



**Town of Hilton Head Island
Planning Commission Meeting
Wednesday, August 15, 2018 – 3:00 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. **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 August 1, 2018
7. **Appearance by Citizens on Items Unrelated to Today's Agenda**
8. **Unfinished Business**
 - a. **Public Hearing**
ZA-001467-2018 – Request from property owners Thomas C. Barnwell Jr. and Perry White to amend the Official Zoning Map by changing the zoning designation of an undeveloped 6.22-acre parcel located at 280 Fish Haul Road. The parcel is bisected by Fish Haul Road. The request is to rezone the northern portion from RM-4 (Low to Moderate Density Residential) to MV (Mitchelville), and to rezone the southern portion from RM-8 (Moderate Density Residential) to MV (Mitchelville). It is further identified as Beaufort County Tax Map 4, Parcel 16. The effect of this rezoning will be to increase the available density and to increase the number and type of allowable uses. *Presented by Taylor Ladd*
9. **New Business**
 - a. **Public Hearing**
ZA-001482-2018 – Request from Mike Thomas, with Thomas Design Group, LLC, to amend the Official Zoning Map by changing the zoning designation of an undeveloped 3.73-acre parcel located at 107 Leg O' Mutton Road from RM-4 (Low to Moderate Density Residential) to PD-1 Indigo Run (Planned Development Mixed Use). It is further identified as Beaufort County Tax Map 8, Parcel 123A. The effect of this rezoning will be to increase the available density and to define the allowable uses. *Presented by Taylor Ladd*
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 August 1, 2018 – 9:00 a.m. Meeting
Hilton Head Public Service District, 21 Oak Park Drive

Commissioners Present: Chairman Alex Brown, Vice Chairman Peter Kristian, Glenn Stanford, Todd Theodore, Judd Carstens, Leslie McGowan, Michael Scanlon

Commissioners Excused: Lavon Stevens, Caroline McVitty

Town Council Present: Bill Harkins

Town Staff Present: Shawn Colin, Deputy Director of Community Development; Nicole Dixon, Development Review Administrator; Carolyn Grant, Communications Director; Brian Hulbert, Staff Attorney; Taylor Ladd, Senior Planner; Jennifer Ray, Planning & Special Projects Manager; Anne Cyran, Senior Planner; Teresa Haley, Senior Administrative Assistant

1. Call to Order

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

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. Swearing in Ceremony for New Commissioners Leslie McGowan and Michael Scanlon

Brian Hulbert, Staff Attorney, performed the swearing in ceremony for the newly appointed Commissioners, Leslie McGowan and Michael Scanlon.

6. Approval of Agenda

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

7. Approval of Minutes – Meeting of July 18, 2018

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

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

9. Unfinished Business – None

10. New Business

a. Public Hearing

ZA-001467-2018 – Request from property owners Thomas C. Barnwell Jr. and Perry White to amend the Official Zoning Map by changing the zoning designation of an undeveloped 6.22-acre parcel located at 280 Fish Haul Road. The parcel is bisected by

Fish Haul Road. The request is to rezone the northern portion from RM-4 (Low to Moderate Density Residential) to MV (Mitchelville), and to rezone the southern portion from RM-8 (Moderate Density Residential) to MV (Mitchelville). It is further identified as Beaufort County Tax Map 4, Parcel 16. The effect of this rezoning will be to increase the available density and to increase the number and type of allowable uses.

Ms. Ladd presented the application described in the Staff Report as provided in the Commission's packet. Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed in the Staff Report.

Chairman Brown requested comments from the Commission. The Commission discussed and made inquiries regarding: the access easement agreement between the County and the property owners for the portion of Fish Haul Road that bisects the property; current excluded uses should the property be rezoned to MV; sewer and fire hydrants would be required at the owners' expense; criteria for a minor arterial; whether any consideration was given to implications if the easement is abandoned; that the property is subject to the Corridor Overlay District; the purpose of the MV district; other proposed developments in the immediate vicinity; development plans are subject to meet access requirements per the LMO; clarification on the current zoning of the subject property and surrounding properties; the sale of the property is contingent upon this rezoning; the potential buyer wants to develop the subject property and adjacent parcels 9A, 10 and 11; the adjacent parcels are zoned MV, consist of 11.5 acres, and allowed approximately 130 density units by right; the subject property can have approximately 40 units as currently zoned, and 70 units if rezoned to MV; there was some concern for the 75' height and total density allowed under MV; the PSD storage lagoon function; fire hydrants on the property; and the property is subject to setback and buffer requirements on both sides of Fish Haul Road.

The applicant's attorney, Rick Marsh, presented statements regarding the application and answered questions presented by the Commission.

Chairman Brown opened the meeting for public comment. Stefanie Nagid, Passive Park Manager for Beaufort County, indicated she manages the PR zoned properties positioned on the top left of Attachment B of the Staff Report. These properties were co-purchased by the Town and the County in the hopes of creating a passive park. Ms. Nagid stated she has no objection to the rezoning of the property. She asked that consideration be given to connectivity between the parks as this development and other future developments come to the Town. The County would like to collaborate with the Town Planning Department during those development plan reviews.

The Commission made further comments and inquiries regarding: the buyers' development plans; the affordable housing element of the Comp Plan; major developments are subject to the Design Review Board; staff estimates the affordable housing consultant process from hiring to having a finished product will span about 6-9 months plus the process time to change codes and be adopted by Town Council; and the buyer's development history in previous locations.

The potential buyer/developer of the property was not in attendance. However, the buyer/developer indicated to the applicant that they are planning a multi-family housing project with long-term rental units on the subject property and moderately priced single-family homes on adjacent tracts in the Mitchelville District: Parcel Numbers 9A, 10 and 11. The buyer/developer has done as they term “affordable housing” in other areas of the Lowcountry. Staff cautioned that at this time there are no zoning districts nor ordinances in place that require a developer to create affordable housing, thus the Town has no way to enforce affordable housing for residential development. There is no way to guarantee the subject property will in fact be developed with affordable housing. Most of the adjacent property is vacant, so this development could set a precedent. Several Commissioners expressed the desire to address their concerns with the potential buyer/developer prior to making a recommendation on this rezoning.

On behalf of the applicant, Mr. Marsh requested the hearing be held open until the next meeting in order to address the Commission’s concerns.

Vice Chairman Kristian made a motion to leave the hearing open to the next Planning Commission meeting. Commissioner Stanford seconded.

Chairman Brown asked for any discussion on the motion. There were additional comments regarding: acting based upon current law and whether the applicant meets the current LMO requirements; clarity on density units allowed under RM-4 district based on more than 5 acres; the property was drawn incorrectly as two pieces and therefore assigned two different zonings; consideration of RM-12 and spot zoning; concern for commercial uses allowed in the MV District; and addressing affordable housing.

With no further discussion, Chairman Brown called the question on the motion. The motion passed with a vote of 6-1-0.

Mr. Barnwell, on behalf of the Ben White Trust, thanked the Commission and Staff for their work and gave a special thanks to Taylor Ladd.

11. Commission Business

a. Appointment of Sub Committees

Chairman Brown announced the subcommittee assignments and asked Ms. Cyran to send the list to the Commission following the meeting.

12. Chairman’s Report – None

13. Committee Report

a. Comp Plan Committee: Discussion of Developing the Process of Phase 2 of Vision “Reinventing Sustainability Again” and Comprehensive Plan.

Commissioner Carstens reported the Comp Plan Committee met yesterday and had a large turnout. The biggest outcome from that meeting was the importance of

communication. The Commissioners, staff, and public discussed and made suggestions to enhance communication for the next Comp Plan Committee meeting and the overall Vision/Comp Plan process. Staff will coordinate the next Comp Plan Committee meeting for the tentative date of Monday, August 13.

14. Staff Report

Ms. Cyran noted the Commission's next regular meeting will return to Town Hall. The meeting is August 15 at 3:00 p.m.

15. Adjournment

The meeting was adjourned at 10:23 a.m.

Submitted by: Teresa Haley, Secretary

Approved:

Alex Brown, Chairman

DRAFT



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

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
-----------------------	------------------------------	--------------	------------------

**STAFF REPORT
ZONING MAP AMENDMENT**

Case #	Name of Project or Development	Public Hearing Date
ZA-001467-2018	280 Fish Haul Road	August 1, 2018

Parcel Data & Location	Owners & Applicants
<u>Parcel ID:</u> R510 004 000 0016 0000 <u>Size:</u> 6.22 Acres <u>Address:</u> 280 Fish Haul Road	Thomas C. Barnwell, Jr. & Perry White P.O. Box 21031 Hilton Head Island, SC 29925
Existing Zoning Districts	Proposed Zoning Districts
COR – Corridor Overlay District within 500’ of the O.C.R.M. critical line. RM-4 – Low to Moderate Density Residential RM-8 – Moderate Density Residential (See Attachment C for complete Zoning District Information)	COR – Corridor Overlay District within 500’ of the O.C.R.M. critical line. MV – Mitchelville (See Attachment C for complete Zoning District Information)

Application Summary
Property owners Thomas C. Barnwell, Jr. and Perry White are proposing to amend the Official Zoning Map by changing the zoning designation of an undeveloped 6.22-acre parcel located at 280 Fish Haul Road. The parcel is bisected by Fish Haul Road. The request is to rezone the northern portion from RM-4 (Low to Moderate Density Residential) to MV (Mitchelville), and to rezone the southern portion from RM-8 (Moderate Density Residential) to MV (Mitchelville). The effect of this rezoning will be to increase the available density and to increase the number and type of allowable uses.

Staff Recommendation
Staff recommends the Planning Commission find this application to be consistent with the Town’s Comprehensive Plan and to carry out the purposes of the LMO , based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background

The subject property is 6.22 acres and located at the intersection of Mitchelville Road and Fish Haul Road. It has been bisected by Fish Haul Road since at least 1965, based on aerial images. The property is bounded to the northeast by Mitchelville Road, to the northwest by four single-family parcels, to the southwest by Palmetto Hall golf facilities, and to the southeast by Palmetto Hall golf facilities and a single-family home. Port Royal Sound is less than 500 feet to the northeast and across Mitchelville Road from the subject property. The property and adjacent parcels in RM-4, RM-8, and MV Districts are part of the historic Bay Gall neighborhood. See Attachment A for a vicinity map.

Thomas C. Barnwell, Jr. and Perry White are the property owners of record as trustees for the Ben White Trust. There are no property sales on record with the Beaufort County Register of Deeds. There is record of title transfer to the White family heirs and incorporation into the Ben White Trust in approximately 1993. Prior to 1993, the property was held in trust by the family.

There is no record the subject property has ever been developed. Aerial imagery since 1955 shows the property has remained vacant. The 2005 Boundary Survey (Attachment E) designates the Fish Haul Road access through the property as a dirt road encompassing 0.9 acres of the property leaving 6.22 net acres. In 2013, this portion of Fish Haul Road was paved by Beaufort County with 20-foot of pavement within a 40-foot easement granted by the property owners.

On the 1986 Official Zoning Map, the entire property was designated as RM-4 and remained RM-4 until the current zoning map was adopted in 2014. At that time, the northern portion of the property remained RM-4 to correlate with adjacent properties to the north of Fish Haul Road and west of Mitchelville Road. The southern portion was rezoned to RM-8 to correlate with adjacent properties to the south of Fish Haul Road and west of Mitchelville Road. See Attachment B for the vicinity zoning map and Attachment C for the RM-4 and RM-8 District use tables.

Approximately two acres of the subject property is zoned RM-4. The RM-4 District allows the following Residential Uses: Group Living, Multifamily, and Single Family residential uses at a density of four units per net acre for parcels under three acres in size; six units per net acre for parcels between three and five acres in size; and eight units per net acre for parcels that are five acres or larger. Other uses permitted include Public, Civic, Institutional, and Educational uses; Bed and Breakfasts with conditions; conditional Commercial Services; and Other Uses including Agriculture, Boat Ramps, Docking Facilities, and Marinas. In the RM-4 District the maximum density for nonresidential uses is 6,000 square feet of gross floor area (GFA) per net acre and ten rooms per net acre for Bed and Breakfasts. The maximum building height is 35 feet and maximum impervious lot coverage for all development except single family is 35 percent. See Attachment B for the vicinity zoning map and Attachment C for the RM-4 District use table.

Approximately four acres of the subject property is zoned RM-8. The RM-8 District is similar to RM-4; however, the maximum residential density in the RM-8 District is eight units per net acre regardless of the size of the parcel. Unlike the RM-4 District, Cemeteries and Resort Accommodations are not permitted in the RM-8 District; the other permitted uses are the same. The maximum building height in the RM-8 District is 45 feet and maximum impervious lot coverage for all development except single family is 35 percent. See Attachment B for the vicinity zoning map and Attachment C for the RM-8 District use table.

The MV District permits Mixed-Use, Multifamily, and Single Family residential uses at a density of 12 units per net acre. Other uses permitted in MV District are extensive and variable. The permitted uses support the purpose of the district, which is to recognize the historical and cultural significance of the area and to facilitate development. See Attachment C for a full list of uses permitted in the MV District. The maximum nonresidential density is 8,000 GFA per net acre, the maximum building height is 75 feet and the maximum impervious lot coverage is 50 percent.

Currently and proposed, access to the subject property is by Fish Haul Road and Mitchelville Road. The developer may be required to make improvements to the property access roads as part of the

Development Plan Review process. Electric and water service are currently available. Though sewer service is not currently available, the Hilton Head Island Public Service District stated the owner can install a low pressure sewer line at the owners' expense. Fire Rescue has the capability to immediately access the subject property.

Staff has not received any correspondence from the public regarding this Zoning Map Amendment application other than two phone calls from adjacent property owners requesting an explanation about the proposed rezoning. Neither party specified opposition to the rezoning.

Applicant's Grounds for ZMA

Thomas C. Barnwell, Jr. and Perry White, Trustees for the Ben White Trust, are pursuing a zoning map amendment to rezone the subject property to facilitate their sale of the subject property. The Ben White Trust has entered into a pending contract with Web Investment Group, LLC. A density of 12 du per net acre is one of the conditions of the sale. The buyer/developer is planning a multi-family housing project with long-term rental units on the subject property with moderately priced single-family homes on adjacent tracts in the Mitchelville District: Parcel Numbers 9A, 10 and 11 on Tax Map 4. All parcels would operate as one mixed residential product development. See Attachment E for a boundary survey and Attachment F for the narrative provided by the applicant. The proposed change in zoning will increase the density and the number and type of permitted uses on the subject property.

Summary of Facts and Conclusions of Law

Findings of Fact:

1. The application was submitted on June 16, 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 August 1, 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 August 1, 2018 public hearing was published in the Island Packet on July 15, 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 Town mailed notices of the August 1, 2018 public hearing by first-class mail to the owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land on July 17, 2018.
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 July 16, 2018 conspicuous notice of the August 1, 2018 public hearing on the lands subject to the application.

