

**TOWN OF BLUFFTON PLANNING COMMISSION
Large Meeting Room, Bluffton Town Hall
Wednesday, February 24, 2016, Minutes**

Present: Josh Tiller, Chair; Sean Congleton; Dan Keefer; Trey Griffin; Allison Tucker; Ronald Williams

Absent: Terry Hannock, Vice Chair

Staff: Kendra Lelie, Director of Growth Management; Rocio Rexrode, Growth Management Coordinator

I. CALL TO ORDER

Tiller called the meeting to order at 6:03 p.m.

II. ROLL CALL

III. NOTICE REGARDING ADJOURNMENT

The Planning Commission will not hear new items after 9:30 P.M. unless authorized by a majority vote of the Commission Members present. Items which have not been heard before 9:30 P.M. may be continued to the next regular meeting or an additional meeting date as determined by the Commission Members.

IV. NOTICE REGARDING PUBLIC COMMENTS

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Commission, Town Staff, and other members of the meeting. State your name and address when speaking for the record. **UNLESS OTHERWISE AMENDED BY THE PLANNING COMMISSION, COMMENTS ARE LIMITED TO THREE (3) MINUTES.**

V. ADOPTION OF THE AGENDA

Congleton made a motion to approve the February 24, 2016, Planning Commission Meeting agenda. Griffin seconded the motion. All were in favor and the motion passed.

VI. ADOPTION OF MINUTES – January 27, 2016

Congleton made a motion to approve the December 16, 2015, Planning Commission Meeting minutes. Keefer seconded the motion. All were in favor and the motion passed.

VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no Public Comments.

VIII. OLD BUSINESS

A. COFA 01-16-9477 - Ratification. Ratification of the action taken at the January 27, 2016, Planning Commission approving a Certificate of Appropriateness

requested by Josh K. Tiller for an entrance sign at the Cypress Ridge development including new landscaping, lighting and sign installation. The Cypress Ridge entrance is located at the intersection of Highway 170 and Hulston Land Road, is zoned PUD and within the Jones Estate/Cypress Ridge PUD.

Tiller and Congleton recused themselves.

Lelie indicated that Tucker and Williams – the newly appointed Members – had listened to the audio of the January 27, 2016, Planning Commission Meeting.

Griffin made a motion to move the action of the Town of Bluffton Planning Commission on January 27, 2016, at which the Cypress Ridge Certificate of Appropriateness application was approved by a vote of 2 to 0, with two Members recusing themselves due to a conflict of interest, be ratified. Tucker seconded the motion. All were in favor and the motion passed.

IX. NEW BUSINESS

1. FOR ACTION

A. Zone 12-15-9444. The Applicant, William Tapp, requests a text amendment of the Unified Development Ordinance Article 4, Section 4.3 to allow the use of a café as a conditional use within the Neighborhood Core HD (NC-HD), Neighborhood General HD (NG-HD), Neighborhood Center HD (NCE-HD), Light Industrial (LI), General Mixed Use (GM), Neighborhood Core (NC) and the Rural Mixed Use (RMU) districts; Article 4.4.2 to add provisions for the conditional use and Article 9, Section 9.2 to add a café use definition.

Lelie presented.

Tiller recused himself.

Chris Johnson, the Owner, was present.

Mr. Johnson said that he made a major investment and he can't run his business the way he intended. He stated that he had already bought the asset and he would have been grandfathered in had his attorney requested a Zoning Letter.

Lelie mentioned that when the process of amending the UDO to limit restaurants occurred in 2015, the applicant did not submit an application for a restaurant use, and had he submitted an application prior to the approval of the ordinance to limit restaurants on the ladder streets, the applicant would have been grandfathered.

PUBLIC COMMENTS: The Public Comment Session was opened.

1. Joan Heyward, 95 Boundary Street: She mentioned that Staff has worked very hard to preserve and take care of the Historic District and she feels sorry for the situation that the applicant is in, but it is incumbent upon the property owner to do their due diligence before they buy a property; and it is not the responsibility of the Staff.

2. **Paige Camp, 41 Calhoun Street:** She stated that she has a problem with the proposed zoning text amendment because the ordinance was enacted less than a year ago to preserve the character of the Historic District by protecting the small side streets from food service. She mentioned that the side streets are narrow and not suitable, esthetically or physically, for any type of food service based business. She said that if a text amendment to the current ordinance provides a better definition of cafes and limited food service, it's understandable, but there is no good reason to allow cafes or any food service on Lawton and Lawrence Streets.
3. **Jacob Preston, 10 Church Street:** He said that this is an important issue because the process to amend the UDO was laborious and sometimes contentious. He questioned whether the applicant could be grandfathered in since he was in the midst of the application when the UDO amendment was approved. He stated that there has to be a line drawn because just 11 months after the adoption of the text amendment it might be changed. He noted that this Commission is the first arbiter and he asked the Members to think about their decision before they recommend it to Council.
4. **Susan Saxon, 10 Church Street:** She asked the Members to vote "no" and deny the request. She stated that a consensus regarding the UDO text amendment was reached after a lot of debating and workshops; and now they are considering the same issue and trying to go back on consensus. She said that a balance needs to be maintained and the residents should continue to have a quality of life. She expressed concern about the noise, delivery trucks, lighting and grease traps.

The Public Comment Session was closed.

There were several questions by the Members regarding the time line of events that led to the need to request this text amendment.

There was an extensive discussion regarding the possibility of additional conditions to mitigate the impact on neighboring properties and the character of the District.

Mr. Johnson urged the Members to figure out a way to approve his application.

Griffin made a motion to approve the text amendment application with Staff recommendations and with an additional condition to exclude Lawrence Street from permitting the café use.

Tucker seconded the motion. Congleton abstained. Keefer and Williams were in favor and the motion passed.

X. DISCUSSION

1. **Growth Management Monthly Update.** A review of the monthly Growth Management activities.

The Members agree to get paperless meeting packets. They requested to have the Growth Management Update linked to the agenda.

XI. ADJOURNMENT

Congleton made a motion to adjourn. Keefer seconded the motion. All were in favor and the February 24, 2016, Planning Commission Meeting was adjourned at 7:21 p.m.

DRAFT