

THE TOWN OF HILTON HEAD ISLAND

Planning Commission

Minutes of the Wednesday, September 7, 2011 Meeting **APPROVED**
9:00a.m. – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox,
Terry Ennis, Jack Docherty, Terry Leary, Gail Quick, Charles Young

Commissioners Absent: David Bennett

Town Council Present: Mayor Pro Tem Ken Heitzke

Town Staff Present: Anne Cyran, Senior Planner; Nicole Dixon, Senior Planner
Shea Farrar, Senior Planner; Jeff Buckalew, Town Engineer;
Bryan McIlwee, Assistant Town Engineer
Charles Cousins, Director, Community Development Department
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Kathleen Carlin, Secretary & Administrative Assistant

1. CALL TO ORDER

Chairman Warden called the meeting to order at 9:00a.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. FREEDOM OF INFORMATION ACT

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.

5. APPROVAL OF AGENDA

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

6. PRESENTATION OF THE TOWN'S CRYSTAL AWARD TO MR. TOM CREWS

Chairman Warden stated that Mayor Pro Tem Ken Heitzke is attending today's meeting to present the Town's Crystal Award to former Planning Commissioner, Mr. Tom Crews. Because Mr. Crews has not yet arrived this morning, the Planning Commission will proceed with their meeting while they await his arrival.

7. APPROVAL OF MINUTES

The minutes of the regular July 20, 2011 meeting were **approved** as presented by general consent.

8. APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA

None

9. UNFINISHED BUSINESS

None

10. NEW BUSINESS

Public Hearing

ZMA110002: The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at 32 and 40 Marshland Road from the IL (Light Industrial) Zoning District to the RM-4 (Low to Moderate Density Residential) Zoning District. These parcels are further identified on Beaufort County Tax Map 8 as Parcels 8E and 410. Chairman Warden stated that the public hearing for this application is now open and 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.

The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties on Marshland Road from IL to RM-4. The purpose of the rezoning is to bring parcel 410 into greater compliance with the Land Management Ordinance (LMO) and to make both parcels' zoning compatible with the surrounding zoning and uses.

Ms. Cyran stated that the only existing development on the subject parcels is a single family home, which is a legally non-conforming use. The home would become a conforming use if the property is rezoned to the RM-4 Zoning District. The parcels subject to the rezoning are both located in the IL Zoning District and are located on Marshland Road. Parcel 8E (40 Marshland Road) is currently owned by the Town of Hilton Head Island. The Town purchased the parcel in 2001, and the property is currently undeveloped. It was previously used for storage by a construction company and by the Town as a staging area for construction projects.

Town Council has approved a recommendation to include this parcel in a land swap with property owned by Henry Driessen off Alex Patterson Road. Parcel 410 (36 Marshland Road) is owned by Alexandria Patterson. The property contains a 2,300 square foot single family home, which is a legally non-conforming use.

Ms. Cyran presented an in-depth review of the application including the Findings of Fact and Conclusions of Law. The Planning Commission and the staff discussed the ownership of land and the land swap issue. Following this discussion, Chairman Warden requested comments from the public.

Mr. Charles Houston, adjacent property owner, stated his concern with the proposed zoning change. Mr. Houston requested that the Planning Commission consider other zoning opportunities for this area. Mr. Houston stated that he would like to use his property as an office. Ms. Cyran reviewed the Use Table for this district and stated that office use is not allowed in the IL district and also will not be allowed in the RM-4 zoning district.

In response to Mr. Houston's request for the Planning Commission's consideration of a zoning designation that will allow office use, Chairman Warden stated that the Planning Commission is charged with the responsibility of considering the applicant's request to rezone these properties from IL to RM-4. The Planning Commission is not allowed to consider alternative uses.

Chester C. Williams, Esq., presented statements regarding the legality of the rezoning application. Mrs. Jayme Lopko responded to the Planning Commission's request for additional information regarding the Town's ownership of land. Mrs. Lopko stated that Zoning Map Application ZMA110002 is compliant with all of the Town's regulations.

This completed the public comments for this application, and Chairman Warden stated that the public hearing is now closed. Following final comments, Chairman Warden requested that a motion be made on Application for Zoning Map Amendment, ZMA110002.