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 August 1, 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 mailed notices of the public hearing to owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land 15 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.
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:

Housing Element

Implications for the Comprehensive Plan – 5.2 Housing Opportunities

- A sustainable workforce is essential to the future economic potential of the Island. To be sustainable over the horizon envisioned by this Comprehensive Plan, the workforce needs appropriate education, training, and access to affordable housing. While efforts for education and training may be broadly addressed on a regional basis, the current strategy for affordable housing seems to hinge on an off-Island labor pool. While this may meet short term (3-5 years) needs, potential development in Jasper County and other areas west of the Island may create competitive pressure on this off-Island labor pool and may threaten the Island's access to a viable work force.
- It is important that the Town of Hilton Head Island assists in the ability for the population to age in place. As the average age of the population gets older, the needs of the community change. It is important that housing options accommodate these changes. It is also important that the family and friends that support aging family members are able to reside in close proximity. The location of assisted living facilities is also important. Special complimentary land uses and associated infrastructure are needed. When one ages in place, it is important that one is living in close proximity to basic services, for instance banks, grocery stores and medical services and provisions for emergency evacuation are considered.

Goal 5.2 – Housing Opportunities

- B. To look at housing opportunities as a mechanism to maintain its essential workforce.
- C. To encourage housing options that provide opportunities for residents to age in place.

Land Use Element

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.

Implementation Strategy 8.10 – Zoning Changes

- B. Consider focusing higher intensity land uses in areas with available sewer connections.

Additional Findings of Fact:

1. The proposed rezoning would increase the number of dwelling units allowed on the subject parcel from 40 to 74.
2. The subject property is not located near major tourist attractions.
3. The subject property is not located directly on the water.
4. The median home value on Hilton Head Island is about \$400,000.
5. The average value of homes outside of gated communities in the area around the subject property is \$200,000.
6. New housing developments are proposed or are currently being developed in the area: Beach City Place; Beach City Commons; 140 Fish Haul Road; and Ocean Breeze Cottages.
7. Group Living uses, including Assisted Living Facilities, are permitted in the RM-4 and RM-8 Districts.
8. Group Living uses are not permitted in the MV District.
9. The subject property is located almost four miles from a grocery store, more than three miles from a bank, and three miles from medical services.
10. The subject property does not contain any known wetlands, dunes, or other environmentally sensitive features.
11. Sewer service is not currently available to the subject property.
12. The Hilton Head Island Public Service District stated the property could have sewer service if the developer pays for the installation of a low pressure sewer line.
13. Establishing sewer service to the subject parcel would be required as part of a Development Plan Review or Subdivision application.

Conclusions of Law:

1. This application is **consistent** with the Comprehensive Plan, as described in the Housing, 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 almost twice the number of residential dwelling units to be developed on the subject parcel. Given the location of the property, it is likely most profitably developed for residential use. Based on the value of homes in the area, it is likely that residences developed on this property would be moderately priced and therefore could provide additional workforce housing. Since providing additional housing opportunities maintain the Island's essential workforce is a goal of the Housing Element, the proposed rezoning is consistent with the Housing Element.
3. The Housing Element states the Town should encourage housing options, such as Assisted Living Facilities, that provide opportunities for residents to age in place. Though the proposed rezoning would remove Group Living from the list of allowed uses on the subject parcel, the parcel is not located in close proximity to basic services and therefore is not an ideal location for Group Living uses. The proposed rezoning is consistent with this provision of the Housing Element.
4. Goal 8.10-A of the Land Use Element is to provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island. The new residential development in the area of the subject property suggests there is an increased demand for housing in this area of the island. The subject property is surrounded by properties in the RM-4, MV, and RM-8 Districts. The subject property does not contain any known environmentally sensitive features. Rezoning the subject property from the RM-4 and RM-8 Districts to the MV District would be consistent with the character of the area while allowing the property to be developed at a higher density, consistent with the market demand for residential development in that area.
5. The proposed rezoning would allow higher density development on a parcel that currently does not have sewer service, which appears to be inconsistent with Implementation Strategy

8.10-B of the Land Use Element. However, since the Hilton Head Island Public Service District states the sewer service can be extended to the property and since the Town will require sewer service for the property to be developed, the proposed rezoning is consistent with 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. The properties adjacent to the subject parcel are zoned MV, RM-4, RM-8, and PD-1 Palmetto Hall (Planned Development Mixed-Use). Less than one half-mile from the subject property is the PD-1 Zoning District for Hilton Head Plantation.
2. The proposed rezoning to MV will permit a variety of use types: Residential; Civic, Public, Institutional and Educational; Resort Accommodation; Commercial Recreation; Office; Commercial Services; Vehicle Sales and Services; Industrial Uses and Others, such as Agriculture. See Attachment C for a complete list of uses permitted within these categories. Conditions not met by the subject property for uses like Boat Ramps and Seafood Processing are due to the lack of direct waterfront access. Conditions not met by the subject property for Outdoor Commercial Recreation other than Water Parks and Convenience Stores are due to the property not having frontage on a minor arterial. Conditions not met by the subject property for Liquor Stores and Night Clubs or Bars are due to and proximity to residential RM districts. Auto Rentals in this district can only be associated with a Resort development.
3. The uses permitted in the RM-4 District are similar to the uses permitted in the MV District, except that Group Living, Government Uses, and Education Uses are not permitted in the MV District. Use categories not permitted in the RM-4 District that are permitted in the MV District include Commercial Recreation, Office, Vehicle Sales and Services, and Industrial.
4. The uses permitted in the RM-8 District are similar to the uses permitted in the MV District, except that Group Living and Government uses are not permitted in the MV District. Use categories not permitted in the RM-8 District that are permitted in the MV District include Resort Accommodation, Commercial Recreation, Office, Vehicle Sales and Services, and Industrial.
5. The uses permitted in the PD-1 District are restricted to those listed for each parcel in the approved Master Plan. The two properties directly south of the subject property are in the PD-1 District. The approved uses of those properties are residential and recreation (golf and facilities), and common area. The properties are already developed as the Palmetto Hall Golf Maintenance facility, Holes Five and Six of the Arthur Hills golf course, and a Public Service District storage lagoon.

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 properties in the vicinity.
3. The residential and permitted or permitted with conditions nonresidential uses that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the adjacent MV, RM-4, RM-8 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. The subject property is currently zoned RM-4 and RM-8 due to its proximity to other parcels with similar zoning. The parcel is split zoned due to being bisected by Fish Haul Road and subsequently divided into two independently zoned portions.
2. Fish Haul Road has been paved by the County with the paved portions of Mitchelville Road and Bay Gall Road in the area supporting development on this parcel. The developer may be required to make road improvements as determined during the Development Plan Review process.
3. There are no known sensitive environmental features on the subject property.
4. The subject property is located within one-half mile of community amenities such as the Barker Field complex with access to the beach via Fish Haul Beach Park. The Town public bike path extends to the corner of the property at Fish Haul Road and Mitchelville Road.
5. The proposed rezoning will allow all the uses listed in the MV District, except those with conditions not met by the subject property due to access, location, proximity to residential districts or specific use associations. An example of a specific use association is Auto Rentals, which are only permitted in association with a Resort.
6. Many of the uses permitted within the MV District that are waterfront in nature would be irrelevant to development on this parcel due to conditional restrictions having to do with waterfront properties. These include Watercraft Sales, Rentals or Service; Boat Ramps, Docking Facilities and Marinas; and Seafood Processing.
7. Uses permitted within the MV District that require the condition of direct access to a minor arterial roadway would not be permitted on the subject property. Fish Haul Road and Mitchelville Road are not classified as minor arterials per the LMO. These uses include Outdoor Commercial Recreation other than Water Parks and Convenience Stores.
8. Uses permitted within the MV District that require the condition of being more than 200 feet from a RS or RM zoned district would not be permitted on the subject property. The RM-4 and RM-8 Districts are adjacent to the subject property. These uses include Liquor Stores, Night Clubs and Bars.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.iii.
2. The proposed zoning is appropriate for the land because the subject property is adjacent to a number of parcels zoned MV where a variety of uses are permitted and where development is intended for the land.
3. The subject property is close to community and public amenities with a paved road network supporting the residential and commercial densities proposed for the property, though the developer may be required to make improvements to the roads as part of the Development Plan Review process.
4. There are no known sensitive environmental features on the subject property that would prevent or create hardship for development.
5. Some of the uses permitted within the MV District would not apply to the subject property because the conditions for the uses are not met due to access, location or proximity to residential districts.

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.iv):

Findings of Fact:

1. The subject property has the potential to provide more housing in the area.
2. Hilton Head Island has a need for more housing.
3. The applicant has stated the intention for future development on the subject property is for

- multifamily affordable housing.
4. Town Council has recognized and prioritized the need for more affordable housing on Hilton Head Island.
 5. Both proposed major subdivisions in the area are expected to provide 35-40 new single-family homes each in the \$280,000 to \$400,000 range, which is not a price range generally considered affordable. This does, however, speak to the increase in demand for housing on the island, specifically in this area.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.iv.
2. The proposed rezoning is meeting a demonstrated community need for more housing because the demand for housing on the island and in this area in particular has increased based on the number of residential developments being built now or under review.
3. The applicant has proposed to rezone the property in an effort to encourage affordable housing for the area, which is a demonstrated community need as prioritized by Town Council.
4. At this time there are no zoning districts or ordinances in place that require a developer to create affordable housing, thus the Town has no way to enforce affordable housing for residential development. There is no way to guarantee the subject property will in fact be developed with affordable housing.

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 and vacant as can be determined by aerial imagery dating to 1955.
2. Per LMO 16-3-103.B, the purpose of the MV District is to recognize the historical and cultural significance of this area of the island. A variety of uses are permitted in an effort to facilitate development in this area. The MV District zoned parcels have the unique ability to provide an environment conducive to water-oriented commercial and residential development.
3. While the subject property is not waterfront, it is within 500 feet of the waterfront. Development on the subject parcel could provide a connection to the water via development with adjacent properties on the water in the MV District, as well as provide connections to the nearby public beach access at Fish Haul Beach Park.
4. Rezoning the subject property would align with the purpose of the MV District zoning program as a district established to facilitate development in this area of the island.
5. This area of the island is intended by the Town to be developed with a variety of uses. The 2014 LMO rewrite focused zoning in this area to encourage future development as per the defined purpose of the MV District.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.v.
2. The proposed rezoning is consistent with the overall zoning program as expressed in future plans for the Town because the purpose of the zoning districts established in this area is to promote development and a diverse density of residential uses ranging from four dwelling units up to 12 dwelling units across the districts incorporated into the area.

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):

Finding of Fact:

1. Both portions of the subject property are located across Mitchelville Road from a portion of the MV District.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.vi.
2. Due to the proximity of the MV District across Mitchelville Road, the proposed rezoning would not create an inappropriately isolated zoning district that is unrelated to adjacent and surrounding zoning districts.

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 has never been developed.
2. The subject property as proposed to be rezoned will allow a variety of uses that could encourage commerce or mixed-uses in the area, such as eating establishments and offices, or provide housing, including multifamily development at a density of 12 du per net acre.
3. The current zoning has two different districts assigned on two separate portions with slightly different density (four dwelling units versus eight dwelling units) and use allowances (varied Commercial Services versus Resort Accommodation), as well as different design standards in development height, as described in the Background portion of this report and provided in Attachment C. This presents a hardship for any development utilizing both portions of the property in terms of providing consistent density and decreases its economic viability.
4. Rezoning so that both portions of the subject property have the same density, use allowances and design standards will promote a higher and better use of the land for development, thus providing more economic viability for the land.
5. While rezoning the RM-4 portion of the subject property to RM-8 is an option to achieve congruency across the property and provide better economic viability. The applicant is proposing to rezone to the MV District to not only achieve congruent density across the subject property, but also across adjacent, higher density properties in the target MV District.

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 because both portions of the subject property will be congruent and promote development in an area of the island intended to be developed.
3. Rezoning the RM-4 portion of the subject property to RM-8 is also an option to achieve consistency across the property and could also provide better economic viability, but does not achieve the economies of scale desired by the applicant for developing the subject property in concert with other properties in the MV District.

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. Fish Haul Road is a paved, Beaufort County-owned road bisecting the property. Mitchelville Road along the northeastern boundary is a paved road with right of way owned by the State. Improvements to Fish Haul Road at the developer's expense may be required during the Development Plan Review process.
2. Water service is available.
3. Sewer service is available if developers pay for a low pressure sewer line to be installed.
4. Electric service is available.
5. Hilton Head Island Fire and Rescue has the capability to immediately access the subject property.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.viii.
2. The proposed rezoning would result in development that can be served by all typically available, adequate and suitable public facilities for properties in the Town of Hilton Head Island.
3. The developer can improve the property by providing sewer and possibly upgrading the road to meet any existing deficiencies as required in the Town's Development Plan Review process.

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. In close proximity to the subject property on Mitchelville Road and Fish Haul Road there are currently two major subdivision projects at 140 Fish Haul Road and Ocean Breeze Cottages on Mitchelville Road and one minor subdivision project on Mitchelville Road under review with Town staff.
2. Town staff has reviewed a pre-application for a multifamily development for 15 to 20 homes nearby on Fish Haul Road.
3. The more recent development of single-family homes within the Beach City Place and Beach City Commons developments on Beach City Road near the subject property and the proposed subdivisions are construed as a changing condition.
4. The Hilton Head Island Public Service District is actively working with the Town to bring sewer infrastructure to the Mitchelville Road and Fish Haul Road area within the next 5 years.
5. The Town of Hilton Head Island is working with local property owners to pave the portion of Mitchelville Road near the subject property to provide safe and improved access.
6. The improved infrastructure for what has been a rural area is a changing condition that will encourage development.

Conclusions of Law:

1. This application **meets the criteria** in LMO Section 16-2-103.C.3.a.ix.
2. Rezoning the subject property will be appropriate due to the changing condition of increased development on nearby properties.
3. Rezoning the subject property will be appropriate due to the changing condition of proposed infrastructure improvements to the area.
4. The uses allowed by the proposed zoning district are appropriate due to these changing

conditions in the affected area.

