



**Town of Hilton Head Island  
Planning Commission Meeting  
Wednesday, June 6, 2018 – 9:00 a.m.  
Benjamin M. Racusin Council Chambers  
**REVISED** AGENDA**

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

- 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 the Town of Hilton Head Island requirements.
- 5. Approval of Agenda**
- 6. Approval of Minutes – Meeting of May 16, 2018**
- 7. Appearance by Citizens on Items Unrelated to Today’s Agenda**
- 8. Unfinished Business**
- 9. New Business**
  - a) Public Hearing**  
**ZA-001111-2018** – Request from Janet Spangenberg, Trustee, to rezone Florence Graham Island (north of Old House Creek Drive) from CON (Conservation) to RSF-3 (Residential Single-Family-3). The property is not addressed. It is further identified as Beaufort County Tax Map 10, Parcel 362. The effect of this rezoning will be to increase the density and to increase the number of allowable uses. *Presented by Taylor Ladd*
  - b) Election of Officers to serve the July 1, 2018 to June 30, 2019 term.**
- 10. Commission Business**
- 11. Chairman’s Report**
- 12. Committee Report**
- 13. Staff Report**
- 14. Adjournment**

*Please note that a quorum of Town Council may result if four or more of their members attend this meeting.*

**TOWN OF HILTON HEAD ISLAND**  
**Planning Commission**  
**Minutes of the May 16, 2018 – 3:00 p.m. Meeting**  
**Benjamin M. Racusin Council Chambers**

Commissioners Present: Chairman Alex Brown, Vice Chairman Peter Kristian, Glenn Stanford, Todd Theodore, Bryan Hughes, Barry Taylor, Judd Carstens, Lavon Stevens, Caroline McVitty

Commissioners Absent: None

Town Council Present: None

Town Staff Present: Jennifer Ray, Planning & Special Projects Manager; Ricardo Franco, Addressing Technician; Taylor Ladd, Senior Planner; Anne Cyran, Senior Planner; Teresa Haley, Senior Administrative Assistant

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**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 the Town of Hilton Head Island requirements.

**5. Approval of Agenda**

The Planning Commission approved the agenda as submitted by general consent.

**6. Approval of Minutes – Meeting of April 18, 2018**

Commissioner Stanford moved to approve the minutes of the April 18, 2018 meeting as amended. Vice Chairman Kristian seconded. The motion passed unanimously.

**7. Appearance by Citizens on Items Unrelated to Today's Agenda – None**

**8. Unfinished Business – None**

**9. New Business**

- a. **STDV-0999-2018**: Lawrence Mann, a representative of Southern Heritage Homes Inc., proposes to name a new street Broad View Lane. This street will serve a new 23 lot subdivision, which is currently addressed at 31 Marshland Road.

Mr. Franco presented the application described in the Staff Report as provided in the Commission's packet. Mr. Franco added that 25 and 27 Marshland Road are also part of this proposal. Staff recommends the Planning Commission approve the Broad View Lane street name based on the review criterion outlined in the Land Management Ordinance Section 16-2-103.O.4 and enclosed in the Staff Report.

Chairman Brown asked the Commission for comments. The Commission asked how the applicant arrived at the proposed street name. The proposed street name, Broad View Lane, and the proposed name of the development, Marshes of Broad Creek, relate to the development's proximity to Broad Creek. The Commission asked about the size of the subdivision. The applicant indicated approximately 7.0-7.5 acres. The Commission discussed and asked for clarification on Attachment A Location Map and Attachment B Site Plan of the Staff Report. Attachment A outlines parcel 31 Marshland Road as the subject parcel. Attachment B includes parcels 25, 27, 29, and 31 Marshland Road. The Commission expressed concern not for the proposed street name, but for naming the appropriate parcels. The applicant clarified parcels 25, 27, 29, and 31 have been combined. The applicant then identified the location of the street on the Location Map.

Chairman Brown asked if Staff supports approval of the application with the four parcels identified. Staff confirmed support for approval.

Chairman Brown opened the meeting for public comments and none were received.

Commissioner Carstens made a motion to approve the application based on the review criterion outlined in the Land Management Ordinance Section 16-2-103.O.4 and enclosed in the Staff Report with the condition that Attachment A Location Map of the Staff Report represents parcels 25 through 31 Marshland Road. Commissioner Theodore seconded.

Following the motion, the Commission pointed out the four parcels (25, 27, 29, and 31) need to be specified in the motion. Also, the Commission inquired about legal publication requirements pertaining to the application. Staff indicated a legal ad is not required for a new street naming.

Commissioner Carstens amended his motion to approve the application based on the review criterion outlined in the Land Management Ordinance Section 16-2-103.O.4 and enclosed in the Staff Report with the condition that Attachment A Location Map of the Staff Report represents parcels 25, 27, 29, and 31 Marshland Road. Commissioner Theodore seconded. The amended motion passed with a vote of 9-0-0.

## **10. Commission Business**

### **a. Confirmation of Nominating Committee**

Chairman Brown recommended the Nominating Committee consist of Vice Chairman Kristian, Commissioner Stanford, and Commissioner McVitty.

Commissioner Taylor moved to approve the Nominating Committee as presented. Commissioner Hughes seconded. The motion passed with a vote of 9-0-0.

**11. Chairman's Report** – None

**12. Committee Report**

The LMO Committee plans to schedule a meeting after the new Commissioners are appointed and the subcommittee assignments are set for the new term. The Comprehensive Plan Committee will proceed in the same manner.

The Gullah-Geechee Land & Cultural Preservation Task Force presented a quarterly report of activities at yesterday's Town Council meeting. Commissioner McVitty complimented Commissioner Stevens on the work being done. Chairman Brown thanked Commissioners McVitty, Stevens, and Theodore for serving on the Task Force.

**13. Staff Report** – None

**14. Adjournment** – The meeting was adjourned at 3:22 p.m.

Submitted by: Teresa Haley, Secretary

Approved:

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Alex Brown, Chairman





**TOWN OF HILTON HEAD ISLAND  
COMMUNITY DEVELOPMENT  
DEPARTMENT**

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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**STAFF REPORT  
ZONING MAP AMENDMENT**

Case #	Name of Project or Development	Public Hearing Date
ZA-001111-2018	Florence Graham Island	June 6, 2018

Parcel Data & Location	Applicant	Agent
<u>Parcel ID:</u> R510 010 000 0362 0000 <u>Size:</u> 1.23 Acres to Mean High Water Line, Approximately 1.0 Acre Upland <u>Address:</u> None Assigned	Janet L. Spangenberg, Trustee 5 Donax Road Hilton Head Island, SC 29928	Russell P. Patterson, P.A. 19 Shelter Cove Lane Suite 107 Hilton Head Island, SC 29928
Existing Zoning District	Proposed Zoning District	
COR – Corridor Overlay District within 500’ of the O.C.R.M. critical line.  CON – Conservation	COR – Corridor Overlay District within 500’ of the O.C.R.M. critical line.  RSF-3 – Residential Single-Family-3	

Application Summary
Janet Spangenberg, Trustee for the subject property, is proposing to amend the Official Zoning Map by rezoning Florence Graham Island from CON (Conservation) to RSF-3 (Residential Single-Family-3). The applicant is proposing to rezone the property to allow for development of a “modest fish camp” as defined in Attachment G.

