conformities and be in substantial compliance when any change is contemplated makes it very difficult and/or financially unattractive for an owner to redevelop a non-conforming property.
6. There is a growing inventory of unutilized office space with no apparent need for offices and difficulty under current zoning to re-purpose and re-develop. As a result we have a growing population of buildings that will deteriorate over time and impact both the business climate and appearance of the island
7. The lack of sewers, title issues relating to heirs property , buffer requirements and lack of understanding of actual LMO requirements are preventing development of Ward 1 properties (may be beyond scope of LMO Rewrite Committee

1. Problem Statement

The current structure of the LMO is not easy to follow and procedures not clear and often too complicated, causing increased costs and delays in approvals. The requirement to seek approval from multiple Boards also increases costs and extends approval times

Council Directive

- Address development application review and permitting processes
 - Eliminate unnecessary processes and procedures
 - Eliminate unnecessary submittal requirements
 - Conform notice requirements to State Code
 - Review criteria for special exceptions/variances and rezoning. Make them flexible and easy to understand

LMO Revision Objectives

- Rewrite code with customer in mind.
- Make it easier to access, understand and navigate.
- Develop a user's manual or executive summary
- Integrate a web based option
- Establish a transparent tracking system
- Reduce duplicate information, multiple submissions, subjectivity in review and notice requirements that exceed State Code.
- Increase Staff flexibility – latitude to balance interests
- Delineate between State, Federal and local requirements

Open Issues

7/19/2011

Solution Approach/Ideas

- Simplify the permitting process
 - Reduce number of submissions
 - Eliminate useless submissions
 - Eliminate unnecessary reviews
 - Reduce number of special exceptions
 - Reduce number of zones
 - Reduce the jurisdiction of Design Review Board
- Implement revised workflow as defined by “Workflow Project” and automate for electronic submission/tracking
- Executive Summary: Have a customer friendly explanation of how to use LMO & Building Codes
 - *Move authorizing of Comprehensive Plan out of Ch 1*
 - *Move all of Ch 2 to back*
- Consider a bond for an expedited process
- Cite section name when we reference where something is required ‘as per’
- Put in an appendix the table showing the transition of zone names. Put in appendix anything that explains things that ‘used to be’
- Allow building permit to be submitted before site plan NOA issued
- Ch. 3: Add procedure and project status to web and make interactive – link to the various parts of the LMO that are referenced
- Provide a bonus incentive to provide bike parking for other uses
- Encourage shared parking – maybe through incentives
- Reduce the list of what is required for a variance to mirror state code
- The LMO needs to allow for flexibility yet not get too subjective.
- The LMO should have criteria to follow that meets the intent of the code to allow for flexibility yet give good direction

2. Problem Statement

The combination of too many zoning districts each with specific uses that are in some cases too narrow, complicated and hinders redevelopment of existing non-conforming properties

Council Directive

- Address Zoning Districts
 - Review recent rezoning requests
 - Evaluate current and future market trends
 - Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests

LMO Revision Objectives

- Reduce the number of Zoning Districts (more generalized approach)
- Allow for integration and mixes of uses while protecting the edge conditions.
- Reduce use restrictions to allow for market influence
- Guide uses to logical places
- Prescribe appropriate density allocation for Zoning Districts
- Identify Activity areas and craft zoning text to reflect desired outcome. Codify and implement
- Be sensitive to impacts of a proposed rezoning approach – minimize resulting nonconformities

Open Issues

- Determine how many zoning districts the Town should have & where and what the density should be in those districts.
- Determine the most appropriate place for activity centers within the Town – these are probably the areas where an increase in density makes the most sense
- Review recent rezoning requests
- Evaluate current and future market trends
- Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests

7/19/2011

Solution Approach/Ideas

- Enable zones to adequately reflect the existing land uses
- Define some zoning districts with their own design & performance standards.
- Importance of design element
- Consider the best way to regulate interval occupancy uses.
- Consider how any changes in land use will affect existing non-conformities or create non-conformities.
- Consider whether the COR boundaries should be changed.
- Consider whether outdoor recreation should be allowed by condition instead of by special exception.

3. . Problem Statement
Design standards (????????)

Council Directive

- Address Design standards
 - Develop specific design standards for selected zoning districts.
 - Review non-district specific design standards & natural resource standards.
 - Eliminate outdated requirements, create flexibility where appropriate

LMO Revision Objectives

- Identify universal design standards
- Craft and implement specific design standards for priority areas
- Define a balance for competing interests among ??? using a logical, common sense approach
- Develop standards that would apply to the edge conditions.