LMO Official Determination
Staff determines that this application **is consistent with the Comprehensive Plan and does 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 **APPROVAL** 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

July 24, 2018

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Development Review Administrator

July 24, 2018

DATE

REVIEWED BY:

TL

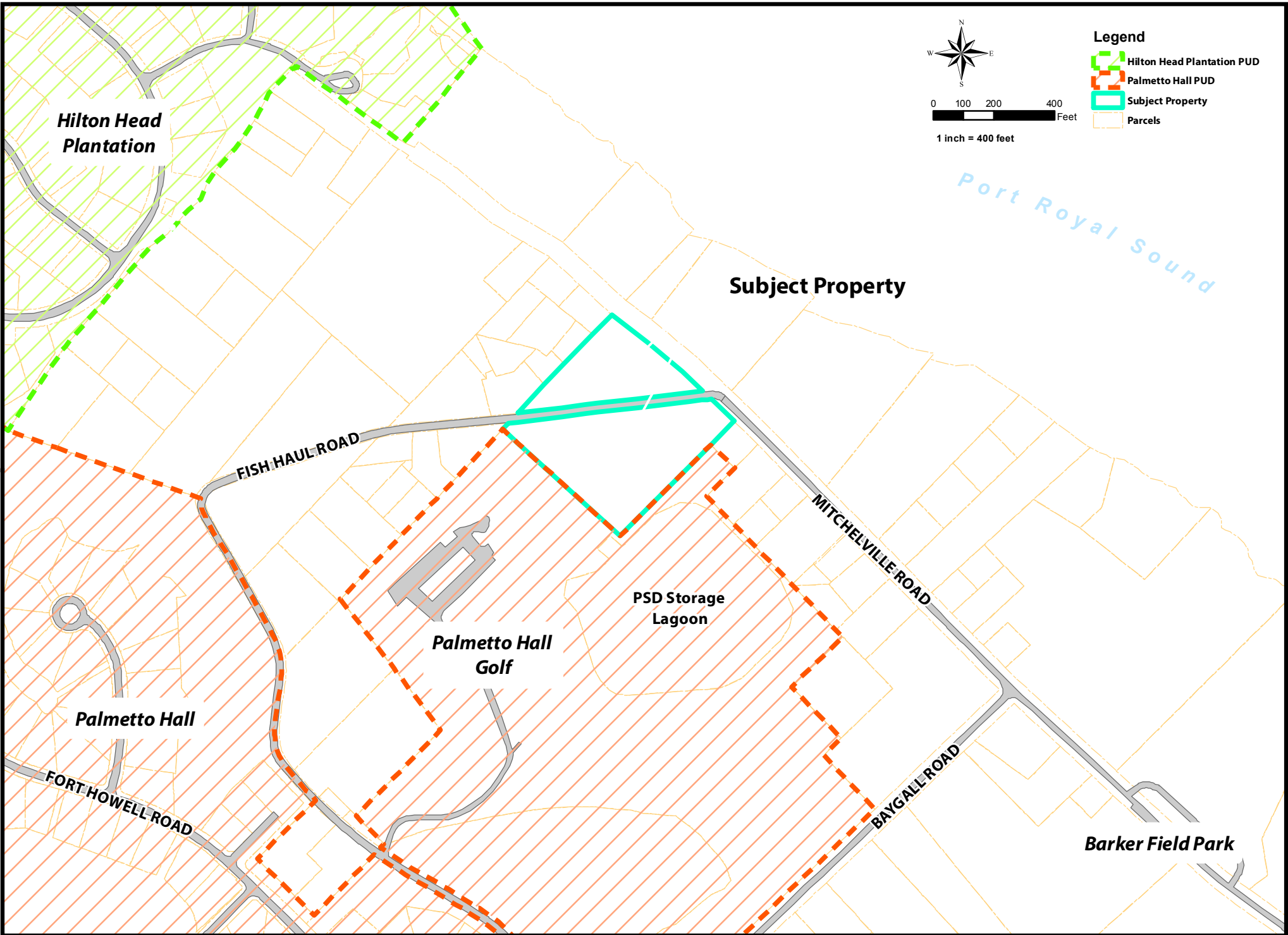
Teri Lewis, AICP
LMO Official

July 24, 2018

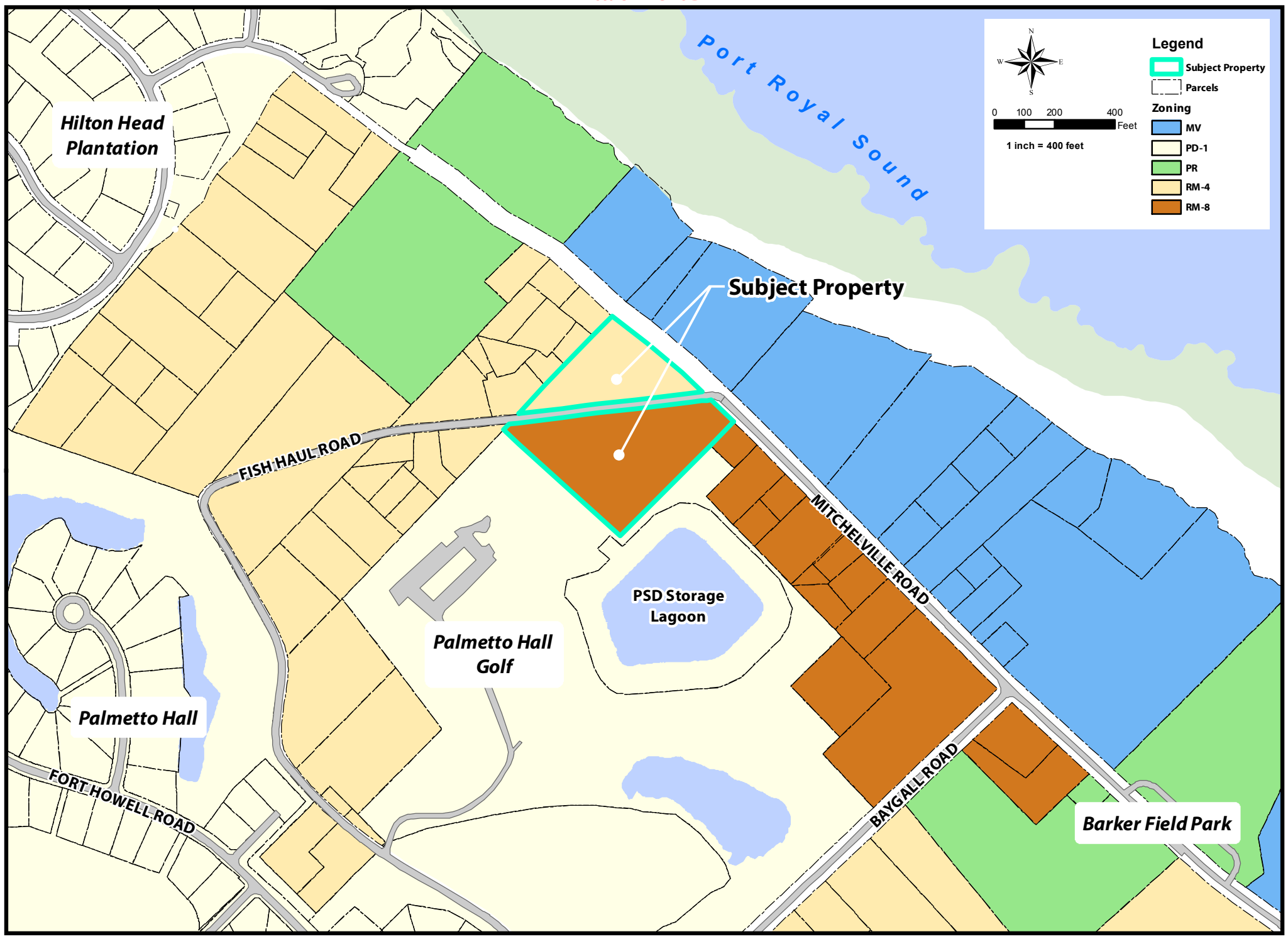
DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Zoning Map
- C) LMO Use Tables
- D) Subject Property Aerial Imagery
- E) Boundary Survey
- F) Applicant Narrative



280 Fish Haul Road and Vicinity
ZA-001467-2018



Hilton Head Plantation

Subject Property

Palmetto Hall Golf

PSD Storage Lagoon

Palmetto Hall

Barker Field Park

280 Fish Haul Road Zoning
ZA-001467-2018

RM-4 Low to Moderate Density Residential District

1. Purpose

The purpose of the Low to Moderate Density Residential (RM-4) District is to protect and preserve the character of these areas and *neighborhoods* at *densities* up to four *dwelling units* per *net acre* . This district is used to encourage a variety of residential opportunities, including *multifamily* residential units, *single-family* residences, and *group living* . The regulations of the district are intended to discourage *development* that would substantially interfere with, or be detrimental to, residential character.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Group Living</i>	P		1 per 3 rooms	
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
<i>Cemeteries</i>	P		1 per 225 GFA of office area + 1 per 500 GFA of <i>maintenance</i> facilities	
<i>Community Service Uses</i>	P		1 per 400 GFA	
<i>Education Uses</i>	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			<i>Other Education Uses</i>	See Sec. 16-5-107.D.2
<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

Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	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	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 GFA of sales/display area	
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-107.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	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		
Residential	4 du (6 du if lot area is at least 3 acres; 8 du if lot area is at least 5 acres)	Max. Impervious Cover for All Development Except Single-Family	35%	
Bed and Breakfast	10 rooms			
Nonresidential	6,000 GFA	Min. Open Space for Major Residential Subdivisions	16%	
MAX. BUILDING HEIGHT				
All Development	35 ft ¹			
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; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the **Official** that:

a. The increase is consistent with the character of **development** on surrounding **land** ;

b. **Development** resulting from the increase is consistent with the purpose and intent of the **building height** standards;

c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed **development** , or (2) results in improved site conditions for a **development** with **nonconforming site features** ;

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.

(Revised 4-18-2017 - [Ordinance 2017-05](#))

Attachment C

ZA-001467-2018

Town of Hilton Head Island Municipal Code

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

RM-8

Moderate Density Residential District

1. Purpose

The purpose of the Moderate Density Residential (RM-8) District is to allow the **development** of residential **uses** at **densities** up to eight **dwelling units** per **net acre** . The district allows a variety of residential **uses** , along with **uses** that support **neighborhoods** . The district is intended to discourage **development** that would substantially interfere with, or be detrimental to, moderate residential character.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Group Living</i>	P		1 per 3 rooms	
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
<i>Community Service Uses</i>	P		1 per 400 GFA	
<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	
Commercial Services				
<i>Other Commercial Services</i>	PC	Sec. 16-4-102.B.7.I	See Sec. 16-5-107.D.2	
Other Uses				
<i>Agriculture Uses</i>	P		Stables or Riding	1 per 5 stalls

			Academies	
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	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		
Residential	8 du	Max. Impervious Cover for All Development Except Single-Family	35%	
Nonresidential	6,000 GFA			
MAX. BUILDING HEIGHT		Min. Open Space for Major Residential Subdivisions	16%	
All Development	45 ft ¹			
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; GFA = gross floor area in square feet; ft = feet; n/a = not applicable				
1. May be increased by up to ten percent on demonstration to the Official that:				
a. The increase is consistent with the character of development on surrounding land ;				
b. Development resulting from the increase is consistent with the purpose and intent of the building height standards;				
c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed development , or (2) results in improved site conditions for a development with nonconforming site features ;				
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 C

ZA-001467-2018

Town of Hilton Head Island Municipal Code

Title 16: Land Management Ordinance, Section 16-3-105.I

MV

Mitchelville District

1. Purpose

The purpose of the Mitchelville (MV) District is to recognize the historical and cultural significance of this area of the Island. A variety of *uses* are permitted in an effort to facilitate *development* in this area. These *sites* have a unique ability to provide an environment conducive to water-oriented commercial and residential *development*.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Mixed-Use</i>	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
<i>Cemeteries</i>	P		1 per 225 GFA of office area + 1 per 500 GFA of <i>maintenance</i> facilities	
<i>Community Service Uses</i>	P		1 per 400 GFA	
<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	PC	Sec. 16-4-102.B.2.e	n/a	

Building Mounted				
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.b	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.2	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	

Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec, 16-4-102.B.9.b	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	P		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	
Residential	12 du		Max. Impervious Cover	50%
Bed and Breakfasts	10 rooms			
Hotel	35 rooms		Min. Open Space for Major Residential Subdivisions	16%
Interval Occupancy	12 du			
Nonresidential	8,000 GFA			
MAX. BUILDING HEIGHT				
All Development	75 ft			

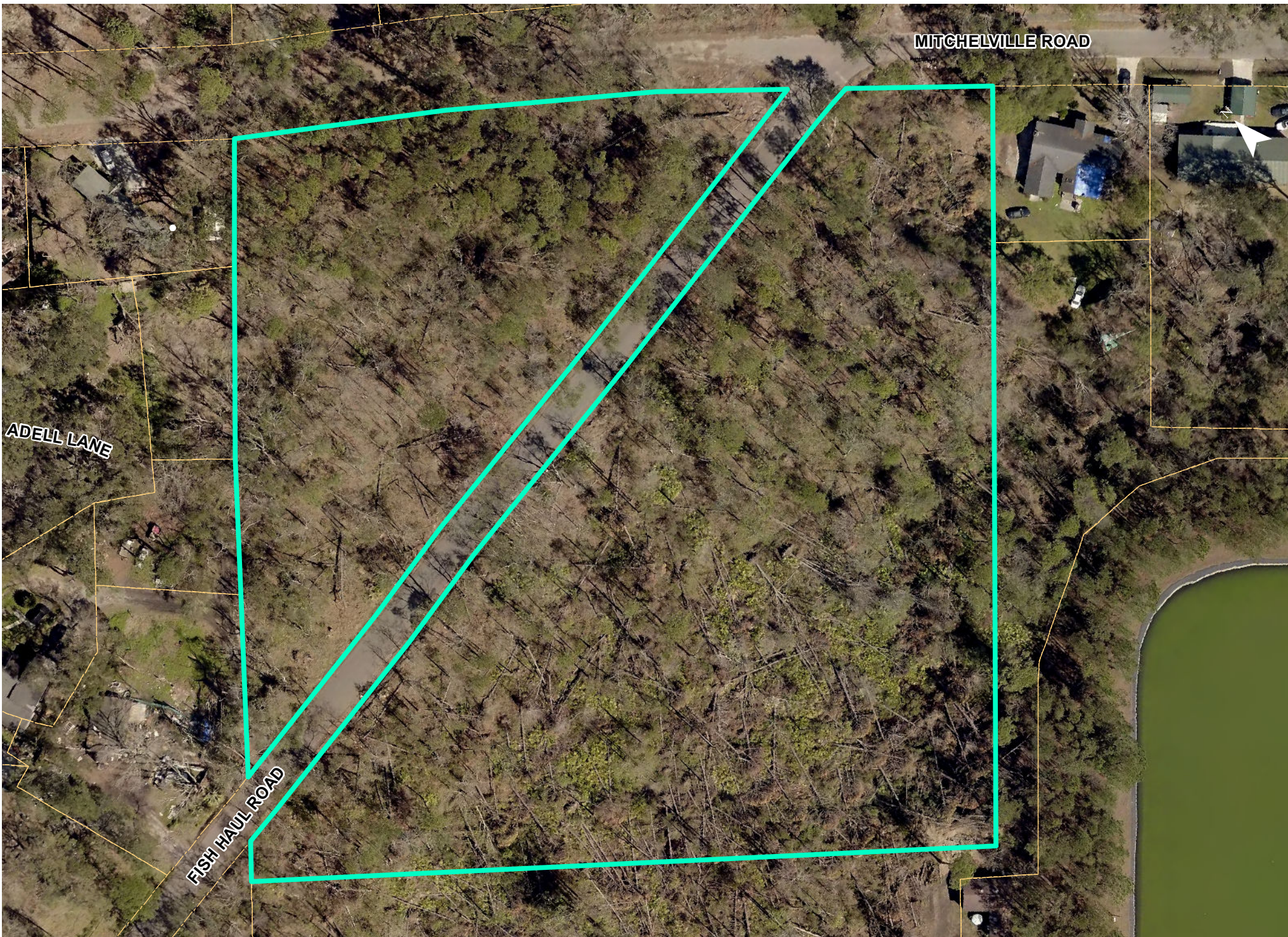
USE AND OTHER DEVELOPMENT STANDARDS

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; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

