

THE TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Wednesday, April 27, 2011 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

APPROVED

Committee Members Present: Chairman Ken Heitzke, Bill Harkins and Kim Likins

Committee Members Absent: None

Council Members Present: Councilman George Williams

Town Staff Present: Nicole Dixon, Senior Planner
Heather Colin, Development Review Administrator
Trudie Johnson, Floodplain Administrator
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Heitzke 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 the Town of Hilton Head Island requirements.

3) APPROVAL OF MINUTES

Mr. Harkins made a **motion** to **approve** the minutes of the March 23, 2011 meeting as presented. Mrs. Likins **seconded** the motion and the motion **passed** with a vote of 2-0-1. Chairman Heitzke abstained from the vote due to his absence from the meeting.

4) UNFINISHED BUSINESS

None

5) NEW BUSINESS

ZMA100007: The Town of Hilton Head Island has received a request from Ernest Marchetti, on behalf of Karen Watson, proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 11, Parcels 161 and 166.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the committee forward Application for Zoning Map Amendment ZMA100007 for the proposed rezoning to Town Council with a recommendation for *denial*.

The purpose of this application is to amend the Official Zoning Map by changing the zoning designation of two properties located at # 2 and # 4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. There is a Verizon Wireless

business on one of the lots proposed to be rezoned. The other lot proposed to be rezoned is currently undeveloped.

The Town received this request from the property owner to rezone the two parcels from OL to CC, in order to have more uses available to develop the property. The staff examined this request and determined that the application is inconsistent with the Comprehensive Plan and the Land Management Ordinance.

The applicant states in the narrative that the proposed application to rezone the subject properties from OL to 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. The applicant also believes that by rezoning the properties to allow for retail possibilities, the marketability of the properties will increase.

Ms. Dixon stated that although this zoning change could improve the economic development potential of the property, the existing zoning district in this area was established to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, and provide a balance among land use types in major corridors. This rezoning could result in a higher intensity use and/or a higher density development that would generate more traffic, possibly over taxing the existing roadway infrastructure. The subject properties are situated within the OL district where the intent is to limit the types of land uses allowed between commercial areas of the Island and limit any negative impacts on the street system. The CC zoning is intended for high intensity commercial development which is not suitable for an area where the current infrastructure may not support such development.

Ms. Dixon presented an in-depth review of the application including a visual review of the vicinity map, the zoning map, and the boundary survey. Ms. Dixon stated that staff finds that application for Zoning Map Amendment ZMA100009 does not meet the goals of the Comprehensive Plan or the Rezoning Criteria.

Ms. Dixon stated that the Planning Commission reviewed this application at a public hearing on March 16, 2011 and voted unanimously to approve the proposed application for rezoning. The Planning Commission discussed the fact that there are currently many non-conforming uses in the vicinity, some of which are commercial uses. There was also discussion about the function of and the uses allowed in the OL Zoning District and how it needs to be addressed during the LMO re-write. The Planning Commission did not believe the proposed rezoning would generate additional traffic in the area.

As part of today's discussion, the Planning & Development Standards committee recognized that there are existing issues with the OL Zoning District that need to be addressed. These issues will be reviewed by the staff and the LMO Rewrite Committee. The Planning & Development Standards Committee stated that they look forward to hearing the LMO Rewrite Committee's recommendations following their examination of these issues.

Ms. Heather Colin requested that the committee hear comments from the applicant, Mr. Ernest Marchetti. Mr. Ernest Marchetti, commercial broker for Ms. Karen Watson, presented statements in support of the application. Mr. Marchetti stated that he believes the proposed application to rezone the two properties from OL to CC zoning district is more in character with the existing commercial uses in the surrounding area. Mr. Marchetti stated that he believes rezoning the properties to allow for retail possibilities will increase the marketability of the properties.