Staff Recommendation
Staff recommends the Planning Commission find this application <b>inconsistent with the Town’s Comprehensive Plan</b> and to <b>not carry out the purposes of the LMO</b> , based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background
The subject property is surrounded by tidal marsh and approximately 1.23 acres to the mean high water line in size. It is located +/- 500 feet from the Cemetery at Oak Marsh Subdivision and is known locally as Florence Graham Island. It has been owned by the Spangenberg Family Trust since 2004 and has remained undeveloped and left to its natural state with very little use by the owners. There is no evidence it has ever been developed, though it has been subject to ownership by multiple

parties over time, the oldest owner of record being Florence Graham in 1944. See Attachment A for location and vicinity information and Attachment D for property aerial imagery.

The property did not have a zoning designation on the 1986 Official Zoning Map, though it was recognized as a legal parcel by the Beaufort County Register of Deeds. In the 1996 Official Zoning Map, the property was assigned to the Conservation (CON) District due to the property's natural state and location within the environmentally sensitive tidal marsh system in Old House Creek. The property remained in the CON District when the current zoning map was adopted in 2014. See Attachment B for a vicinity zoning map and Attachment C for the CON District use table.

Adjacent and to the west are three other islands. See Attachment A.

1. Simmons Island, zoned CON, 2.61-acres, and undeveloped;
2. Sunset Island, zoned CON, 1.44-acres, and developed around 2013 with boardwalk access from the nearest adjacent single-family property, a dock and an open air pavilion; and
3. 1 Old House Cay, zoned RSF-3, consisting of one larger island and two smaller islands, approximately 3 acres total in size. The islands were developed around 2006 with one single family home, a lookout tower, boardwalks, and a dock facility.

The CON District allows three uses: boat ramps; docking facilities; and marinas. The LMO defines a boat ramp as a facility to launch and retrieve recreational boats from a trailer. The LMO defines a docking facility as a structure built over or floating on the water used as a landing place for boats or other marine transport, fishing swimming, and other recreational uses. Docks may include boat houses, seating areas, gazebos, boat lifts, and storage facilities. The CON District has no maximum density, building height, or maximum impervious lot coverage.

Land Management Ordinance Section 16-4-102.B.10.a, Use Specific Conditions for Principal Uses, specifies that boat ramps, docking facilities, and marinas in the CON District shall be associated with an approved use in the adjacent zoning district. Since the island can only be accessed by boat and the property owners do not own property adjacent to the subject property, they are precluded from developing the island. In order to develop the island with docking facilities and a "modest fish camp" as proposed, the property would need to be rezoned. The applicant has requested that the island be rezoned to the lowest impact residential zoning district, RSF-3.

In Attachment G, the applicant defines a "modest fish camp" as consisting of a wooden free standing structure, built upon wooden or concrete piers, not to exceed 1,500 sq. feet, with possible interior walls for a kitchen, living room, bathroom, or one or more bedrooms or bunkhouses. It would be serviced by a cistern and an approved septic tank or other approved facility. Currently, the property is undeveloped, but the applicant intends to construct a docking facility in the future. The docking facility would consist of a small floating dock, a wooden walkway to the property, and a platform connecting the floating dock and walkway. All construction of both the docking facility and the fish camp would be subject to approval by the appropriate regulatory agencies.

The RSF-3 District permits single-family uses, which includes accessory uses such as recreation and hobbies, and docking facilities, to which a fish camp would be most closely related. The purpose of this district is to discourage any use that would be detrimental to the quiet residential nature of single family neighborhoods. Other uses permitted in RSF-3 District are: government uses (with conditions); major utilities (by special exception); minor utilities; public parks; religious institutions; telecommunications antenna and telecommunications towers (with conditions); agricultural uses and boat ramps; and docking facilities and marinas (with conditions).

The RSF-3 District permits 3 dwelling units per acre or 6,000 square feet of nonresidential use. The maximum building height permitted in the RSF-3 District is 35 feet. The maximum impervious lot coverage for non-residential development is 35 percent. There is no maximum impervious lot coverage for residential developments.

Currently and proposed, access to the subject property is by boat. No utilities are available other than

electric, which can be installed with required permits and easements. Per the Town's Fire Chief, Fire Rescue has no capability to immediately access the subject property via boat. Fire Rescue and their E911 Center would coordinate with other local agencies to respond as timely as possible to emergency incidents at this location based on current capabilities and resources.

#### **Applicant's Grounds for ZMA**

The Spangenberg Family Trust is pursuing a zoning map amendment to rezone the subject property to facilitate their use of the island as a "modest fish camp" for limited overnight stays. Committed to the preservation of the natural beauty of the property, the development would entail self-sustaining facilities and utilities (as permitted by regulatory providers) so the property owners, guests and invitees can enjoy the use of the land with minimal impact to the environment. The applicant states that no improvements to the property would be visible from the nearest adjacent single-family properties.

Currently, the subject property is rarely ever visited or used and has no shelter or docking facility, which are not permitted per the conditional uses for the CON District. See Attachments F and G for a narrative, exhibits, and the definition of a "modest fish camp" provided by the applicant. The proposed change in zoning will increase the density and the number of permitted uses on the subject property.

#### **Summary of Facts and Conclusions of Law**

##### **Findings of Fact:**

1. The application was submitted on April 30, 2018 as set forth in LMO 16-2-103.C and Appendix D-1.
2. Per LMO 16-2-102.E.1, when an application is subject to a hearing, the LMO Official shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing.
3. The LMO Official scheduled the public hearing of the application for the June 6, 2018 Planning Commission meeting, which is a regularly scheduled meeting of the Planning Commission.
4. Per LMO 16-2-102.E, the LMO Official shall publish a notice of the public hearing in a newspaper of general circulation in the Town no less than 15 calendar days before the hearing date.
5. Notice of the June 6, 2018 public hearing was published in the Island Packet on May 20, 2018.
6. Per LMO 16-2-102.E.2, the applicant shall mail a notice of the public hearing by first-class mail to the owners of the land subject to the application and owners of record of properties within 350 feet of the subject land, no less than 15 calendar days before the hearing date.
7. The applicant was not required to mail notices as no properties are located within 350 feet of the subject property.
8. Per LMO 16-2-102.E.2, the LMO Official shall post conspicuous notice of the public hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one notice being visible from each public thoroughfare that abuts the subject land.
9. The LMO Official posted on May 21, 2018 conspicuous notice of the public hearing in four locations on the Spanish Wells Road right-of-way as Town staff does not have direct access to the subject property.

##### **Conclusions of Law:**

1. The application was submitted in compliance with LMO 16-2-103.C and Appendix D-1.

2. The LMO Official scheduled the public hearing of the application for the June 6, 2018 Planning Commission meeting, in compliance with LMO 16-2-102.E.1.
3. Notice of the public hearing was published 17 calendar days before the meeting date, in compliance with LMO 16-2-102.E.2.
4. The applicant did not mail notices due to there being no properties within 350 feet of the subject property. The applicant did, however, notify the two closest neighborhood POAs.
5. The LMO Official posted conspicuous notice of the public hearing 16 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.

*As set forth in LMO 16-2-103.C.2.e, Zoning Map Amendment (Rezoning) Advisory Body Review and Recommendation, the Commission shall consider and make findings on the following matters regarding the proposed amendment.*

**Summary of Facts and Conclusions of Law**

*Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO 16-2-103.C.3.a.i):*

**Findings of Fact:**

The Comprehensive Plan addresses this application in the following areas:

**Community Facilities Element**

**Implication for the Comprehensive Plan – 6.5 Utilities**

- Adequate water service should be provided for both domestic use and fire and safety purposes.
- Adequate sewer service should be provided Island-wide to improve public health, safety and welfare, reduce detrimental impacts of the Island’s environment and accommodate growth and redevelopment.