(Revised 4-18-2017 - [Ordinance 2017-05](#); revised 12-5-2017 - [Ordinance 2017-19](#))



ZA-001467-2018

280 Fish Haul Road 2017 Aerial View

Attachment D



ZA-001467-2018

280 Fish Haul Road 2017 Aerial View North

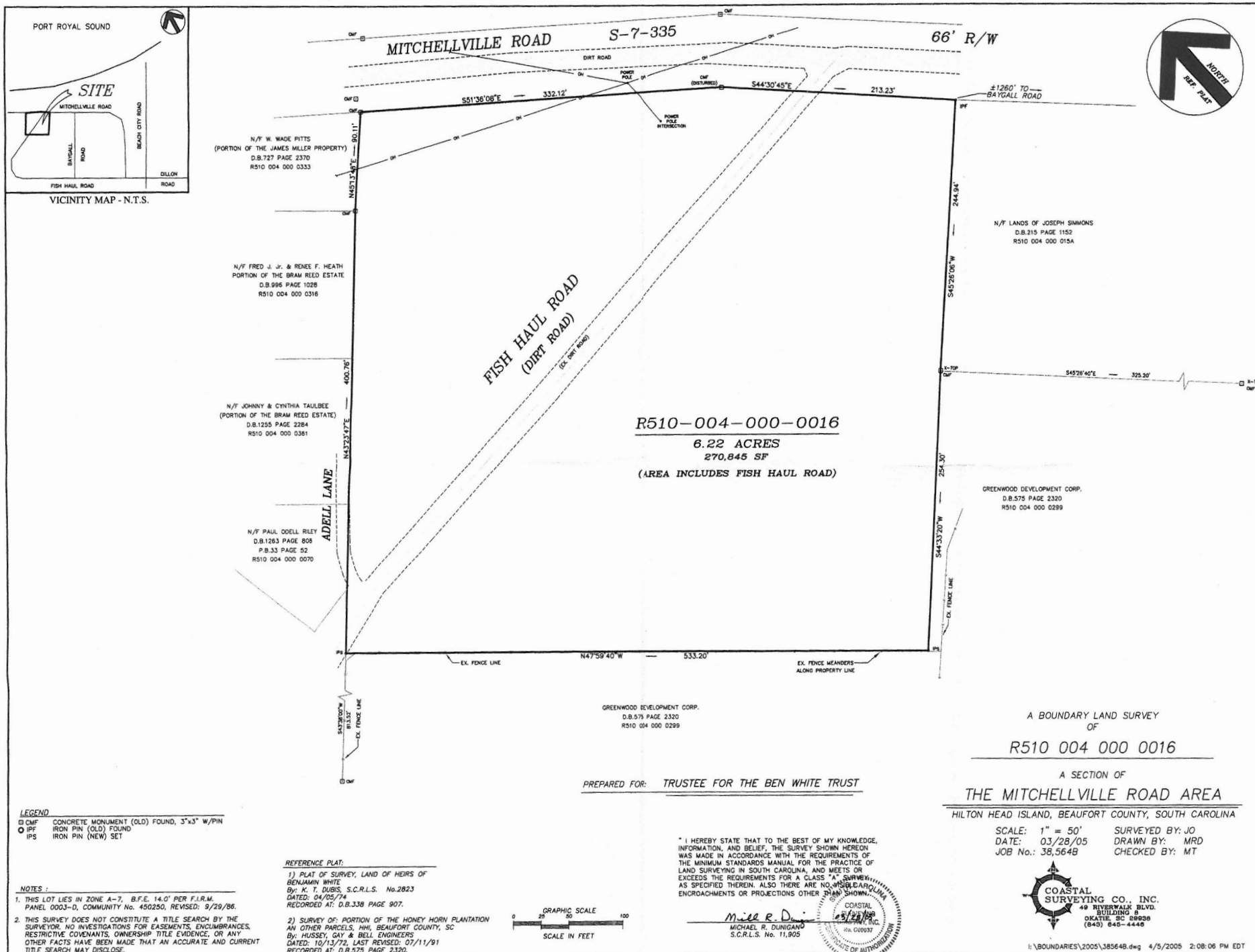
Attachment D



ZA-001467-2018

280 Fish Haul Road 2017 Aerial View West

Attachment E



LEGEND
 □ C/MF CONCRETE MONUMENT (OLD) FOUND, 3"x3" W/PIN
 ○ I/PF IRON PIN (OLD) FOUND
 ○ I/PS IRON PIN (NEW) SET

NOTES:
 1. THIS LOT LIES IN ZONE A-7, B.F.E. 14.0' PER F.I.R.M. PANEL 0003-D, COMMUNITY No. 450250, REVISED: 9/29/86.
 2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO INVESTIGATIONS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS HAVE BEEN MADE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

REFERENCE PLAT:
 1) PLAT OF SURVEY, LAND OF HEIRS OF BENJAMIN WHITE
 By: K. T. DUBIS, S.C.R.L.S. No. 2823
 DATED: 04/05/74
 RECORDED AT: D.B.338 PAGE 907.

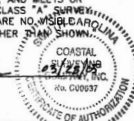
2) SURVEY OF PORTION OF THE HONEY HORN PLANTATION AN OTHER PARCELS, NHI, BEAUFORT COUNTY, SC
 By: HUSSEY, GAY & BELL ENGINEERS
 DATED: 10/13/72, LAST REVISED: 07/11/91
 RECORDED AT: D.B.575 PAGE 2320.



PREPARED FOR: TRUSTEE FOR THE BEN WHITE TRUST

" 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 "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO UNDISCLOSED ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

Michael R. Dunigano
 MICHAEL R. DUNIGANO
 S.C.R.L.S. No. 11,905



A BOUNDARY LAND SURVEY
 OF
R510 004 000 0016
 A SECTION OF
THE MITCHELLVILLE ROAD AREA
 HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 50'
 DATE: 03/28/05
 JOB No.: 38,564B

SURVEYED BY: JO
 DRAWN BY: MRD
 CHECKED BY: MT



Attachment F

ZA-001467-2018

Zoning Map Amendment Application
from Thomas C. Barnwell, Jr. and Perry White
Trustees for the Ben White Trust
June 15, 2018

This zoning amendment request is being made because the Ben White Trust has entered into a contract to sell the 6.22 acre tract to the Web Investment Group, LLC and a density of 12 units per acre is one of the conditions of the sale.

The buyer/developer is planning a multi-family housing project on this parcel. The planned development is consistent with the land use of the neighboring properties.

Fish Haul Road runs through the middle of this property and there is access to water and sewer.

Attachment F

ZA-001467-2018

For a Zoning Map Amendment application, please submit a response for each of the following criteria in regards to your request for consideration of rezoning the property:

Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO Section 16-2-103.C.3.a.i): The proposed zoning is in accordance with the Comprehensive Plan (LMO Section 16-2-103.C.3.a.i.) because the surrounding properties, properties across the street are already zoned Mitchelville District RM 12. The proposed zoning amendment requested is Mitchelville District RM 12. Rezoning would maximize owner's/developer's highest and best use of the land.

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 Section 16-2-103.C.3.a.ii): The proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity because the proposed zoning will be the zoning of other property in the immediate vicinity.

Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO Section 16-2-103.C.2.a.iii): The proposed zoning is appropriate for the land just as it was surrounding properties, properties across the street, matching their zoning.

Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO Section 16-2-103.C.3.a.iv): The proposed zoning to match the zoning of surrounding properties in the immediate vicinity would better allow the owner to build affordable housing which addresses a demonstrated community need.

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): The proposed zoning matches adjacent and surrounding properties in the immediate vicinity which were rezoned to the proposed zoning. Thus the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town just as the surrounding properties' zoning is.

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 Section 16-2-103.C.3.a.vi): The proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts because the proposed zoning would now match the adjacent and surrounding properties.

Attachment F

ZA-001467-2018

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):

The investors/developers are presently under pending contract to purchase 280 Fish Haul Rd, as well as the waterfront parcels directly across the street, Parcels 9A, 11, and are in the process of securing ground lease on parcel 10 Mitchelville Rd. All the above aforementioned parcels, and the other parcels directly across from, adjacent to 280 Fish Haul Rd are zoned Mitchelville District Residential Medium Density 12 units/acre. The Developers' Preliminary Conceptual Site Development Plan is inclusive of all of the above aforementioned parcels for one larger multi-family unit development. Prior to contract ratification on 280 Fish Haul Road, Investors/Developers were given disclosures of the present zoning density. In a subsequent meeting between Town Manager Steve Riley and the Developers/Purchasers meeting with Zoning & Planning Manager Teri Lewis, a recommendation was determined and made that in consideration of and to maximize the most viable, highest and best use of this Land, rezoning this parcel to the same as the above aforementioned parcels, Mitchelville District RM12, would maximize the land's value and economic viability.

The Investors/Developers have underwritten the preliminary conceptual site development plan using 12 units/acre. They did so with the provision in mind to provide quality, more available long term rental units and potentially some affordable median price-point privately owned residential housing inventory to a broader range of local citizens and our valuable local work force in our community.

With the above said, it should be taken into serious account the economies of scale. 12 units per acre is more economically viable than 8 units per acre. The proposed zoning would allow construction of more, much needed available housing inventory to offset the present housing inventory deficit. The proposed zoning to Mitchelville District RM12 would increase the subject property's value, thus higher tax assessment on the property, bringing more revenue into local economy. More revenue, more families living and spending their money on the island creates and sustains a more robust local economy.

Land's viability can be best determined when improvements can be made upon it which allow for, maximize it's highest and best use, and gives it tangible value.

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): The proposed zoning would result in development that can be served by the available, adequate, and suitable public facilities (streets, potable water, sewerage, electric, and stormwater management)

Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix): The proposed zoning is appropriate so that the subject property can be zoned just like adjacent, surrounding properties in the immediate vicinity.



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

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
-----------------------	------------------------------	--------------	------------------

**STAFF REPORT
ZONING MAP AMENDMENT**

Case #	Name of Project or Development	Public Hearing Date
ZA-001482-2018	Leg O'Mutton Apartments	August 15, 2018

Parcel Data & Location	Applicant & Agent
<u>Parcel ID:</u> R510 008 000 123A 0000 <u>Size:</u> 3.59 Acres <u>Address:</u> 107 Leg O'Mutton Road	Mike Thomas Thomas Design Group, Inc. P.O. Box 21156 Hilton Head Island, SC 29925
Existing Zoning Districts	Proposed Zoning Districts
COR – Corridor Overlay District within ROW ART RM-4 – Low to Moderate Density Residential Density Allowed – 21 units at 6 du per net acre	COR – Corridor Overlay District within ROW ART PD-1 Indigo Run – Planned Development Mixed-Use Density Proposed – 48 units at 13.37 du per net acre

Application Summary
<p>Mike Thomas of Thomas Design Group, Inc. is proposing to amend the Official Zoning Map by changing the zoning designation of an undeveloped 3.59-acre parcel located at 107 Leg O'Mutton Road. The request is to rezone the property from RM-4 (Low to Moderate Density Residential) to PD-1 (Planned Development Mixed-Use) as part of the Indigo Run Master Plan. The effect of this rezoning will be to increase the allowable density from 6 du per net acre to 13.37 du per net acre with the designated use as multifamily residential.</p>

Staff Recommendation
<p>Staff recommends the Planning Commission find this application to be inconsistent with the Town's Comprehensive Plan and to not carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.</p> <p>Staff recommends that the Planning Commission recommend DENIAL to Town Council of this application.</p> <p>If the Planning Commission decides to recommend APPROVAL to Town Council of this</p>

application, staff recommends a condition that a left-turn lane be added on Leg O' Mutton Road to serve northbound motorists at the developer's expense or the developer conduct a Traffic Impact Analysis for the project as per the Town Traffic Engineer's determination.

Background

The subject property is 3.59 acres, undeveloped and located at 107 Leg O'Mutton Road. The southern and western boundaries are adjacent to the gated, private community portion of the Indigo Run Planned Unit Development (PUD), where the western boundary includes a drainage lagoon and the southern boundary an eight-foot fence separating the properties. The northern boundary is adjacent to Town-owned land currently used as a construction staging site. The eastern boundary is adjacent to Leg O'Mutton Road, which provides the vehicular access into the site.

The subject property has never been a part of the Indigo Run PUD Master Plan development and has remained an out parcel with Indigo Run PUD parcels surrounding it since the inception of Indigo Run. Tax records indicate the property has been owned by the Corporation of the Bishop of the Church of Jesus Christ of Latter Day Saints since 1980. Prior to this time, the property was held by South Realty Associates. See Attachment A for a vicinity map and Attachment E for the 2016 boundary survey.

The only known development that has occurred on the property can be seen as a structure in aerial imagery dated 1986. It is noted as "Church in Trailer" on Indigo Run Master Plan documents from the same time period. Today, the property is vacant. In 2012, an easement was granted to the Town of Hilton Head for the bike path along Leg O'Mutton Road.

On the 1986 Official Zoning Map, the property was designated as RM-4, which it has remained through the adoption of the current zoning map in 2014. The purpose of the RM-4 District is to encourage a variety of residential opportunities. The regulations are intended to discourage development that would substantially interfere with, or be detrimental to, residential character. See Attachment B for the vicinity zoning map and Attachment C for the RM-4 District use table.

The RM-4 District allows the following Residential Uses: Group Living, Multifamily, and Single Family at a density of four units per net acre for parcels under three acres in size; six units per net acre for parcels between three and five acres in size; and eight units per net acre for parcels that are five acres or larger. Other uses permitted include Public, Civic, Institutional, and Educational uses; Bed and Breakfasts with conditions; conditional Commercial Services; and Other Uses including Agriculture, Boat Ramps, Docking Facilities, and Marinas. In the RM-4 District the maximum density for nonresidential uses is 6,000 square feet of gross floor area (GFA) per net acre and ten rooms per net acre for Bed and Breakfasts. The maximum building height is 35 feet and maximum impervious lot coverage for all development except single family is 35 percent.

The purpose of the PD-1 District is to allow the continuation of well-planned development within the unique PUDs that are greater than 250 acres in size and comprised of Town-approved Master Plans, such as Indigo Run. The principle uses listed in the LMO for this district are restricted to locations where a Town-approved Master Plan or associated text specifically states such uses are permitted. Residential density and use types are typically defined by each Town-approved Master Plan.

The incorporation of a parcel into a Town-approved Master Plan requires that the applicant specify the intended uses and density for the property. Principal uses, buffers, setbacks, maximum height and impervious cover that are more restrictive than the existing standards may also be defined for the purpose of rezoning a parcel into PD-1, so as to restrict development of the property beyond what is characterized by the target Town-Approved Master Plan, in this case the Indigo Run PUD.

Between the update to the entire Indigo Run Master Plan in 2000 and the LMO rewrite in 2014, the Indigo Run PUD had three parcels added to its Master Plan through the rezoning process. These

include:

- ZMA030008: Rezoned the Christian Renewal Church property at 95 Gardner Drive from RM-4 to PD-1 Indigo Run with 6,000 GFA per net acre institutional use or four residential du per net acre.
- ZMA060013: Rezoned the 6.7-acre parcel located at 76 Leg O’Mutton Road from RM-4 to PD-1 Indigo Run.
 - This rezoning consisted of two tracts.
 - Tract A allows a landscape business with 6,000 square feet per net acre.
 - Tract B allows residential development with four units per net acre and a road right of way.
- ZMA080002: Rezoned a 5-acre portion of property located at 80 Jarvis Creek Court from PR (Parks and Recreation) to PD-1 Indigo Run to allow the construction of the Children’s Center.