Open Issues

- Need to decide if the goal is to hold the status quo on water quality, improve it or back off of it.
- Theme of island should be natural vegetation -but in some cases, protecting slivers of vegetation, when it comes to allowing density, it isn't worth it. Should be a width or minimum size so that it doesn't become useless.
- What may be applicable in one area, may not be applicable in another area. Moving building to the road and having a streetscape is also a good idea, depending on the district, like Coligny.

Solution Approach/Ideas

- Step up LMO regulations to improve water quality
- The Committee should review the hierarchy of roads list to make sure that they are all in the correct category.
- Determine what needs to be filtered based on the type of receiving water body
- Concerns about our lighting standards with roadways not being lit, and that light levels for commercial parking lots are not high enough. Even though there may be a light there, it isn't bright enough- safety concern.
- Hierarchy of roads affects buffers & setbacks. In light of redevelopment, the committee should review the list to see if they still fit into the correct category
- Consider having different buffer standards depending on the type of water body. Maybe look at the purpose of the water body in making this decision (why was it created or why does it exist).
- Consider lessening wetland buffer restrictions on water bodies that were not originally regulated by the Town (man made/stormwater mgt system). Maybe consider them nonconforming with certain exemptions.
- Consider having nodes where development can extend closer to the beach.
- Consider having setbacks only and no buffers in certain priority investment areas.
- Consider having separate buffer requirements for single family properties outside of the overlay districts
- Consider prioritizing major roads where visitors spend time to permit tower coverage?
- Consider allowing stormwater capture in the buffers
- Determine if commercial lighting levels in parking lots high enough.
- Need buffers to hide/protect the mish-mash of architecture that already exists on the island.
- Need to prioritize staff decisions to balance all issues (ie trees v fire access roads). Strong project manager would alleviate this.
- Privacy fences in addition to required buffers are excessive.
- Make sure the LMO doesn't make it hard for cell towers to get approved
- Eliminate the average buffer – it is hard to calculate
- Need to have standards for exemptions to alleviate contributing to deteriorating water quality
- Complete streets-public and private realm, should work together.
- Edge conditions along roads should be important.
- What may be applicable in one area, may not be applicable in another area. Moving buildings closer to the road and having a streetscape is a good idea, depending on the district-- like Coligny.

4. . Problem Statement

Natural Resources

- 1. Wetlands regulations have grown more difficult to meet due to the COE identifying all HHI water bodies to be critical areas which then requires compliance with LMO buffer requirements. E.g. golf course ponds, loss of water views due to woody vegetation***
- 2. Tree protection has been very successful resulting in some case of overgrowth.***
- 3. Regulations or interpretations beyond the statements in the LMO by tree administrator create complex costly impediments to redevelopment***
- 4. Dunes protection requirements are not clear and at times appear to conflict with SC regulations***

Council Directive

Not Directly Mentioned

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

- Relax tree preservation in favor of requirements geared toward urban forest management
 - Fire prevention
 - Requirements for different zones
- Consider turning over regulation of trees in common areas of PUDs to PUDs. Determine if this is appropriate for all PUDs.
- Consider moving from individual tree preservation/protection to a forest management approach
- Consider having different tree regulations on larger tracts vs smaller tracts
- Consider constraining the areas designated for walkovers and walkways via sand fencing or other means
- Need to accommodate for views to water bodies through vegetation
- Which trees get taken down can greatly affect a site design—should have a broader perspective and look at it as part of landscape, aesthetics, ongoing construction vs each tree.
- Eliminate requirement to report downed/dead trees
- Need a policy to periodically allow for removal of underbrush to keep unwanted vegetation out that would contribute to fires.

5. Problem Statement

The requirement to address all non-conformities and be in substantial compliance when any change is contemplated makes it very difficult and/or financially unattractive for an owner to redevelop a non-conforming property.

Council Directive

- Address nonconformities
 - Evaluate policy on nonconformities
 - Develop framework to facilitate improvement of existing nonconforming sites

LMO Revision Objectives

- Eliminate nonconforming uses through a more comprehensive integrated zoning approach that reduces specificity of uses and has fewer districts and employs a mix of uses
- Improve communication on what property owners can do to improve nonconforming site features.
- Implement incentives to reduce or eliminate nonconforming site features.
- Provide education and brochure to improve communication with property owners.
- Determine if Priority Investment areas should be allowed to relax nonconforming provisions to enhance redevelopment and private investment.