**Goal 6.5 – Utilities**

- B. To provide adequate water service for both domestic use and fire safety to all areas of the Island.
- E. To have sewer service Island-wide.

**Goal 6.6 – Public Safety**

- B. To provide Fire and Rescue and Emergency Management services to Island residents and visitors.

**Land Use Element**

**Implication for the Comprehensive Plan – 8.5 Land Use Per Capita**

- It is also important that the portion of each land use classification is supported and sustainable in terms of infrastructure and natural resources to ensure a high quality of life that contributes to the character defining features of our community.

**8.11 Goals and Implementation Strategies**

1. Insure that future land uses do not adversely impact the environment through better oversight in the placement of structures in environmentally sensitive areas and through better stormwater management techniques.
5. Provide better emergency preparedness and reduce vulnerability based on the utility of land.

**Goal 8.1 – Existing Land Use**

- A. To have an appropriate mix of land uses to meet the needs of existing and future populations.
- B. To maintain the character of the Island while insuring adequate infrastructure is in place and balancing land conservation to meet future needs.

**Goal 8.4 – Existing Zoning Allocation**

- A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending the Town’s Official Zoning Map.

**Goal 8.10 – Zoning Changes**

- A. To provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island.

**Conclusions of Law:**

- 1. This application is **not consistent** with the Comprehensive Plan, as described in the Community Facilities and Land Use Elements as set forth in LMO Section 16-2-103.C.3.a.i.
- 2. The proposed rezoning would allow the development of a residence on a parcel that cannot be served by water and sewer utilities, which is inconsistent with the goals of the Community Facilities and Land Use Elements.
- 3. The proposed rezoning would allow the development of a residence on a parcel that cannot be served by Fire and Rescue and Emergency Management services, which is inconsistent with the goals of the Community Facilities and Land Use Elements.
- 4. The proposed rezoning would allow the development of a residence on a parcel that is located in an environmentally sensitive area, which is inconsistent with the goals of the Land Use Element.

**Summary of Facts and Conclusions of Law**

*Criteria 2: Whether and the extent to which the proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity (LMO 16-2-103.C.3.a.ii):*

**Findings of Fact:**

- 1. While the subject property is an island surrounded by tidal marsh, the properties adjacent to the island are zoned CON, RSF-3, RM-4 (Low to Moderate Density Residential), and PD-1 (Planned Development Mixed-Use).
- 2. The proposed rezoning to RSF-3 will permit a variety of use types: single-family; government uses (with conditions); major utilities (by special exception); minor utilities; public parks; religious institutions; telecommunications antennas and telecommunications towers (with conditions); agricultural uses and boat ramps; and docking facilities and marinas (with conditions).
- 3. The RM-4 District principal uses include all the uses permitted within the RSF-3 District.
- 4. The CON District permits boat ramps, docking facilities, and marinas with conditions.
- 5. The PD-1 District principal uses are restricted by approved PUD Master Plans and associated texts. The closest PD-1 District to the subject property is Oakview, a single-family residential subdivision in Indigo Run.

**Conclusions of Law:**

- 1. This application **meets the criteria** in LMO 16-2-103.C.3.a.ii.
- 2. The proposed rezoning will allow a range of uses that are compatible with the uses allowed on other property in the vicinity.
- 3. The uses that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the adjacent CON, RSF-3, RM-4, and PD-1 zoned parcels.

**Summary of Facts and Conclusions of Law**

*Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO 16-2-103.C.a.iii):*

**Findings of Fact:**

1. Even though the applicant proposes to construct a “modest fish camp,” the proposed rezoning will allow all the uses listed in the RSF-3 District.
2. The island is currently zoned CON due to its location surrounded by tidal marsh, having a small upland area, and being ecologically and environmentally sensitive.
3. Many of the uses permitted within the RSF-3 District could negatively impact an island of this size in an environmentally sensitive area.

**Conclusions of Law:**

1. This application **does not meet the criteria** in LMO 16-2-103.C.a.iii.
2. The proposed zoning is not appropriate for the land because some of the uses permitted within the RSF-3 District would negatively impact the environmentally sensitive tidal marsh environment where the subject property is located.

**Summary of Facts and Conclusions of Law**

*Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO 16-2-103.C.a.ii):*

**Finding of Fact:**

1. The subject property is a privately owned island surrounded by tidal marsh that would be developed for the use only by the property owners, guests, and invitees.

**Conclusions of Law:**

1. This application **does not meet the criteria** in LMO 16-2-103.C.a.iv.
2. A privately owned island does not provide public access or services for the community and therefore would not meet any demonstrated community need through rezoning.

**Summary of Facts and Conclusions of Law**

*Criteria 5: Whether and the extent to which the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town (LMO 16-2-103.C.3.a.v):*

**Findings of Fact:**

1. The subject property has remained undeveloped in a natural state and is zoned CON.
2. Per LMO 16-3-103.B, the purpose of the CON District is to preserve and protect environmentally sensitive tidal wetland and beachfront lands subject to natural hazards by ensuring these areas accommodate very low density development that minimally disrupts the natural features or systems.
3. The Town does not have future plans to permit the development of lands within the CON District.

**Conclusions of Law:**

1. This application **does not meet the criteria** in LMO 16-2-103.C.3.a.v.
2. The proposed rezoning is not consistent with the overall zoning program as expressed in future plans for the Town.

**Summary of Facts and Conclusions of Law**

*Criteria 6: Whether and the extent to which the proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts (LMO 16-2-103.C.3.a.vi):*

**Findings of Fact:**

1. Old House Cay Island is a cluster of three islands approximately 3 acres in total area surrounded by tidal marsh and the Calibogue Sound located approximately 1/3 of a mile from the subject property.
2. Old House Cay Island is zoned RSF-3 and developed with a single family home, an observation tower, boardwalks, and a docking facility.
3. The proposed zoning for the subject property is RSF-3, like Old House Cay Island.

**Conclusions of Law:**

1. This application **meets the criteria** in LMO 16-2-103.C.a.vi.
2. Due to the nearby proximity of another parcel in the RSF-3 District, the proposed rezoning would not create an inappropriately isolated zoning district that is unrelated to adjacent and surrounding zoning district.

**Summary of Facts and Conclusions of Law**

*Criteria 7: Whether and the extent to which the proposed zoning would allow the subject property to be put to a reasonably viable economic use (LMO Section 16-2-103.C.3.a.vii):*

**Findings of Fact:**

1. The subject property as proposed to be rezoned will allow a variety of uses, including the proposed fish camp development. By rezoning to RSF-3, it will be made available for development by the property owners, who currently are unable to develop their property due to the CON District regulations.
2. The property owners do not own land on nearby adjacent single-family property in close proximity to the subject property. Rezoning would permit them to develop a viable use for their enjoyment of the property. With no shelter, it is currently rarely used or visited.

**Conclusions of Law:**

1. This application **meets the criteria** in LMO Section 16-2-103.C.3.a.vii.
2. The rezoning of the subject property would allow it to be put to a reasonably viable economic use.