The 2014 LMO rewrite and adoption of a new zoning map rezoned the parcels north of Pembroke Drive comprising the Wal-Mart eastward to The Preserve at Indigo Run adjacent to Gardner Drive and up to the 278 boundary out of the PD-1 Indigo Run PUD and into the Town’s zoning program. A majority were up-zoned to the MS (Main Street) District, which has a residential density of 12 du per net acre and nonresidential density of 9,000 GFA per net acre. The parcel located at 80 Jarvis Creek, subject of rezoning through ZMA080002, was returned to the PR District. The Children’s Center located on Nature Drive was relocated to a parcel zoned LC (Light Commercial). See Attachment H for the current boundary of the Indigo Run Master Plan as of the 2014 LMO rewrite.

As of this request for rezoning, the subject property is under a Major Development Plan Review with the Town for a townhome development following the currently allowed RM-4 District design standards with 21 three-story town homes at 4,000 square feet each, 46 parking spaces and an amenity building. Currently, the Development Plan Review application for the townhome development is on hold and no permits have been issued. As required for properties in the Corridor Overlay District, the 21 unit townhome development concept and final plan were reviewed by the Design Review Board and approved on July 11, 2017. See Attachment I for the DRB approved plan.

For the purpose of this rezoning request, the applicant has defined the following principal use and design standards for the property:

- Use: Multifamily apartments only
- Density: 13.37 du with 48 units proposed
- Height: 45 feet (75 feet is permitted in PD-1)
- Parking: 106 spaces
- Setbacks and Buffers: A more restrictive 40-foot setback and buffer is proposed for the western boundary adjacent to the lagoon. The required setback and buffer per the LMO is 20 feet.

Site design standards for the PD-1 District that will apply to the subject property include the maximum impervious cover at 40 percent and the minimum open space requirement of 50 percent for residential development. The property is located in the Corridor Overlay District and any development proposals will again be subject to review by the Design Review Board.

Currently and proposed, access to the subject property is by Leg O’Mutton Road, defined as a Minor Arterial by the LMO. The Town’s Traffic Engineer has expressed concern over increased demand on the road that could potentially maximize its serviceability due to an increase in development with a higher number of units. His recommendation is that a condition be put on an approval, if granted, that the developer provide a left-turn lane to serve northbound motorists on Leg O’Mutton Road or conduct a Traffic Impact Analysis for the development. Electric and water services are currently available for the subject property, and Fire Rescue has the capability to immediately access it.

The applicant requested the Planning Commission hearing scheduled for July 18, 2018 be postponed to August 15, 2018. The applicant wanted more time for negotiation with Indigo Run and to further research the case.

Applicant's Grounds for ZMA

This zoning map amendment will rezone the subject property to support the developer's interest in an apartment-style housing product for the site based on their determined intent to support the island's affordable housing shortage. A previous DRB approved townhome development that is still under review with Town Staff for a Major Development Plan Review was determined by the developer to not be the best use for the site. The current zoning by right allows for 21 dwelling units. Rezoning to increase density would permit the development of a viable apartment community on this site, as a certain density is necessary to offset the land costs, construction costs, and other associated fees and expenses. According to the applicant, the site currently sits undeveloped and provides no economic benefit to the island. This housing could be potentially utilized by those who would help fill the current workforce employment void on the island.

See Attachment F for the applicant's narrative as well as a proposed site plan for the apartment development on sheet C1.1, titled "Leg O'Mutton Apartments." See Attachment I for the Design Review Board submittal and approved 21 unit townhome site plan. The proposed change in zoning will increase the available density to 48 dwelling units and define the type of allowable use for the subject property as residential multifamily only.

Summary of Facts and Conclusions of Law

Findings of Fact:

1. The application was submitted on June 18, 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. Upon request for postponement by the applicant, the LMO Official scheduled the public hearing of the application for the August 15, 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 August 15, 2018 public hearing was published in the Island Packet on July 29, 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 mailed notices of the August 15, 2018 public hearing by first-class mail to the owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land on July 30, 2018.
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 July 23, 2018 conspicuous notice of the August 15, 2018 public hearing on the lands subject to the application.

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 August 15, 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 mailed notices of the public hearing to owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land 16 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.
5. The LMO Official posted conspicuous notice of the public hearing 23 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:

Culture Resources Element

Implication for the Comprehensive Plan – 2.3 Community Character

- Character preservation and “sensitive renewal” have been identified as key components to guide growth, regulation and control.

Implementation Strategies – 2.3 Community Character

- B. Support development concepts and architectural styles that foster and promote Island and Community Character and that preserve culture or history of the island.

Housing Element

Implication for the Comprehensive Plan – 5.1 Housing Units & Tenure

1. Although an increase in the total number of housing units contributes to the economic tax base for the Town, it is important that both the quantity as well as quality of the housing stock is maintained to sustain the current and future population and overall property values. As the amount of available land declines for new development, it will be very important to maintain a high quality housing stock on residential properties. In addition, the availability of various housing types is important for the housing market viability to accommodate the diverse needs of the Island’s population.

Land Use Element

Implications for the Comprehensive Plan – 8.1 Existing Land Use

- Remaining vacant land, totaling approximately 2,114.6 acres or 10 percent of Hilton Head Island’s land area, represents the remaining pool of land available for development. A major challenge for development will be to maintain the character of the Island while insuring adequate infrastructure is in place and balancing land conservation.

Implication for the Comprehensive Plan – 8.3 Planned Unit Developments (PUDs)

- The location of each concentration of land use category and type is important to consider

when determining infrastructure and other service needs, while also ensuring a high standard of quality of life.

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 8.3 – Planned Unit Developments (PUDs)

- B. To have 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 PUD Master Plans.

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 8.5 – Land Use Per Capita

- A. To have an appropriate mix and availability of land uses to meet the needs of existing and future populations.

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.

Additional Findings of Fact:

1. The RM-4 District allows six residential units per net acre or 21 residential units total on the 3.59-acre subject parcel.
2. The applicant is requesting to more than double the allowed residential density, from 21 to 48 residential dwelling units total. The proposed rezoning would allow the equivalent of 13.37 units per net acre.
3. The highest residential density allowed in a zoning district (other than the PD-1 District) is 16 units per net acre, which is only available in the Resort Development (RD) and Waterfront Mixed Use (WMU) Districts. The second-highest residential density allowed is 12 units per net acre, which is available in the Moderate to High Density Residential (RM-12), Main Street (MS), Mitchelville (MV), and Sea Pines Circle (SPC) Districts.
4. Residential density can be difficult to calculate in PD-1 Districts; a minimum amount of open space is not required on each parcel, since open space is shared through the master planned area. The areas with high density in PD-1 Districts are primarily located in areas developed for tourists, though some are also on waterfront parcels. These areas were designed with accompanying open space that creates an appropriate scale for the development. Harbour Town is an example of a relatively high density residential and commercial development in a PD-1 District. Most residential development in PD-1 Districts is low to moderate density.
5. The subject property is located in a low to moderate density area developed for residents, not tourists. The properties to the west and south are single family residences. The property across Leg O’ Mutton Road is the Christian Renewal Church.

Conclusions of Law:

1. This application is **not consistent** with the Comprehensive Plan, as described in the Cultural Resources, Housing, and Land Use Elements as set forth in LMO Section 16-2-103.C.3.a.i.
2. Per the Cultural Resources Element, the preservation of Island Character should guide growth, regulation, and control. One component of Island Character is that non-tourist, non-waterfront residential areas in PUDs are developed with low to moderate density. The proposed rezoning would allow high density in a non-tourist residential area in a PUD, which is inconsistent with Island Character and with the Cultural Resources Element.
3. The Housing Element emphasizes the importance of balancing the need for housing to

sustain the current and future population with overall property values. Though the proposed rezoning would allow more housing to be developed on the subject property, the high proposed residential density is out of balance with the low to moderate residential density surrounding the subject property. The proposed rezoning is not consistent with balance required in the Housing Element.

4. Similar to the Cultural Resources and Housing Elements, the Land Use Element emphasizes the importance of balancing the needs of current and future populations with Island Character and the preservation of a high quality of life. Since the proposed rezoning would allow development inconsistent with Island Character and out of balance with the surrounding property, the proposed rezoning is not consistent with 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. The properties adjacent to the subject parcel are zoned PD-1 Indigo Run. Properties nearby and within a mile of the subject parcel are zoned RM-4, MS and PR.
2. The subject property is currently spot zoned RM-4 due to its proximity to low to moderate density residential neighborhoods and other out parcels of the Indigo Run PUD that are zoned RM-4, such as Magnolia Place on Leg O'Mutton Road. Spot zoning means a single parcel is zoned as an isolated zoning district unrelated to the zoning district on adjacent parcels.
3. The uses permitted in the RM-4 District are similar to the use proposed for the subject property. Multifamily residential is currently permitted as a by right use in the RM-4 District.
4. The uses permitted in the PD-1 District are restricted to those listed for each parcel in the approved Master Plan. Multifamily residential is the only use being proposed for the subject property rezoning.
5. Based on the Indigo Run PUD Master Plan approved by the Town in 2000, the approved uses of those properties directly adjacent to the subject parcel are residential and common area. The properties are already developed as single-family neighborhoods with 0.4 acre average lots sizes and common area within the gated portion of the Indigo Run PUD.
6. Other residential uses within one-half mile of the subject property are the Victoria Square single-family residential development, Magnolia Place townhomes, Bridgetown apartments, Avalon residential community, The Preserve at Indigo Run condos, and Indigo Pines assisted living facility.
7. Other nonresidential uses within one-half mile of the subject property are Christian Renewal Church across the street, and the various shopping, office and educational institutions on Pembroke Drive in the MS District and along Gardener Drive.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.ii.
2. The applicant is proposing multifamily residential as the allowed use for the subject property, which is compatible with the surrounding residential communities and the existing civic, public, institutional, educational and commercial uses compatible with residential neighborhoods.
3. The multifamily residential use that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the adjacent and nearby RM-4, MS, PR 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. The LMO classifies Leg O'Mutton Road as a Minor Arterial, but there is concern it will be at capacity in the near future. Increased density in the area will affect the current traffic demand.
2. There are no known sensitive environmental features on the subject property.
3. The subject property is located within one-half mile to a mile of low to moderate density neighborhood scale community uses such as medical and general office buildings, such as Lafayette Place offices.
4. The subject property is located within one-half mile to a mile of low to moderate density residential scale developments. The development on the adjacent PUD property is single family lots averaging 0.4 acres. The property diagonal across Leg O'Mutton Road and on Gardner Drive is a retirement home. The newest residential development on Leg O'Mutton Road is Magnolia Place with 26 attached single family units on 6.5+/- acres. The Preserve at Indigo Run is 252 condo units on 58+/- acres.
5. The subject property is located within one-half mile to a mile of high density commercial and civic services and institutions such as the Wal-Mart and Publix shopping complex, schools and Jarvis Creek Park.
6. The Town public bike path borders the property along Leg O'Mutton Road.
7. The closest development to the subject parcel is a single-family residence 120+/- feet from the subject parcel property line at its closest point across a lagoon on the western boundary. Along this boundary the applicant has proposed a more restrictive 40 foot setback and buffer to ease the impact of site development on the adjacent homes at Indigo Run.
8. The property is also bound by a vacant Town-owned property used for construction staging, a Minor Arterial roadway and Indigo Run common area, which cannot be developed.
9. The proposed rezoning will be to allow a multifamily residential development at 48 dwelling units, 13.37 du per net acre.
10. Properties in the adjacent MS District can be developed at a residential density of 12 du per acre and nonresidential at 9,000 GFA per net acre, but currently Staff is not aware of any proposals to develop properties in this area at this density.

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, while the subject property is adjacent to a number of parcels and developments with residential uses, these have been developed with a low to moderate density at about four or five dwelling units per net acre.
3. The subject property is located on a road that may not be able to support the residential density proposed for the property. At a minimum, it is recommended by the Town's Traffic Engineer that a left-turn lane be installed to serve northbound motorists on Leg O'Mutton Road or a Traffic Impact Analysis be conducted by the developer as a condition for approval of this rezoning.

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.iv):

Findings of Fact:

1. The subject property has the potential to provide the opportunity for more housing in the area.

2. There is a market for housing on the island as can be seen with increased housing development nearby on Leg O'Mutton Road and Marshland Road, three subdivisions on Spanish Wells Road, a proposed 200+ unit development in the Jonesville area, and multiple proposed and existing new subdivisions in the Mitchelville area.
3. Within a mile of the subject property is the MS district which supports a large employment base that could potentially be supported by more diverse housing opportunities in this area.
4. The applicant has stated the intention for future development on the subject property is for multifamily affordable housing.
5. Town Council has recognized and prioritized the need for more affordable housing on Hilton Head Island.
6. At this time there are no zoning districts or ordinances in place that require a developer to create affordable housing, thus the Town has no way to enforce affordable housing for residential development. There is no way to guarantee the subject property will in fact be developed with affordable housing.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.iv.
2. The proposed rezoning is meeting a demonstrated community need for more housing because the demand for housing on the island and in this area in particular has increased based on recent developments on Leg O'Mutton Road and the Marshland Road corridor.
3. While there is no way to guarantee the subject property will be developed with affordable housing, there is still a need for housing on the island.

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 and vacant as can be determined by aerial imagery.
2. Per LMO 16-3-105.K, the purpose of the PD-1 District is to allow the continuation of well-planned development within the unique PUDs that are greater than 250 acres in size and comprised of Town-approved Master Plans, such as Indigo Run. The Town-approved Master Plans for each PUD define the uses and densities for the property incorporated into the Master Plan.
3. The 2000 Indigo Run PUD Town-approved Master Plan defines "residential" as: *Land uses consisting of single family (full size and patio sized lots and attached and detached single family), and multi-family (attached residential including both short term and long term rentals).*
4. Rezoning the subject property would align with the diverse neighboring residential developments and residential use-designated properties intended to be within the Indigo Run PUD by definition. An example is Summerhouse Condominiums, which are located within the Indigo Run PUD and designated for development with 204 multifamily dwelling units on 23+/- acres.
5. Future plans for the Town support the timely development of diversified housing on the island as expressed by the Comprehensive Plan.
6. The Town does not currently have plans to develop the vacant property to the north of the subject property currently being used as a construction staging area.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.v.
2. The proposed rezoning is consistent with the overall zoning program as expressed in future

plans for the Town because the proposed use is multifamily residential, which offers a diverse housing opportunity already defined by the Indigo Run PUD Master Plan, which was approved by the Town in 2000.