Open Issues

- Develop framework to facilitate improvement of existing nonconforming sites
- Determine if non-conformities should be allowed to remain or if the Town should work to try to eliminate them.
- Determine if applicants should be ‘allowed’ to do things or ‘required’

Solution Approach/Ideas

- Relax ordinance as it relates to nonconformities in an effort to encourage redevelopment
 - Allow for flexibility in buffers (thinner here, wider there)
 - Allow for flexibility in parking design standards
- Reduce the number of nonconformities.
- Consider allowing non-conformities through some sort of vesting/waiver.

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- Should keep in mind need to allow hotels in certain zones to keep tourism
- Draft language to emphasize what is allowed more than what is not allowed.
- Make it clear that you can bring one non-conformity up to standards without bringing them all up to standards.
- Some non-conformities may be more important than others, maybe more flexibility should be given to these in terms of redevelopment.
- Consider eliminating the 12 month rule (abandonment of a nonconforming use) or extending it.
- Consider what methods can be used to continue to allow non-conformities or to make the non-conformities conforming without making changes to the site/structure
- Maybe different parts of the island should be recognized in different ways like redevelopment areas.
- Substantial compliance seems like it could be a deal killer – may need to reword this.
- Need to see if there are any incentives the Town can use to get condos to upgrade.

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6. Problem Statement

There is a growing inventory of unutilized office space with no apparent need for offices and difficulty under current zoning to re-purpose and re-develop. As a result we have a growing population of buildings that will deteriorate over time and impact both the business climate and appearance of the island

Council Directive

Not Mentioned

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

7/19/2011

7. Problem Statement

The lack of sewers, title issues relating to heirs property , buffer requirements and lack of understanding of actual LMO requirements are preventing development of Ward 1 properties (may be beyond scope of LMO Rewrite Committee)

Council Directive

Not Mentioned

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

8. Council Directive

Address PD-1's

- Evaluate the use of master plans for zoning purposes***
- Consider more broad designations of allowed uses & densities***
- Develop a framework to establish consistent development regulations for all PUDs***
- Evaluate the current 'use it or lose it' clause and determine appropriate applications***

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

- Consider how much density existing PUDs should have in terms of the use it or lose it clause.
- Does it make sense to eliminate the clause at least in terms of commercial development – fairness issue between the PUDs and areas outside of PUDs
- Consider having consistent broader regulations among all PUDs.
- Consider if PUDs can handle internal land use issues without going through a ZMA
- Consider whether some PUDs should be allowed to manage their own open space and some other internal projects with very limited Town review (ex. South Gate PD).

9. Council Directive

- Identify and prioritize revitalization and investment zones
 - The Coligny area and Shelter Cove Mall are already identified by Town Council, Comprehensive Plan and Mayor's Task Force as top priority investment areas.
 - Existing TIF district has prioritized areas.
 - Other suitable areas should be identified and prioritized

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

- Provide incentives for redevelopment in key areas through changes to the LMO
 - More density
 - Relax zoning use restrictions
 - Design standard flexibility
 - Relax regulation on redevelopment
 - Identify other tools
- Provide incentives for hotel/tourism development/redevelopment
- Provide incentives for brown field development
- Encourage revitalization, redevelopment & reinvestment for the Island as a whole.
- Find a combination of tools to allow for redevelopment.
- Apply philosophy of redevelopment zone island-wide without a ZMA process and provide flexibility.
- Address certain impediments associated with the revitalization of the Mall at Shelter Cove and Coligny Plaza.
- Additional community space may be needed to develop a true sense of community.
- Encourage certain things as opposed to restricting things
- Advance Hilton Head Island as a leader in comparison to other municipalities.
- Density & uses affect reinvestment & need flexibility in zoning districts.
- Develop financial incentives.
- Need to figure out a way to give incentives to hotels to redevelop (density/height)?
- Identify areas that can & cannot support density.
- Need to determine if there are other priority investment areas on the Island.
- Need to create more flexibility for redevelopment projects – change the redevelopment floating zone so it doesn't have to go through the rezoning process – needs to be an easy process.
- Consider using TDRs as a tool to encourage redevelopment. Need to think about how far densities can be bumped up or down without negatively affecting property rights.
- Need to figure out a way to assist older building with redevelopment within confines of the FEMA requirements.

7/19/2011

10. Council Directive

Address administrative waivers

- *Develop process to allow more waivers at staff level*

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

7/19/2011

Temporary Parking Lot