**Summary of Facts and Conclusions of Law**

*Criteria 8: Whether and the extent to which the proposed zoning would result in development that can be served by available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management) (LMO Section 16-2-103.C.3.a.viii):*

**Findings of Fact:**

1. There is no infrastructure currently in place on the property.
2. The property owners plan to access the island only by boat.
3. No water or sewer service is available.
4. Electric service would be available if all permit and easement requirements are met.
5. The property owners propose a self-sustaining development that will not require public facilities or services.
6. Hilton Head Island Fire and Rescue has no capability to immediately access the subject property via boat. Fire Rescue and the Town E911 Center would have to coordinate with other local agencies to respond as timely as possible to emergency incidents at this location based on current capabilities and resources.

**Conclusions of Law:**

1. This application **does not meet the criteria** in LMO 16-2-103.C.3.a.viii.
2. The proposed rezoning would result in development that cannot be served by all typically available, adequate and suitable public facilities for properties in the Town of Hilton Head Island.

**Summary of Facts and Conclusions of Law**

*Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix):*

**Findings of Fact:**

1. The property is not subject to changing conditions other than the property owners’ desire to use the island as a “modest fish camp.”
2. The more recent development of single family homes within the Silver Moss and Tansyleaf subdivisions adjacent to the subject property are not construed as changing conditions that warrant rezoning property surrounded by tidal marsh.

**Conclusions of Law:**

1. This application **does not meet the criteria** in LMO Section 16-2-103.C.3.a.ix.
2. The subject property has never been developed, is surrounded by tidal marsh, and is not subject to changing conditions in the area.
3. The uses allowed by the proposed zoning district are not appropriate or needed due to any changing conditions in the affected area.

**LMO Official Determination**

Staff determines that this application **is inconsistent with the Comprehensive Plan and does not serve to carry out the purposes of the LMO** as based on the Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein.

Staff recommends that the Planning Commission recommend **DENIAL** to Town Council of this application.

**Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.**

**PREPARED BY:**

TL  
\_\_\_\_\_  
Taylor Ladd  
*Senior Planner*

May 31, 2018  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

ND  
\_\_\_\_\_  
Nicole Dixon, CFM  
*Development Review Administrator*

May 31, 2018  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

TL  
\_\_\_\_\_  
Teri Lewis, AICP, *LMO Official*

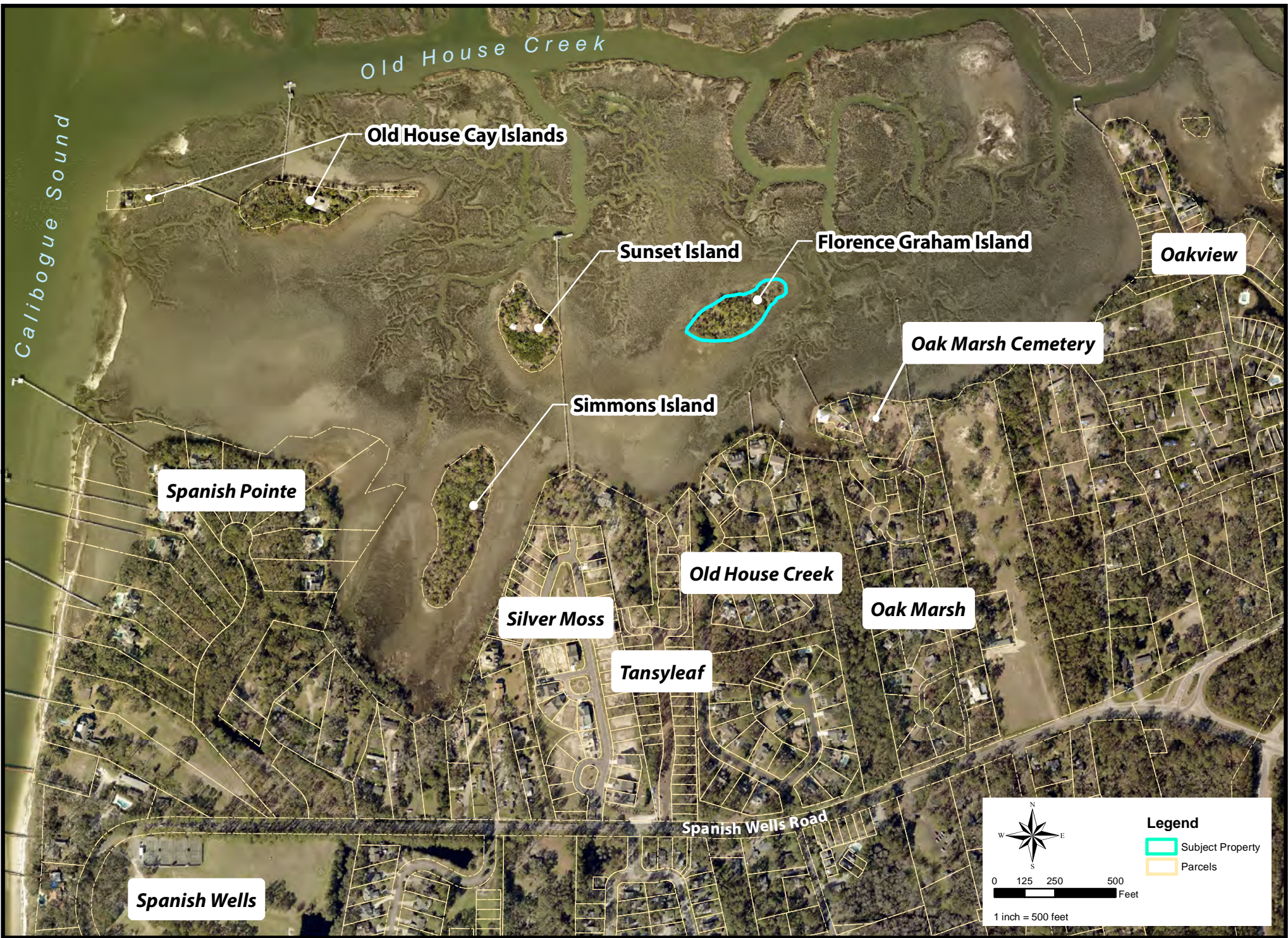
May 31, 2018  
\_\_\_\_\_  
DATE



**ATTACHMENTS:**

- A) Location and Vicinity Map
- B) Florence Graham Island Zoning Map
- C) LMO Use Tables for the CON and RSF-3 Districts
- D) Vicinity Aerial Imagery
- E) 2018 Boundary Survey
- F) Applicant Narrative of Intent and Exhibits
- G) Applicant Definition of “Modest Fish Camp”