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. The subject property is located directly adjacent to PD-1 Indigo Run zoned parcels.
2. The subject property is currently spot-zoned RM-4, which means it is currently zoned as an isolated zoning district unrelated to the adjacent parcels in the PD-1 zoning district.
3. Other surrounding zoning districts include RM-4, MS and PR.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.vi.
2. Due to the proximity of the PD-1 Indigo Run District, the proposed rezoning would not create an inappropriately isolated zoning district that is unrelated to the adjacent and surrounding zoning district.
3. Rezoning the subject property would create a preferred zoning arrangement by eliminating a spot-zoned RM-4 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 has never been developed with a permanent use.
2. The applicant is proposing to rezone the subject property to allow 48 multifamily dwelling units.
3. The current zoning allows six dwelling units per net acre, or 21 dwelling units total.
4. The DRB gave approval for a development with 21 units.

Conclusions of Law:

1. This application **does not meet the criteria** in LMO Section 16-2-103.C.3.a.vii.
2. While rezoning would permit a reasonably viable economic use for an otherwise vacant property, the property's current zoning allows for development that is a viable economic use.
3. Rezoning for a higher density to accommodate 48 units is not necessary for residential development on the subject property to be economically feasible; however, a slightly higher density, such as six or eight dwelling units per net acre might make a proposed apartment development economically feasible while also being an appropriate density for the area.

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. Leg O’Mutton Road is a Minor Arterial as defined by the LMO and may be over capacity with an increase in density in the area.
2. The Town Traffic Engineer recommends the developer be required to install a left-turn lane on Leg O’Mutton Road to serve north bound traffic or conduct a Traffic Impact Analysis as a condition of approval for rezoning.
3. Water, sewer and electric services are available.
4. Hilton Head Island Fire and Rescue has the capability to immediately access the subject property.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.viii.
2. The proposed rezoning would result in a higher density residential development that potentially cannot be served by the existing road network.
3. Approval of this rezoning should be with the condition that the developer be required to install a left-turn lane on Leg O’Mutton Road to serve north bound traffic or conduct a Traffic Impact Analysis to address any potential burden on the road network.

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. There are several new residential developments in close proximity to the subject property. Magnolia Place is currently under construction for 26 units. The Marshes at Broad Creek, a recently approved single-family major subdivision on Marshland Road, is approved for 23 units on 6.33 acres.
2. The more recent development and proposals for residential development near the subject property are construed as a changing condition due to the increased demand for housing. This is evident from the more recent trend of new residential developments on the island. Some examples of developments under construction are Silver Moss, Tansyleaf and Salt Creek subdivisions on Spanish Wells Road, Beach City Place in the Mitchelville area, and Magnolia Place townhomes on Leg O’Mutton. Some examples of proposed developments include two 30+ unit subdivisions on the Mitchelville area, one 200+ unit residential development in the Jonesville area, and numerous Small Residential Developments in the Gum Tree, Squire Pope, Marshland Road areas.

Conclusions of Law:

1. This application **does meet the criteria** in LMO Section 16-2-103.C.3.a.ix.
2. Rezoning the subject property will be appropriate due to the changing condition of increased development on nearby properties due to the housing demand.
3. The use allowed by the proposed zoning district is appropriate due to this changing condition in the affected area.

LMO Official Determination

Staff determines that this application **is not consistent 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.

If the Planning Commission decides to recommend APPROVAL to Town Council of this application, Staff recommends a condition that a left-turn lane be added on Leg O'Mutton Road to serve northbound motorists at the developer's expense or the developer conduct a Traffic Impact Analysis for the project as per the Town Traffic Engineer's determination.

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

August 8, 2018

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Development Review Administrator

August 8, 2018

DATE

REVIEWED BY:

TL

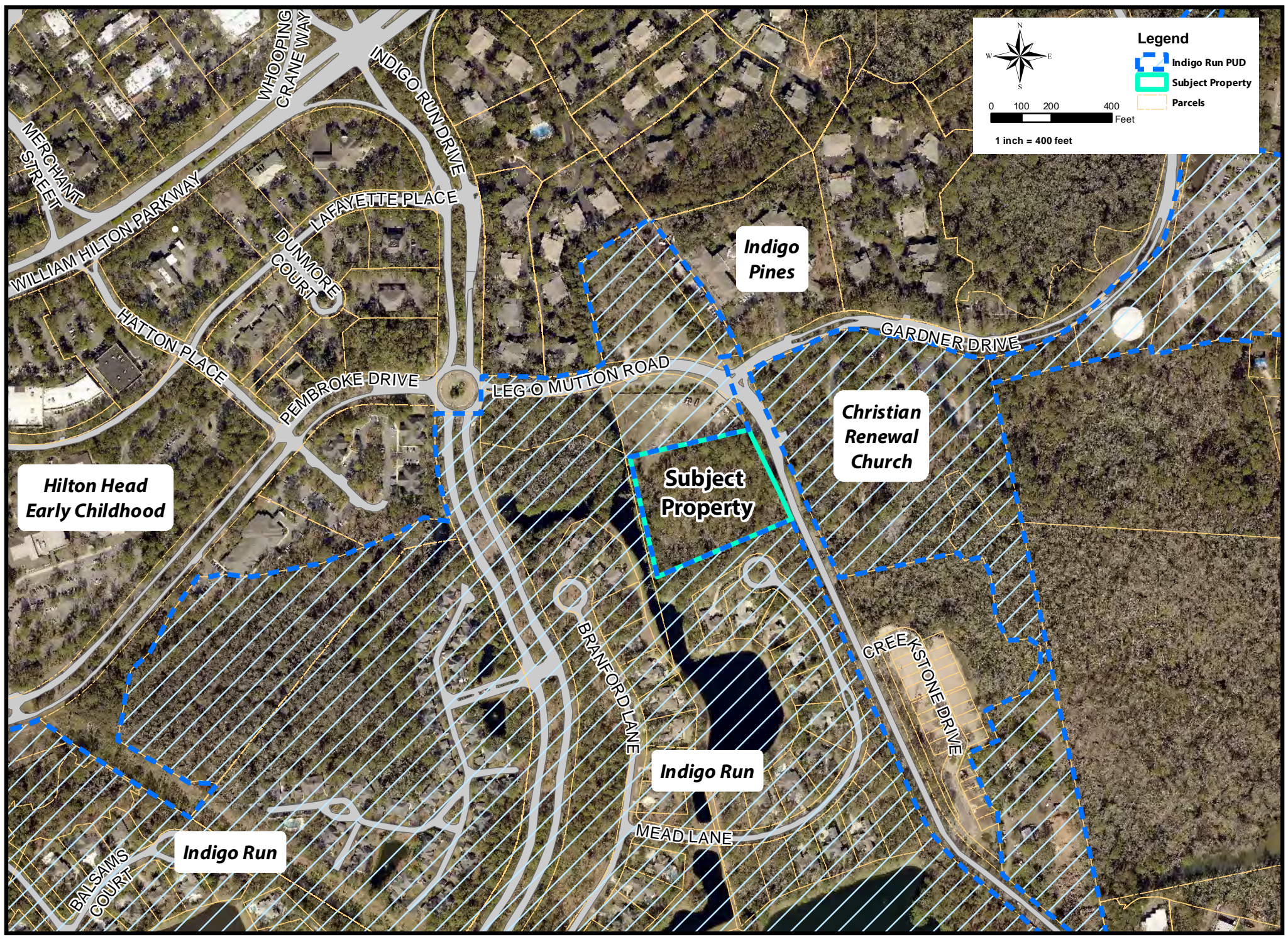
Teri Lewis, AICP
LMO Official

August 8, 2018

DATE

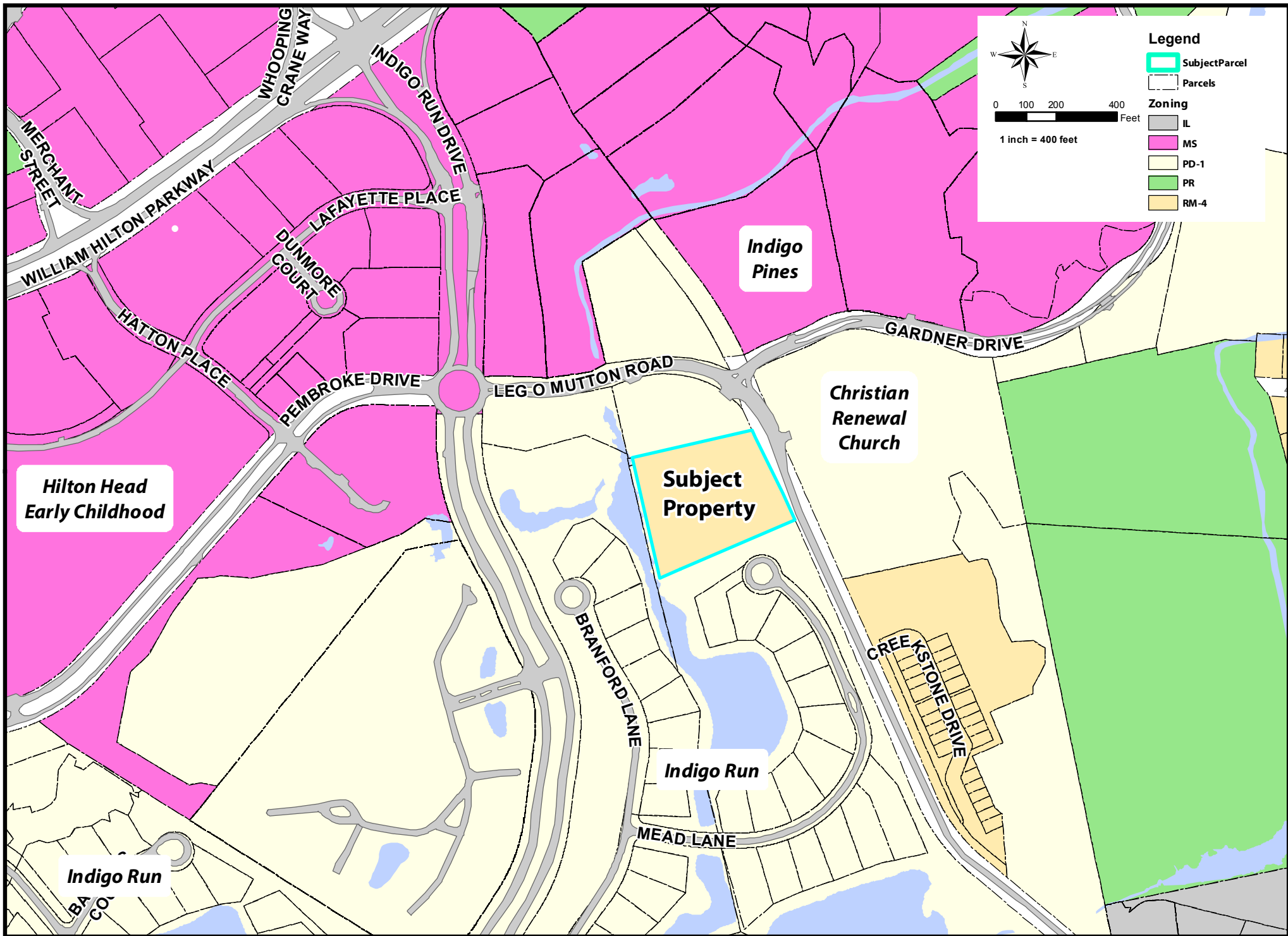
ATTACHMENTS:

- A) Vicinity Map
- B) Zoning Map
- C) LMO Use Tables
- D) Subject Property Aerial Imagery
- E) Boundary Survey
- F) Applicant Narrative
- G) Public Comments
- H) Indigo Run Current Master Plan Boundary
- I) Design Review Board Approval for Townhome Development



107 Leg O'Mutton Road and Vicinity

ZA-001482-2018



107 Leg O'Mutton Road Zoning
ZA-001482-2018

RM-4 Low to Moderate Density Residential District

1. Purpose

The purpose of the Low to Moderate Density Residential (RM-4) District is to protect and preserve the character of these areas and *neighborhoods* at *densities* up to four *dwelling units* per *net acre* . This district is used to encourage a variety of residential opportunities, including *multifamily* residential units, *single-family* residences, and *group living* . The regulations of the district are intended to discourage *development* that would substantially interfere with, or be detrimental to, residential character.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<i>Group Living</i>	P		1 per 3 rooms
<i>Multifamily</i>	P		1 bedroom 1.4 per du
			2 bedroom 1.7 per du
			3 or more bedrooms 2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA
Public, Civic, Institutional, and Educational Uses			
<i>Cemeteries</i>	P		1 per 225 GFA of office area + 1 per 500 GFA of <i>maintenance</i> facilities
<i>Community Service Uses</i>	P		1 per 400 GFA
<i>Education Uses</i>	P		Colleges and High Schools 10 per classroom
			Elementary and Junior High/Middle Schools 4 per classroom
			Other <i>Education Uses</i> See Sec. 16-5-107.D.2
<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

Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	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	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 GFA of sales/display area	
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-107.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	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		
Residential	4 du (6 du if lot area is at least 3 acres; 8 du if lot area is at least 5 acres)	Max. Impervious Cover for All Development Except Single-Family	35%	
Bed and Breakfast	10 rooms			
Nonresidential	6,000 GFA	Min. Open Space for Major Residential Subdivisions	16%	
MAX. BUILDING HEIGHT				
All Development	35 ft ¹			
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; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the **Official** that:

a. The increase is consistent with the character of **development** on surrounding **land** ;

b. **Development** resulting from the increase is consistent with the purpose and intent of the **building height** standards;

c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed **development** , or (2) results in improved site conditions for a **development** with **nonconforming site features** ;

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.

(Revised 4-18-2017 - [Ordinance 2017-05](#))

Attachment C

ZA-001482-2018

Town of Hilton Head Island Municipal Code

Title 16: Land Management Ordinance, Section 16-3-105.K

PD-1 Planned Development Mixed-Use District

1. Purpose

The purpose of the Planned Development Mixed-Use (PD-1) District is to recognize the existence within the Town of certain unique **Planned Unit Developments** (PUDs) that are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a high quality resort and residential community. It is the intent in establishing this district to allow the continuation of well-planned **development** within these areas. In limited situations, some commercially planned portions of PUDs are placed within other base districts to more specifically define the types of commercial **uses** allowed.

2. Included PUDs and Master Plans

The following PUDs are included in the PD-1 District and their Town-approved Master Plans—including associated text and any subsequent amendments—are incorporated by reference as part of the **Official Zoning Map** and the text of this LMO. Amendments to these Master Plans and associated text shall be in accordance with Sec. 16-2-103.D, Planned Unit Development (PUD) District.

1 Hilton Head Plantation	6 Port Royal Plantation (and surrounds)
2 Indigo Run	7 Sea Pines Plantation
3 Long Cove Club	8 Shipyard Plantation
4 Palmetto Dunes Resort	9 Spanish Wells Plantation
5 Palmetto Hall Plantation	10 Wexford Plantation

3. Principal Uses Restricted by Master Plan

The Master Plans and associated text, as approved and amended by the Town, establish general permitted **uses** for the respective PUDs, except as may be modified by an **overlay zoning district**. Undesignated areas on these Master Plans shall be considered as **open space**.

The following **uses** are restricted to locations where a Town-approved Master Plan or associated text specifically states such **uses** are permitted. In addition, the **use**-specific conditions referenced below shall apply to any new such **use** or change to the site for any existing such **use**.