The committee and the applicant discussed the application. Mrs. Likins stated that she supports the recommendation made by the Planning Commission on March 16, 2011. Mrs. Likins stated agreeing with the fact that there are currently many non-conforming uses in the vicinity, some of which are commercial. Mrs. Likins stated that denial of the application does not seem fair to the applicant. At the completion of the committee's discussion, Chairman Heitzke requested comments from the public.

Chester C. Williams, Esq., presented statements in regard to the commercial uses surrounding the subject properties. Councilman George Williams presented statements in support of the staff's recommendation for denial of the application because the application is inconsistent with the Comprehensive Plan and the existing Land Management Ordinance. Councilman Williams stated concern with the appearance of 'spot zoning' and increased traffic in the area.

Following public comments, the committee stated that it is difficult to make a decision on this application at this time due to the transition of the Land Management Ordinance. Chairman Heitzke then requested that a motion be made.

Mr. Harkins made a **motion** to support the staff's recommendation to forward application for Zoning Map Amendment ZMA100009 to Town Council with a recommendation for **denial** because the application is inconsistent with the Comprehensive Plan and Land Management Ordinance as stated in the staff's report. The committee looks forward to seeing what the vision of this area is through the eyes of the LMO Rewrite Committee. Chairman Heitzke **seconded** the motion and the motion **passed** with a vote of 2-1-0. Mrs. Likins was opposed to the motion.

Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9: Proposed Ordinance 2011-08 will revise language and defined terms to be consistent with the National Flood Insurance Program regulations 44 CFR Parts 59 and 60; clarify the scope and purpose of the Ordinance and correct outdated references to the International Building Code.

Ms. Trudie Johnson made the presentation on behalf of staff. The staff recommended that the Planning & Development Standards Committee forward the proposed amendments to Town Council with a recommendation of **approval** to adopt proposed Ordinance 2011-08 which will revise language and defined terms to be consistent with the National Flood Insurance Program regulations 44 CFR Parts 59 and 60; clarify the scope and purpose of the Ordinance and correct outdated references to the International Building Code.

Title 15, Chapter 9 of the Town's Municipal Ordinance has not undergone a comprehensive review for ten years. When this review was conducted by the State NFIP Coordinator during a Community Assistance Visit late last year, language was identified as inconsistent with terms and definitions contained in the Federal Regulations; these regulations are adopted in Section 15-9-311 as the standard and made part of this chapter. The requested revisions are the minimum necessary to correct the deficiencies and ensure consistency.

Also, the outdated 2000 International Building Code reference is corrected to "currently adopted" to minimize ordinance revisions as code editions change every three years. Several minor language modifications and sub section reorganizations are included to clarify the intent and purpose of the Ordinance

Mrs. Johnson stated that the flood hazard in Beaufort County was identified in 1977 when the first Flood Insurance Study and Flood Insurance Rate Maps were published and adopted. Subsequent updates to the maps were published in 1984. In 1986 the County maps were again revised to recognize the incorporation of the Town. The first Town Council adopted both maps and the first ordinance titled "Flood Damage Controls". Since 1985 the Town of Hilton Head Island has been a member in good standing of the National Flood Insurance Program. Currently the NFIP provides flood insurance for more than seven billion dollars of property coverage. This completed Mrs. Johnson's presentation on Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9. The committee thanked Mrs. Johnson for her excellent presentation.

Following the staff's presentation, Chairman Heitzke requested public comments. Chester C. Williams, Esq., presented comments regarding the currently adopted edition of the International Building Code. At the completion of public comments and final discussion by the committee, Chairman Heitzke requested that a motion be made.

Mrs. Likins made a **motion** to accept the staff's recommendation of **approval** to adopt the Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9 and the language revisions and defined term changes to be consistent with the National Flood Insurance Program. Mr. Harkins **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 4:55pm.

Submitted By:

Approved By:

May 25, 2011

Kathleen Carlin
Administrative Assistant

Ken Heitzke
Chairman