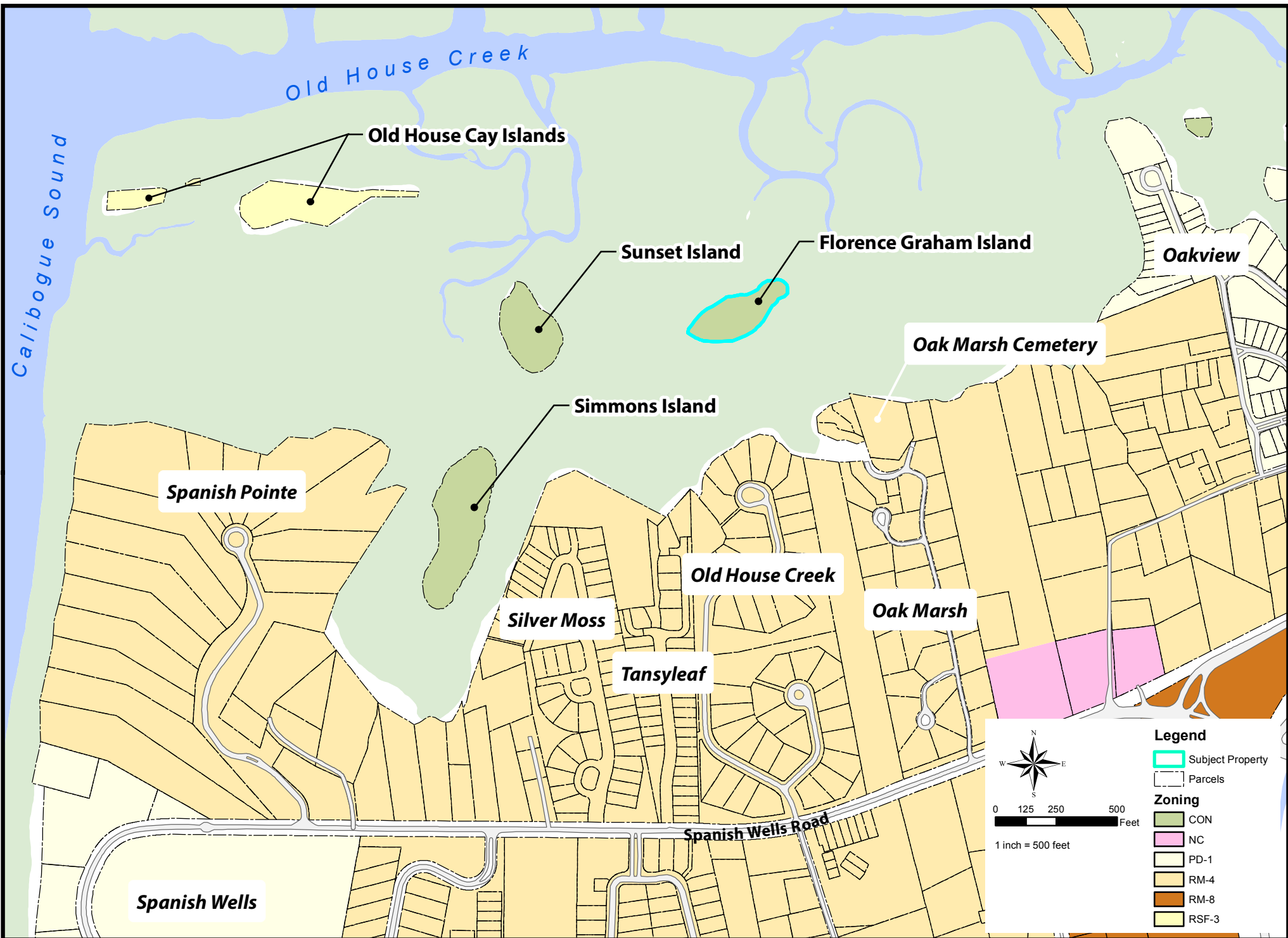




ZA-001111-2018

**Florence Graham Island Zoning: Location and Vicinity Map**





ZA-001111-2018

Florence Graham Island Zoning Map

# Attachment C

ZA-001111-2018

## Florence Graham Island Zoning: LMO Use Table for CON District

Town of Hilton Head Island Municipal Code

Title 16: Land Management Ordinance, Section 16-3-103.B

# CON Conservation District

### 1. Purpose

The purpose of the Conservation (CON) District is to preserve and protect environmentally sensitive tidal wetland and beachfront **lands** subject to natural hazards by ensuring these areas only accommodate very low intensity **development** that minimally disrupts natural features or systems (either temporarily or permanently). The upland boundary of this district corresponds to the OCRM Critical Line and therefore is approximately coterminous with all tidal wetlands and the upland boundary of the **beach**, as defined in Section 8-1-112 of the **Municipal Code**, and extends outward to the **Town** jurisdictional boundary, as identified in Section 2-1-20 of the **Municipal Code**.

### 2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Other Uses</b>			
<b>Boat Ramps , Docking Facilities , and Marinas</b>	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips

### 3. Development Form Standards

Max. Density (per net acre )		Lot Coverage
All Development	n/a	Max. <b>Impervious Cover</b>  n/a
Max. Building Height		
All Development	n/a	

### USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

#### TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; ft = feet; n/a = not applicable

# Attachment C

ZA-001111-2018

## Florence Graham Island Zoning: LMO Use Table for RSF-3 District

Town of Hilton Head Island Municipal Code

Title 16: Land Management Ordinance, Section 16-3-104.B

# RSF-3

## Residential Single-Family-3 District

### 1. Purpose

The purpose of the Residential Single-Family-3 (RSF-3) District is to primarily accommodate **neighborhoods** of **single-family dwellings** at **densities** ranging up to three units per acre. It is intended to discourage any **use** that would substantially interfere with the **development** of **single-family dwellings** or would be detrimental to the quiet residential nature of **single-family neighborhoods**. The district also accommodates agricultural **uses** and parks as permitted **uses**.

### 2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
<b>Residential Uses</b>				
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
<b>Public, Civic, Institutional, and Educational Uses</b>				
<i>Government Uses</i>	PC	Sec. 16-4-102.B.2.d	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
<i>Major Utilities</i>	SE		1 per 1,500 GFA	
<i>Minor Utilities</i>	P		n/a	
<i>Public Parks</i>	P		See Sec. 16-5-107.D.2	
<i>Religious Institutions</i>	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
<i>Telecommunication Towers, Monopole</i>	PC	Sec. 16-4-102.B.2.e	1	
<b>Other Uses</b>				
<i>Agriculture Uses</i>	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
<i>Boat Ramps, Docking Facilities, and Marinas</i>	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

## Attachment C

ZA-001111-2018

### Florence Graham Island Zoning: LMO Use Table for RSF-3 District

3. Development Form Standards			
MAX. DENSITY (PER NET ACRE )		LOT COVERAGE	
Residential	3 du	Max. <b><i>Impervious Cover</i></b> for All Development Except <b><i>Single-Family</i></b>	35%
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT		Min. <b><i>Open Space</i></b> for Major Residential <b><i>Subdivisions</i></b>	16%
All Development	35 ft <sup>1</sup>		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
<b>TABLE NOTES:</b>			
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b><i>dwelling units</i></b> ; sf = square feet; GFA = <b><i>gross floor area</i></b> in square feet; ft = feet; n/a = not applicable			
1. May be increased by up to ten percent on demonstration to the <b><i>Official</i></b> that:			
a. The increase is consistent with the character of <b><i>development</i></b> on surrounding <b><i>land</i></b> ;			
b. Development resulting from the increase is consistent with the purpose and intent of the <b><i>building height</i></b> standards;			
c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed <b><i>development</i></b> , or (2) results in improved site conditions for a <b><i>development</i></b> with <b><i>nonconforming site features</i></b> ;			
d. The increase will not pose a danger to the public health or safety;			
e. Any adverse impacts directly attributable to the increase are mitigated; and			
f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.			