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Public, Civic, Institutional, and Educational Uses			
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1
Resort Accommodations			

Interval Occupancy	P		1 bedroom	1.4 per du
			2 bedrooms	1.7 per du
			3 or more bedrooms	2 per du
Commercial Recreation Uses				
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.b	See Sec. 16-5-107.D.2	
Commercial Services				
Adult Entertainment Uses	SE	Sec. 16-4-102.B.7.a	1 per 100 GFA	
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Liquor Stores	PC	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Tattoo Facilities	PC	Sec. 16-4-102.B.7.k	1 per 200 GFA	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Auto Sales	P		See Sec. 16-5-107.D.2	
Gas Sales	PC	Sec. 16-4-102.B.8.d		
Towing Services or Truck and Trailer Rentals	P		1 per 200 GFA of office or waiting area	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Other Uses				
Boat Ramps , Docking Facilities , and Marinas	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	
4. Development Area Densities				
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE		
Site specific densities shall not exceed the density limits established in approved Master Plans and associated text, except as may be modified by an overlay zoning district . Where the approved Master Plans and associated text do not establish a density limit, site specific densities shall not exceed 10,000 GFA per net acre .		Max. Impervious Cover in Areas without Restricted Access and Open to the Public	40% - Residential	
			65% - Nonresidential	
		Max. Impervious Cover in Areas with Restricted Access	Shall not cause overall impervious cover for the PUD in that PD-1 District to exceed 45%	

		Min. Open Space in Areas without Restricted Access and Open to the Public	50% - Residential 25% - Nonresidential
		Min. Open Space in Areas with Restricted Access	Shall not cause overall open space for the PUD in that PD-1 District to be less than 55%
MAX. BUILDING HEIGHT			
All Development	75 ft	Min. Open Space for Major Residential Subdivisions	16%

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; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable



107 Leg O'Mutton Road 2017 Aerial Image

ZA-001482-2018

Attachment D



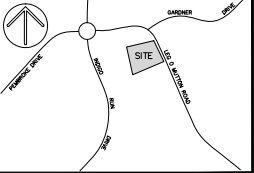
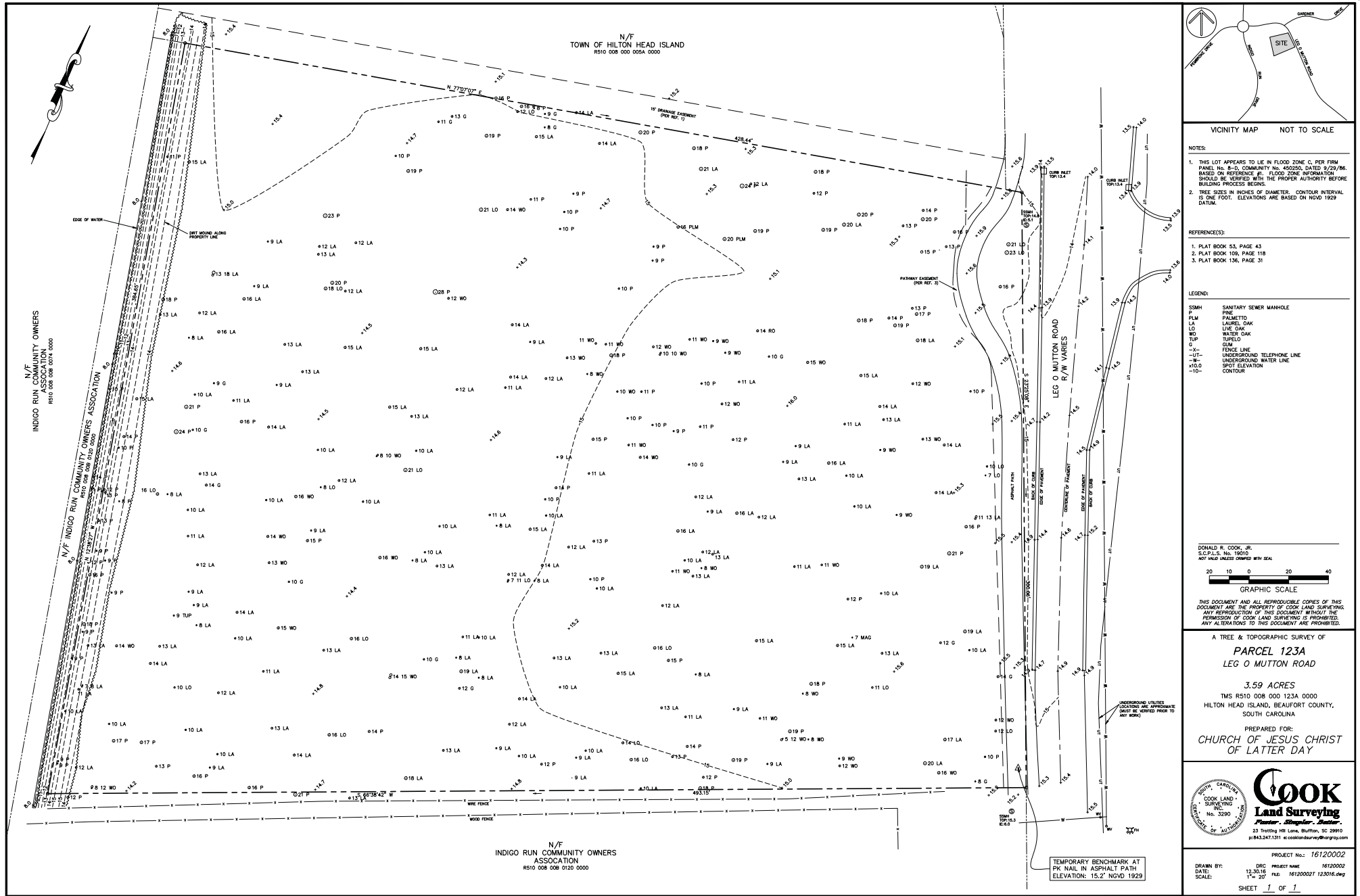
© 2017 Pictometry

107 Leg O'Mutton Road View East
ZA-001482-2018



107 Leg O'Mutton Road View North
ZA-001482-2018

Attachment E



NOTES:

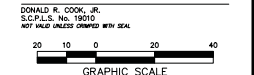
- THIS LOT APPEARS TO BE IN FLOOD ZONE C, PER FIRM PANEL No. 8-D, COMMUNITY No. 450250, DATED 9/29/86. BASED ON REFERENCE #1, FLOOD ZONE INFORMATION SHOULD BE VERIFIED WITH THE PROPER AUTHORITY BEFORE BUILDING PROCESS BEGINS.
- TREE SIZES IN INCHES OF DIAMETER. CONTOUR INTERVAL IS ONE FOOT. ELEVATIONS ARE BASED ON NGVD 1929 DATUM.

REFERENCE(S):

- PLAT BOOK 53, PAGE 43
- PLAT BOOK 109, PAGE 118
- PLAT BOOK 136, PAGE 31

LEGEND:

SSMH	SANITARY SEWER MANHOLE
P	PINE
PLM	PALMETTO
LA	LARGO OAK
LO	LIVE OAK
WO	WATER OAK
TUP	TUPELO
G	GUM
-F-	FENCE LINE
-U-	UNDERGROUND UTILITY LINE
-W-	UNDERGROUND WATER LINE
+10.0	SPOT ELEVATION
-10-	CONTOUR



THIS DOCUMENT AND ALL REPRODUCIBLE COPIES OF THIS DOCUMENT ARE THE PROPERTY OF COOK LAND SURVEYING. ANY REPRODUCTION OF THIS DOCUMENT WITHOUT THE PERMISSION OF COOK LAND SURVEYING IS PROHIBITED. ANY ALTERATIONS TO THIS DOCUMENT ARE PROHIBITED.

A TREE & TOPOGRAPHIC SURVEY OF
PARCEL 123A
LEG O MUTTON ROAD

3.59 ACRES
TMS R510 008 000 123A 0000
HILTON HEAD ISLAND, BEAUFORT COUNTY,
SOUTH CAROLINA

PREPARED FOR:
**CHURCH OF JESUS CHRIST
OF LATTER DAY**



PROJECT No.: 16120002

DESIGN BY: DRC PROJECT NAME: 16120002
DATE: 12.30.16 FILE: 16120002T 123016.dwg
SCALE: 1"= 20'

SHEET 1 OF 1

Leg O'Mutton Road 2016 Boundary Survey
ZA-001482-2018

Attachment F
Applicant Narrative
ZA-001482-2018



June 18, 2018

Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

RE: PD-1 Re-zoning for 170 Leg O’Mutton Road, Hilton Head Island, SC
Project # DRB-000203-2017

To Whom It May Concern:

Please accept this letter as a request to re-zone Lot 170 Leg O’Mutton Road, Hilton Head Island, SC from its current zoning of RM-4 and to be included in the Indigo Run PD-1. See location below, site boundary in red hatch:



This site has recently obtained Town of HHI design approvals for a proposed multifamily product to be developed under the current zoning of RM-4. The scope includes a total of twenty one (21) multifamily townhouse units comprised of three (3), five (5) unit clusters and one (1), six (6) unit cluster. It also has letters of service from all local public utilities.

The property exists adjacent to Indigo Run on the southern and western boundaries where the western boundary includes a drainage lagoon separating the properties. Both of these boundaries are

not only heavily wooded, but an 8’ wood fence separates the properties at the southern boundary. The northern boundary of the property is adjacent to Town-owned land formerly owned by Coastal Concrete (commonly referred to as the “concrete plant site”) and is currently used as a construction staging site for equipment and supplies for the Town of HHI mid-island projects. The eastern boundary is adjacent to Leg O’Mutton Road where an easement exits with the Town for an existing public bike path. This boundary provides the only vehicular access into the site. Vehicular circulation for this development was kept simple and works well with most of the existing large trees on the site. An amenity accessory structure has also been provided as shown on the development plan. See Sheets C401 & C101 attached.

RE-ZONING REQUEST:

As with most privately-owned undeveloped sites on Hilton Head Island, land costs are at a premium. Location also impacts the valuation of such properties whereby certain densities are required to offset the land costs, construction costs, and other associated fees and expenses. Such is the case with this site. Currently, and as mentioned earlier, this site is zoned RM-4 whereby only 4 development units (DU's) per acre are allowed. However, since the site is just over 3 acres, the allowable DU's per acre are increased to 6 DU's per acre hence, 21 units per acre are allowed by-right.

After obtaining DRB approval our group re-evaluated whether or not a 4,000 sf townhouse product was the best use for this site and determined that it was not. After review of the surrounding zoning, the Town's Comprehensive Plan, and the housing demands conveyed publicly it was clear that apartment-style housing was a better product to address the island's workforce needs and thereby demonstrates a solution to a community need. However, in order to provide apartments on this particular site, the density would need to be increased to allow enough units to make the effort viable.



Upon review of a portion of the existing Town of HHI Zoning Map (left) the subject site (yellow) appears to be isolated by the PD-1 district (white). By allowing the subject site to be included in the Indigo Run PD-1 district, it would become more consistent with the zoning of the surrounding area and eliminate the existing isolated zoning condition.

Re-zoning would also allow this site to utilize a variety of building types allowed in the PD-1 district therefore creating the opportunity to take advantage of a range of uses that are compatible with the uses allowed on other properties in the

immediate vicinity. Those uses include apartments/condos (The Preserve at Indigo Run), commercial office and retail (Walmart, Publix, Harris Teeter, Walgreens), assisted living (Indigo Pines w/ 118 units), educational (HHCA, HH Early Childhood Ctr), and other uses not allowed in RM-4 district. Other design considerations such as building height, 35' max in RM-4 versus 75' max in PD-1, create value-added opportunities available for consideration which make the apartment product appropriate since there are no changing conditions in the affected area. In addition, the subject site is adjacent to the PD-1 district and therefore makes it consistent with overall zoning program as expressed in the future plans for the Town.

The site as it exists today will require no special consideration for public utilities for water, sewer, power, cable, etc. As stated above, there are currently letters of service provided from the public utilities in place, therefore, *the development can be served by available, adequate, and suitable public facilities*. The site development planning approach is in accordance with local and state water quality and storm water regulations and therefore *is deemed appropriate for the land*. As well, the site location allows for walking and biking opportunities to shopping amenities and public parks thereby reducing actual vehicular congestion to existing roadways.

Currently, the site sits undeveloped and provides no economic benefit to the island. Re-zoning and eventual development of the site *would allow the property to be put to a reasonably viable economic use*. And “bring workforce housing to the island reversing the challenges for housing in competition with housing off-island.”(Comp Plan). Those utilizing the housing would be able to live on the island thereby using on-island shopping and other service oriented resources. Those dollars would stay on-island and contribute to economic vitality of the community. In addition, the housing would be potentially utilized by those who would help fill the current employment void for local resorts, restaurants, landscape companies, grocers, and other businesses.

COMPREHENSIVE PLAN:

Below are elements from the Town’s Comprehensive Plan that, by allowing the re-zoning, would provide consistency with the future goals set forth in that document:

- To engage in projects that encourage affordable/workforce housing on the Island.
- To look at housing opportunities as a mechanism to maintain its essential workforce.
- To encourage housing options that provide opportunities for residents to age in place.
- To monitor changing demographics and trends in housing development to provide housing options that meet market demands.
- To address housing issues using a systemic approach that integrates other elements such as economic development, transportation and land use.
- To include partnerships and the cooperation with the entire community.
- Consider revising the LMO to include flexible zoning options and tools that allow a mix of uses for residential over commercial or other live work units. This may be a tool to foster both a commercial and housing option as well as a means to provide affordable housing and to reduce the amount of infrastructure necessary to travel from home to work or other basic services. Other LMO revisions may include regulations to facilitate the conversion and redevelopment of empty commercial or office space to residential units or allow for a mix of residential within the redevelopment.
- Encourage owners of small properties to assemble land resources through density bonuses tied to increased property sizes.
- Review inclusionary housing programs within the Town boundaries or the region that foster a mix of housing choices and forms.
- Consider creating development incentives to encourage diverse housing options that may include increased density, reduced parking requirements and increased height standards.

BUILDING TYPE COMPARISONS:

Below is a comparison of the townhouse product (approved) versus the apartment product (proposed through re-zoning).

Setbacks/Buffers:	Location:	Existing:	Proposed:
TOWNHOUSES:	North (Twn parcel)	30'	30'
	South	20'	30'+
	East	40'	40'+
	West (lagoon)	20'	40'+
APARTMENTS:	North (Twn parcel)	30'	30'
	South	20'	20'
	East	40'	40'+
	West (lagoon)	20'	40'+

Square Footage:

TOWNHOUSES: Each townhouse is designed to have 3 levels with the lower level established as the master living suite the upper 2 with 2 bedrooms each and a media room to serve each of these levels. A total of twenty-one (21) townhouses are Heated square footages are as follows:

Ground Level	1,332sf
Middle Level	1,332sf
Top Level	1,322sf
Total	3,996sf

APARTMENTS: Each apartment will be 3 bedrooms and 3 bathrooms or 2 bedrooms, 3 bathrooms and an office. All units shall be 1,470 heated square feet. Each apartment building will be three (3) levels and have twelve (12) apartments per building for a total of forty-eight (48) apartments.