The Planning Commission reported that they felt uncomfortable making a motion on ZMA110002 due to their concerns with a lack of written approval from Ms. Alexandria Patterson (or her legal representative). Even though application for Zoning Map Amendment ZMA110002 complies with all of the Town's requirements, the Town should also secure written consent (rather than verbal consent) from Ms. Patterson or her legal representative, Mr. Henry Driessen. Following these comments, Chairman Warden requested that a motion be made.

Commissioner Quick made a **motion** that the Planning Commission postpone taking action on Application for Zoning Map Amendment, ZMA110002 until they have legal, written documentation regarding the validity of Mr. Henry Driessen's status as legal representative of Ms. Alexandria Patterson. Commissioner Young **seconded** the motion and the motion **passed** with a vote of 7-0-0. The Planning Commission postponed action on this application until October 5, 2011.

At this time Chairman Warden announced that Mr. Tom Crews has arrived and is ready to receive the Crystal Award presentation from the Town. Chairman Warden invited Mayor Pro Tem Ken Heitzke and Mr. Tom Crews to the podium.

Mayor Pro Tem Heitzke presented the Town's Crystal Award to Mr. Tom Crews and thanked him for his dedicated service to the Planning Commission and to the Town of Hilton Head Island. A farewell reception was held for Mr. Crews following today's meeting and everyone was invited to attend.

Public Hearing

ZMA110003: A request from Mr. Dale R. Johnson proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 841, 843 and 845 William Hilton Parkway from the OL (Office Institutional Low Intensity) Zoning District to the CC (Commercial Center) Zoning District. The properties are known as South Island Square and are further identified on Beaufort County Tax Map 11, Parcels 25, 25B and 25C. Chairman Warden stated that the public hearing for this application is now open.

Ms. Nicole Dixon 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 does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official.

The applicant is proposing to change the zoning designation of the subject properties from OL to the CC zoning district. There is a shopping center on one of the lots proposed to be rezoned, a vacant building on the second property and a building with office uses on the third property. The subject properties are surrounded on three sides by Palmetto Dunes, with a mix of uses across William Hilton Parkway: a hotel, a gas station/convenience store, a restaurant, and a bank.

The applicant states in the narrative that the proposed application to rezone the subject properties from OL to the CC zoning district is more in character with the existing commercial uses in the surrounding area. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner, and to focus future development on infill development. The applicant also believes that by rezoning the properties to allow for retail possibilities, the marketability of the properties will increase.

Ms. Dixon presented an in-depth review of the application including the Findings of Fact and Conclusions of Law. Following the staff's presentation, Chairman Warden requested that the applicant make his presentation.

Mr. Spain Kelly, managing partner of South Island Square, LLC, presented statements in support of the application. The applicant and the Planning Commission briefly discussed the application. Following discussion by the Planning Commission, Chairman Warden requested comments from the public.

Chester C. Williams, Esq., presented public statements regarding the CC zoning designation. Mrs. Joanne Binkley and Mr. John Binkley, area residents, presented statements in concern of the CC zoning designation due to potential noise, late night traffic, and intense light. This completed all public comments and Chairman Warden stated that the public hearing for this application is now closed.

Ms. Dixon reported that this application is scheduled to be reviewed next by the Planning & Development Standards Committee on September 28, 2011. Public comments will be received by the committee on that date. Following final comments, Chairman Warden requested that a motion be made.

Commissioner Docherty made a **motion** to approve Application for Zoning Map Amendment ZMA110003 based on the Findings of Fact and Conclusions of Law stated in the staff report and presented today. Commissioner Young **seconded** the motion and the motion **passed** with a vote of 7-0-0.

Public Hearing

PPR110002: Application for Public Project Review from the Town of Hilton Head Island to construct 12,000 linear feet of multi-purpose pathway alongside of Pembroke Drive, Gardner Drive and Leg O'Mutton Road. Chairman Warden stated that the public hearing for this application is now open.

Ms. Shea Farrar made the presentation on behalf of staff. Staff recommended that the Planning Commission find this application to be compatible with the Town's

Comprehensive Plan for location, character and extent based on the Findings of Fact and Conclusions of Law as determined by the LMO Official.

The Town has identified the need for an additional multi-purpose pathway connection between Marshland Road and William Hilton Parkway in the Indigo Run area. Pathways along Leg O'Mutton Road, Gardner Drive and Pembroke Drive are programmed for construction next year as part of the Town's Capital Improvement Program. The pathways will provide the opportunity to walk and bike from commercial to residential areas. The pathways will be designed to match the existing asphalt multi-purpose pathways used by the Town. The path will meander along the roadside and the project will be designed with sensitivity to natural resources.