**Attachment D**

ZA-001111-2018

**Florence Graham Island Zoning: Vicinity Aerial View South**



© 2017 Pictometry



**Attachment D**

ZA-001111-2018

**Florence Graham Island Zoning: Aerial View South**



© 2017 Pictometry



**Attachment D**

ZA-001111-2018

**Florence Graham Island Zoning: Aerial View West**



© 2017 Pictometry



**Attachment D**

ZA-001111-2018

**Florence Graham Island Zoning: Aerial View North**





**Attachment D**

ZA-001111-2018

**Florence Graham Island Zoning: Aerial View East**

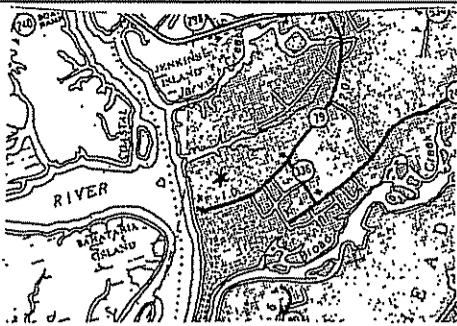


© 2017 Pictometry



Florence Graham Island Zoning: 2018 Boundary Survey

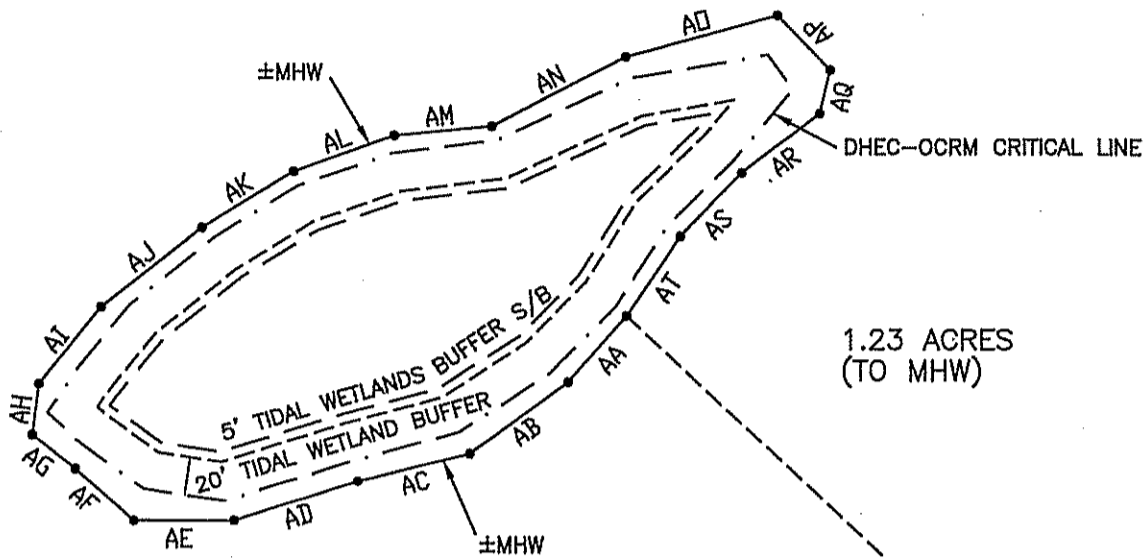
THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF DHEC-DCRM PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE DHEC-DCRM, THE OFFICE OF DCRM IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT. ALL PROPERTY OWNERS OR PROSPECTIVE BUYERS ARE ADVISED TO HAVE THE LINE CHECKED BY COUNCIL STAFF PRIOR TO CONSTRUCTION OR CLOSING ON THE SALE OF THIS PROPERTY.



*[Signature]*  
SIGNATURE

5/30/18  
DATE

EXPIRATION DATE



NO.	BEARING	DISTANCE
AA	S41°13'07"W	46.22'
AB	S53°36'54"W	63.71'
AC	S75°47'43"W	60.19'
AD	S72°17'00"W	67.62'
AE	S89°44'19"W	52.41'
AF	N48°31'27"W	40.87'
AG	N51°51'47"W	28.51'
AH	N07°06'55"E	26.85'
AI	N38°52'33"E	51.70'
AJ	N52°00'11"E	66.77'
AK	N58°37'25"E	56.05'
AL	N70°17'11"E	55.81'
AM	N84°22'58"E	51.00'
AN	N62°39'40"E	78.81'
AO	N74°44'32"E	82.37'
AP	S44°15'53"E	39.38'
AQ	S13°45'44"W	23.07'
AR	S53°09'00"W	51.14'
AS	S44°19'50"W	45.81'
AT	S34°13'21"W	50.00'



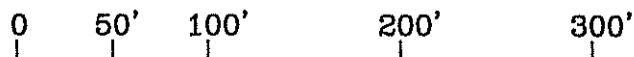
BOUNDARY SURVEY PREPARED FOR  
GEORGE BROULLARD  
HILTON HEAD  
BEAUFORT COUNTY, SOUTH CAROLINA

THE SAME BEING FLORENCE GRAHAM ISLAND, HILTON HEAD

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS LOCATED IN ZONE A-7 (EL 14.0) AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450250 0007 D, DATED 9-29-86.

R510-010-000-0362-0000



SCALE 1" = 100'

MAY 19, 2005  
P11877/MMA

REVISED 5/14/18: CHANGED S/B LINE  
& ADDED BUFFER

*[Signature]*  
DAVID S. YOUMANS RLS 9765  
BEAUFORT SURVEYING, INC.  
1613 PARIS AVENUE  
PORT ROYAL, S.C. 29935  
PHONE (843) 524-3261 525-1175

**Attachment F**

**ZA-001111-2018**

**Florence Graham Island Zoning**

Proposed Zoning Map Amendment

Spangenberg Family Trust u/a/d 3/6/1997

**NARRATIVE OF INTENT**

**PROPOSED ZONING AMENDMENT FOR**

**TMS R510-010-000-0362-0000-00**

**Beaufort County, South Carolina**

April 25, 2018

## Attachment F

ZA-001111-2018

### Florence Graham Island Zoning

**PURPOSE:** The Spangenberg Family Trust u/a/d 3/6/1997 ("Trust") seeks approval on a Zoning Map amendment for Florence Graham Island, consisting of approximately 1.1 acres, located 499.73 feet from the Cemetery at Oak Marsh Subdivision (TMS No.: R510-010-000-0362-0000-00) ("Property"), to allow for the construction of a modest fish camp under Residential Single Family 3 District ("RSF-3"). It is the Trust's understanding and belief that RSF-3 is the least impactful zoning district that would allow the Trust to construct its fish camp. The Trust is committed to the preservation of the natural beauty of the Property and would hold firmly to its commitment when constructing the fish camp. None of the improvements to the Property would be seen from the mainland and the minimal lighting necessary for the fish camp will be shielded from the mainland.

**SITE:** The Property is a 1.1 acre Island, located off the coast of the Cemetery at Oak Marsh Subdivision and is accessible only by watercraft. The Trust has owned and cared for the Property since 2004. The Property is currently zoned for the Conservation District under the Hilton Head Island Land Management Ordinance. (See Exhibit 1 - Hilton Head Island Zoning Map 2017).

**SURROUNDING LAND USES:** The Property is surrounded is surrounded by three other islands: (1) TMS R510-010-000-0632-0000 ("632"); (2) TMS R510-010-000-0231-0000 ("231"); and (3) R510-010-000-0361-0000 ("361"). Two of these islands, 632 and 361 contain structures, and 361 is already zoned RSF-3. Additionally, the Property is located 499.73 feet from Oak March Subdivision which is currently zoned RM-4. (See Exhibit 2 - Google Maps Image).

#### ANALYSIS OF ZONING CHANGE:

**Standard:** *The proposed amendment is in accordance with the Comprehensive Plan and is consistent with the overall zoning program as expressed in future plans for the Town:*

The Comprehensive Plan is a document created to guide the future growth and development of the community. The proposed amendment is consistent with the overall intent of the Comprehensive Plan and the Town's future plans.

The proposed amendment:

- Provides a pattern of land use that is consistent with the surrounding land uses.
- Contributes to the Town's goal of being a sustainable community with a diversified tax base to support Town facilities and services.



## Attachment F

ZA-001111-2018

### Florence Graham Island Zoning

- Continues to preserve and enhance the natural features of the Property by providing very limited development on the Property consistent with the surrounding islands.
- Two of the surrounding islands have similar limited developments. (See Exhibit 2 - 361, 632).

**Standard:** *The proposed amendment would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity and would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts.*

The proposed amendment would allow the Trust to use the Property in a way that is compatible with the uses of other properties in the immediate vicinity. One of the islands surrounding the Property is currently zoned RSF-3 and two of these islands already contain structures. (See Exhibit 2 - 361, 632). Additionally, the Property is located 499.73 feet away from the Oak Marsh Subdivision. The Subdivision is zoned RM-4 and contains many residential houses. Thus, the proposed amendment would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts.

**Standard:** *The proposed amendment is appropriate for the land:*

As the Property is only accessible by watercraft, zoning the Property to RSF-3 to allow for the construction of a modest fish camp is appropriate for the land. It would allow the Trust to have overnight access to the Property and to enjoy the natural features offered by the Property.

**Standard:** *The proposed amendment addresses a demonstrated community need:*

Amending the Property's zoning to RSF-3 in order to allow the Trust to construct a fish camp would provide the Property's users with a unique opportunity to enjoy our local nature and wildlife in a preserved and natural setting.

**Standard:** *The proposed amendment would allow the subject property to be put to a reasonable viable economic use:*

Zoning the Property RSF-3 and allowing the Trust to construct a fish camp would allow the Property to be used by the Trust, its guests, and its invitees for limited overnight stays. Currently with no shelter, the Property is never used and very rarely visited.

## Attachment F

ZA-001111-2018

### Florence Graham Island Zoning

**Standard:** *The proposed amendment would result in development that can be served by available, adequate, and suitable public facilities:*

The Property is located 499.73 feet from the mainland of Hilton Head Island. The Trust is not asking for public utilities to be brought to the Island, but instead intends to be self-sustainable, providing its own potable water (brought in by boat), power (solar panels, wind generator, and batteries), and waste disposal (incinerator, septic tank, or other approved disposal method) with the approval of OCRM, DHEC, and other regulatory bodies. This intention is appropriate for the location and natural features of the Property.

**Standard:** *The proposed amendment is appropriate due to any changed or changing conditions in the affected area:*

Two of the surrounding islands has been improved in a similar fashion to the fish camp intended to be constructed by the Trust. Thus, this use of the Property is consistent and appropriate with the changing zoning conditions of the surrounding islands.

Accordingly, the Trust respectfully asks that its proposed zoning amendment be granted, and the Property be zoned RSF-3 to allow the Trust to construct a modest fish camp in order to enjoy the natural beauty of the Property.

Respectfully,

Janet L. Spangenberg

Trustee of the Spangenberg Family Trust u/a/d 3/6/1997

and

Lauren P. Williams

Russell P. Patterson, P.A.

P.O. Box 8047

Hilton Head, SC 29938

(843)341-9300

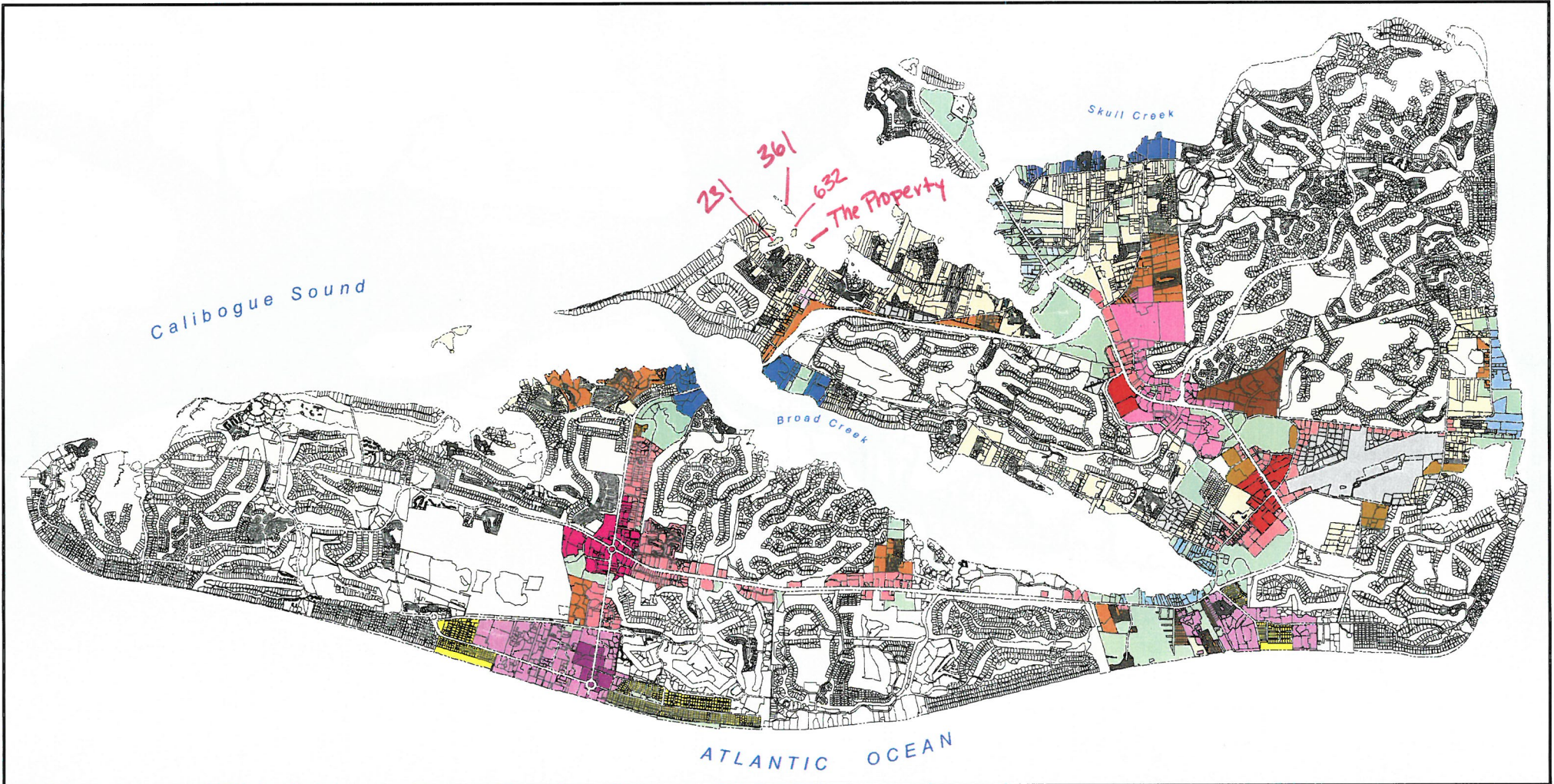
lauren@russellpattersonlaw.com



# Attachment F

ZA-001111-2018

## Florence Graham Island Zoning



### Town of Hilton Head Island OFFICIAL ZONING DISTRICT MAP

Effective Date: October 7, 2014  
Last Update: December 19, 2017

This map is a representation of the zoning districts as shown on the official zoning map. It is not intended to be used as a legal document. For more information, please contact the Planning Department at 252-781-1234. The map is based on the zoning map as of December 19, 2017. The map is not intended to be used as a legal document. For more information, please contact the Planning Department at 252-781-1234.