Ms. Farrar presented an in-depth review of the application including the Findings of Fact and Conclusions of Law. Mr. Jeff Buckalew, Town Engineer, presented statements regarding the pathway design and timeline of construction. Following staff's presentation and discussion by the Planning Commission, Chairman Warden requested comments from the public.

Chester C. Williams, Esq., presented statements on behalf of his client, Christian Renewal Church, in concern of the pathway location in relationship to the church. Mr. Bryan McIlwee, Assistant Town Engineer, responded to Mr. Williams' concerns. The pathway location should not interfere with the church. This completed public comments and Chairman Warden stated that the public hearing for this application is closed. Following final comments, Chairman Warden requested that a motion be made.

Vice Chairman Lennox made a **motion** to **approve** Application for Public Project Review, PPR110002, the application is compatible with the Town's Comprehensive Plan for location, character and extent based on the Conclusions of Law and Findings of Fact contained in the staff report and presented today. Commissioner Quick **seconded** the motion and the motion **passed** with a vote of 7-0-0.

11. COMMISSION BUSINESS

None

12. CHAIRMAN'S REPORT

Chairman Warden announced that Commissioner Terry Ennis has replaced Mr. Tom Crews as Chairman of the Comprehensive Plan Committee. Vice Chairman Lennox has now joined the Comprehensive Plan Committee. There are currently vacancies on the Rules of Procedure Committee. These vacancies will be filled at a future date.

13. COMMITTEE REPORTS

Chairman Warden requested that Mr. Tom Crews present a status update on behalf of the LMO Rewrite Committee. Mr. Crews stated that the committee has been meeting on a weekly basis since April 2011. The committee has followed a structured process to understand the issues and define objectives for the new LMO.

As of this date, the committee has completed the LMO Education Phase, the Process Reengineering Phase, and Issue Identification Phase. The committee's work on the High

level solution requirement phase is in progress. Two speakers have made presentations on Sustainable Development and Form Based Development. The committee is scheduled to review a draft RFQ (Request for Qualifications) at their next meeting on September 15th.

Mr. Crews invited the Planning Commission to attend the weekly LMO Rewrite Committee meetings which are held every Thursday from 1:00 – 3:00pm in Council Chambers.

Chairman Warden thanked Mr. Crews for his update on the LMO Rewrite Committee's progress. Chairman Warden asked that Mr. Crews keep the Planning Commission apprised of all future progress.

Commissioner Quick presented statements regarding the hiring of a consultant. The LMO Rewrite Committee is working hard to identify the issues that the Town staff can address. It will be very important to separate those tasks from the tasks that a consultant will be assigned. The LMO Rewrite Committee needs to be very specific in what they want a consultant to do.

For the record, Commissioner Quick stated her appreciation to LMO Rewrite Committee member, Mr. Jim Gant, for his countless contributions and excellent volunteer leadership in creating the current LMO Rewrite document. Commissioner Ennis presented statements cautioning the hiring of a consultant – the consultant should be knowledge specific.

14. STAFF REPORTS

- 1) Mr. Charles Cousins announced that Town Council has just appointed Mr. Bryan Hughes to the Planning Commission. The staff will contact Mr. Hughes early next week.
- 2) Ms. Dixon presented the status of the Tolling Agreement for Application for Appeal APL100006.
- 3) Ms. Dixon announced that the Planning Commission will sign their notices of action effective today. Staff will prepare the notices of action for signature by the maker of the motion, second to the motion, and the Chairman.
- 4) Mrs. Lopko stated that staff has no agenda items for the Planning Commission meeting on September 21, 2011. Chairman Warden approved the cancellation of this meeting. Mrs. Lopko stated that the staff would like to use this meeting date and time to provide State mandated training. Ms. Jill Foster will also present the new permitting process to the Planning Commission on that date. Chairman Warden agreed with these workshop/training arrangements. This workshop/training will take place on Wednesday, September 21, 2011 at 3:00pm in Council Chambers. Staff will make other training arrangements for the Planning Commissioners who are unable to attend the workshop meeting.

15. ADJOURNMENT

The meeting was adjourned at 10:25am.

Submitted By:

Approved By:

October 5, 2011

Kathleen Carlin
Administrative Assistant

Loretta Warden
Chairman