1 inch = 4,000 feet



0 500 1000 1500 2000 Feet

#### RESIDENTIAL ZONING DISTRICTS

- RS-3 SINGLE FAMILY
- RS-5 SINGLE FAMILY
- RS-6 SINGLE FAMILY
- RM-4 LOW TO MODERATE DENSITY
- RM-8 MODERATE DENSITY
- RM-12 MODERATE TO HIGH DENSITY

#### MIXED-USE & BUSINESS ZONING DISTRICTS

- NC NEIGHBORHOOD COMMERCIAL
- MS MAIN STREET
- SPC SEA PINES COMMERCIAL
- LC LIGHT COMMERCIAL
- CC COMMUNITY COMMERCIAL
- MED MEDICAL
- IL LIGHT INDUSTRIAL

- PD-1 PLANNED DEVELOPMENT
- MF MARSHFRONT MIXED USE
- S STONEY MIXED USE
- MV MITCHELVILLE
- WMU WATER-ORIENTED MIXED USE
- RD RESORT DEVELOPMENT
- CR COLIGNY RESORT

#### CONSERVATION & RECREATION DISTRICTS

- CON CONSERVATION
- PR PARKS AND RECREATION

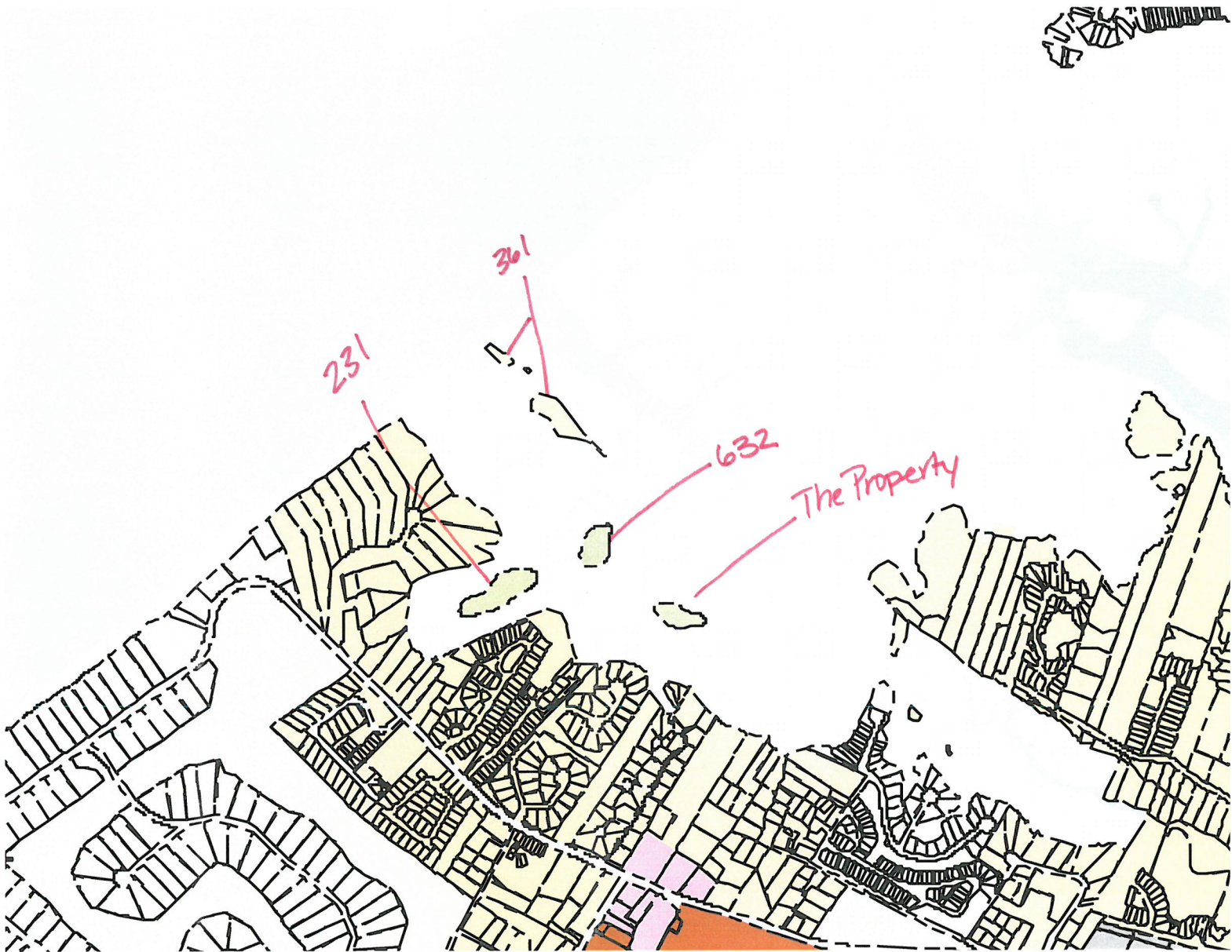
Exhibit 1



**Attachment F**

ZA-001111-2018

**Florence Graham Island Zoning**





**Attachment F**

ZA-001111-2018

**Florence Graham Island Zoning**

Google Maps



Imagery ©2018 Google, Map data ©2018 Google 500 ft

Exhibit 2

**Attachment G**

ZA-001111-2018

**Florence Graham Island Zoning**

Proposed Zoning Map Amendment

Spangenberg Family Trust u/a/d 3/6/1997

**DEFINITION OF "MODEST FISH CAMP"**

PROPOSED ZONING AMENDMENT FOR

TMS R510-010-000-0362-0000-00

Beaufort County, South Carolina

May 21, 2018

## **Attachment G**

**ZA-001111-2018**

### **Florence Graham Island Zoning**

The term "Modest Fish Camp" as used throughout our Narrative, can be defined as follows: A traditional fish camp structure is envisioned for the property. This would consist of a wooden free standing structure, built upon wooden or concrete piers, not to exceed 1,500 sq. feet, with possible interior walls for a kitchen, living room, bathroom, or one or more bedrooms or bunkhouses. The camp would be serviced by a cistern and an approved septic tank or other approved facility. There will be no impervious structures (i.e. concrete foundation, driveway, or sidewalks) as part of the structure. The Modest Fish Camp would be similar to the structure on a nearby island (TMS No. R510-010-000-0361-0000) and/or the attached photo.

As discussed in our Narrative, the Property is accessible only by boat. Currently, the Property has no docking facility, but the Trust intends to construct a docking facility in the future. This docking facility would consist of a small floating dock, a wooden walkway to the Property and a platform connecting the floating dock and walkway. All construction of both the docking facility and the modest fish camp would be subject to approval by the appropriate regulatory bodies.



**Attachment G**

ZA-001111-2018

**Florence Graham Island Zoning**