Building Height:	Allowed:	Provided:*
TOWNHOUSES:	35'	38.5'

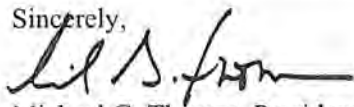
*A 10% increase in the overall building height is requested from the maximum 35' in RM-4 to 38.5' above the existing grade. The site sits in Flood Zone "C" which is not a hazardous flood zone. Floor to floor heights have been minimized to 9'-0" as well utilizing efficient construction detailing.

APARTMENTS:	75'	45' (to roof ridge)
-------------	-----	---------------------

Parking:	Required:	Provided:
TOWNHOUSES:	42 spaces	46 spaces
APARTMENTS:	96 spaces	106 spaces

Thank you for your consideration of this re-zoning effort.

Sincerely,



Michael G. Thomas, President
Thomas Design Group, LLC

Letter to Indigo Run COA

ZA-001482-2018

THOMAS
DESIGN GROUP, INC

May 29, 2018

Indigo Run

Community Owners Association
Attn: Vince Dimario, President
103 Indigo Run Drive
Hilton Head Island, SC 29926

RE: Development and re-zoning of 107 Leg O'Mutton Road

Dear Mr. Dimario:

Good Morning Vince, Mike Thomas here, I am a long time local HHI resident, architectural designer, and developer. I am reaching out to you because my development group has completed the town's development permitting process for a new residential development located on Leg O'Mutton Road and adjacent to Indigo Run POA property. Upon completion of the permitting process, we took a step back and re-considered if what we were proposing by-right was actually the right approach to the site. The current zoning for the site is such that we had to be creative with our housing designs but did not actually create a livable product with respect to the site or the occupants. We decided to take a different approach to the site development but it will require our re-zoning such that we would become part of the Indigo Run PD-1 overlay zone. I would like to meet with you since sometimes it's best to meet informally on subjects initially, exchange ideas, then formulate a presentation strategy that works to meet your requirements and with respect to the Indigo Run community. We have to deadline submit the PD-1 docs to the town by June 18 for a meeting with the Planning Commission July 18. I look forward to hearing from you and meeting you.

Kindest regards,



Michael G. Thomas, President
Thomas Design Group, LLC

Attachment G

ZA-001482-2018

From: [brucem](#)
To: [Ladd, Taylor](#)
Subject: Case No# ZA-1482-2014
Date: Thursday, July 05, 2018 1:11:40 PM


Reference: Case# ZA-1482-2014 Development, 170 Leg O Mutton Road

It is my understanding that the company that has proposed a townhouse development at 170 Leg O Mutton Road is requesting a rezoning.

I object to this request and respectfully request the Planning Commission reject the proposal.

I live on property that directly faces the back side of the proposed development. I vehemently objected to this company's proposed development in 2017 because it was and is so grossly intrusive and so terribly out of sync with Indigo Run Plantation property owner's homes.

That the company may now want to increase the number of units and or buildings and or families is doubly objectionable and constitutes an even more disrespectful abuse of Indigo Run Plantation homeowners on Branford and Mead Lanes.

Bruce and Stephanie McLellan
48 Branford Lane
Hilton Head, SC 29926


Attachment G

ZA-001482-2018

July 7, 2018

Dear Ms. Taylor Ladd:

We would like the opportunity to address the proposed rezoning of property on Leg O'Mutton for the development of higher density apartments. My husband and I reside at Magnolia Place, the townhome community a short distance down the road from this proposed project. We have concerns about allowing this modification in order to build these apartments at this site.

Our concerns are as follows:

- 1) We are well aware of the need for affordable housing on the Island. However, we highly doubt that the developer's motive in changing the project to a higher density zoning has to do with fulfilling a much needed void. Developers are in the business of making a profit, which they are certainly entitled to do, but in this case the developer sees an opportunity to use this void to his advantage in order to convince the Town to modify the zoning so he can maximize the profit.
- 2) The project could potentially bring 100 more vehicles on the roads in this immediate area with the majority likely to be using Leg O'Mutton for access to mid-island and south island employment. Leg O'Mutton as it stands now is a very busy and potentially dangerous road given that many drivers will exceed the posted speed limit of 35mph. One of the egresses from our development is situated at a bend off and creates a blind spot in which someone very quickly can come up upon you while trying to exit. Add to that more vehicles coming along and you have an accident ready to happen.
- 3) There is also the concern for degradation of our property value to have such a complex here and the increased barrage of cars coming along with it. There cannot possibly be any control as to how these apartments will be used or even if the new residents will be those who have been commuting from off island or those who have had to quit their HHI jobs due to the commute issue.
- 4) Have any other locations even been considered for this type of project? It is my understanding that other locations do exist which are much more appropriate for such a development. Let's not try to put the square peg into a round hole so the developer can profit handsomely.

We thank you for your time and consideration.

Regards,
Iris & Frank Shedlock



INDIGO RUN

July 9, 2018

Town of Hilton Head Island
Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

RE: **Zoning Map Amendment ZA-001482-2018 for 107 Leg O Mutton Road**

Dear Members of the Planning Commission:

The Indigo Run Community Owners Association (IRCOA), as immediate adjacent property owners of the above referenced property is strongly in opposition to any change in its existing land use rights. The proposed change of density from 21 to 48 units is not just a 130% increase in the density on this parcel, it changes the entire character of Leg O' Mutton Road and will have damaging effects on the value of surrounding properties and the quality of life.

Further, changing the existing RM-4 zoning to PD-1 opens up a Pandora's Box of possibilities and potential unintended consequences of uses if this zoning change is permitted to proceed. We cannot succumb to the clear and present challenges of affordable housing or workforce shortages only to pay the price of how this decision could effect this area into the future.

The purchase of a home, or property upon which a prospective owner intends to build a home, is a tremendous investment which for most, is one of the most important decisions they make. Buyers looking to invest, and owners seeking to preserve, protect and enhance the value of that investment, count on the good faith of those overseeing the uses of surrounding property to keep in mind and defend the interests of the existing property owners. If we cannot trust in the integrity of the land use codes, we as "One Island, One Community, One Hilton Head" will continue to witness an erosion for the respect and trust of our elected officials and those charged to assist them in the execution of their duties.

EXISTING APPROVED ZONING

From the Town of Hilton Head Island Land Management Ordinance:

*"The purpose of the Low to Moderate Density Residential (RM-4) District is to **protect and preserve the character** of these areas and **neighborhoods** at **densities** up to four **dwelling units per net acre**. This district is used to encourage a variety of residential opportunities, including **multifamily** residential units, **single-family** residences, and*

group living. *The regulations of the district are intended to discourage **development** that would substantially interfere with, or be detrimental to, residential character.”*

The property owners and residents of this area are counting on this parcel being developed in a way that is consistent with the existing zoning. Many expected this to be a church or a cemetery given that the owner is the Church of Jesus Christ of Latter Day Saints. Many were shocked when the approval of 21 townhomes came along, especially with the development of Magnolia Place and its 37 units. Those, along with Victoria Square and the potential of other development at 67 Leg O’ Mutton Rd. already push to-the-limits the amount of traffic and congestion that road can stand, not to mention the correlating effects on Marshland Rd., Gardiner Drive and Indigo Run Drive. Anyone that regularly drives Leg O’ Mutton knows that it has already become a shortcut for those wishing to avoid the traffic on Hwy 278 by accessing a back way to Marshland Road and the Matthews/Folly Field intersection. The news of the existing townhome development was a surprise, but the use-by-right exists and we accept that - even if we prefer that the land remains in a natural state.

PROPOSED ZONING

From the Town of Hilton Head Island Land Management Ordinance:

*“The purpose of the Planned Development Mixed-Use (PD-1) District is to recognize the existence within the Town of certain unique **Planned Unit Development s** (PUDs) that are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a high quality resort and residential community. It is the intent in establishing this district to allow the continuation of well-planned **development** within these areas. In limited situations, some commercially planned portions of PUDs are placed within other base districts to more specifically define the types of commercial **uses** allowed.”*

When the Indigo Run PUD was being conceived, the town considered the best uses of not just the Indigo Run PUD, but also of the surrounding property and ultimately, the north end of the island. Leg O’ Mutton Road (which was unpaved at the time) was seen as a quiet through street with residential units, schools, churches, and small commercial uses. The residential development along this short stretch of road was intended to be low to moderate density, in buildings not to exceed 35 feet in height. This rezoning is not a continuation of well-planned development within this area, and would in fact allow a highly dense residential development with the potential of building heights of up to 75 feet. Yes, this developer states that the intent is to “only” build to 45 feet in height – which is way too tall to remain in character with the surrounding properties. And who is to say that this developer or another comes back and proposes something even worse – claiming a “use-by-right”? This parcel was intentionally left out of the Indigo Run PD-1 for that very reason.

OVERRIDING CONCERN

The recent episode of clamor and unrest related to another property on Leg O’ Mutton Rd – the Arbor Nature parcel at 76 Leg O’ Mutton has left many of the residents along this stretch of road with festering wounds of skepticism and distrust. The IRCOA does not wish to exacerbate existing wounds or promulgate opening of any new ones. We wish to hold true to the existing

land uses, or better still, to evaluate whether this parcel isn't already in its "best-use" state as a naturally wooded area – providing habitat for wildlife, a visual and sound buffer to the adjacent residences, and an aid to the drainage and control of runoff water through the Otter Creek system. The existing approved 21 townhome development included a setback from the shores of Otter Creek and some enhanced landscaping mitigation. That is now being replaced with very little in the way of separation/buffer between existing homes in Indigo Run and this new proposed development. The footprint of the proposed 48 apartments completely fills the building envelope and removes the buffer provided in the 21 unit townhome development. The height of the structures would visually take the place of the tall pines and replace them with a façade of apartment windows looking down on the once-private single family residences of Indigo Run. [See photos where Otter Creek divides Indigo Run residential units from the proposed development parcel.]

Providing a development of 21 townhomes is consistent with the allowable uses to the maximum allowed, and it does address a need to provide more housing for our workforce on the island. Any change to allow an apartment development adding 130% to the approved density is out of character and out of scale with the surrounding community and transportation infrastructure. Now, the developer doesn't see that the project he worked hard to gain approval in 2016/2017 as profitable enough. It is our position that the developer find a suitable location which is true to the character of the community it wishes to build within and not ask the Town of Hilton Head Island to approve something that is out of character with a community just so they can improve their bottom line.

Respectfully,



Chip Munday CMCA®, AMS®, PCAM®
General Manager

Attachment G

ZA-001482-2018

**Photo of Subject Property across lagoon from
48 Branford Lane**

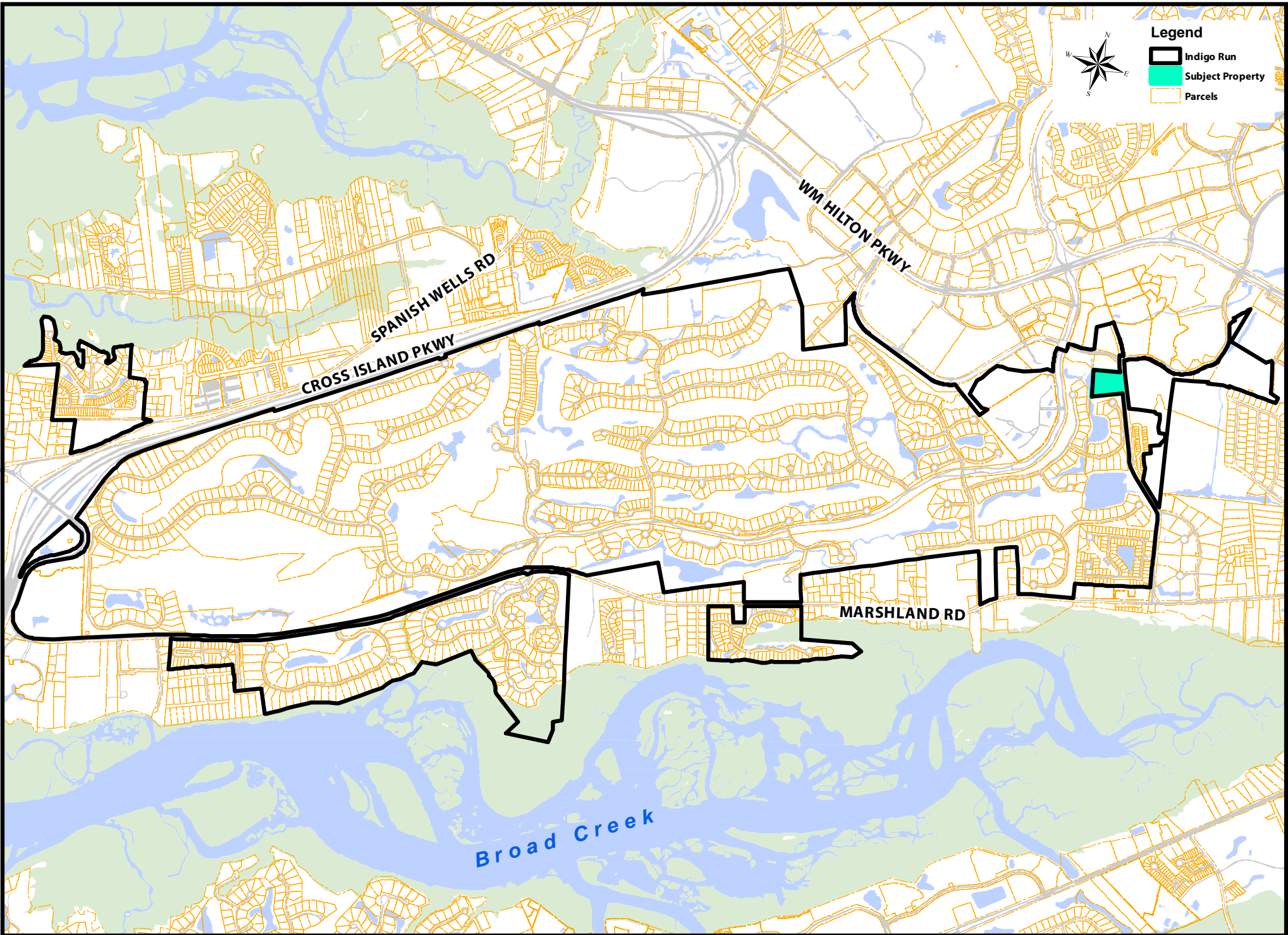


Attachment G

ZA-001482-2018

**Photo of Subject Property across lagoon from
48 Branford Lane**





DRB Approval for 21 Unit Townhome Development

ZA-001482-2018

THE TOWN OF HILTON HEAD ISLAND
DESIGN REVIEW BOARD – NOTICE OF ACTION



PROJECT NAME: Townhouses at Leg O’Mutton **PROJECT #:** DRB-001586-2017

PROJECT ADDRESS: 170 Leg O’Mutton

CATEGORY: New Development – Final

ACTION DATE: July 11, 2017 **NOTICE DATE:** July 12, 2017


APPLICANT/AGENT: Mike Thomas, Thomas Design Group
74 Sparwheel Lane
Hilton Head Island, SC 29926
Email: mthomas.icon@gmail.com

On the above meeting date your Application received the following action:

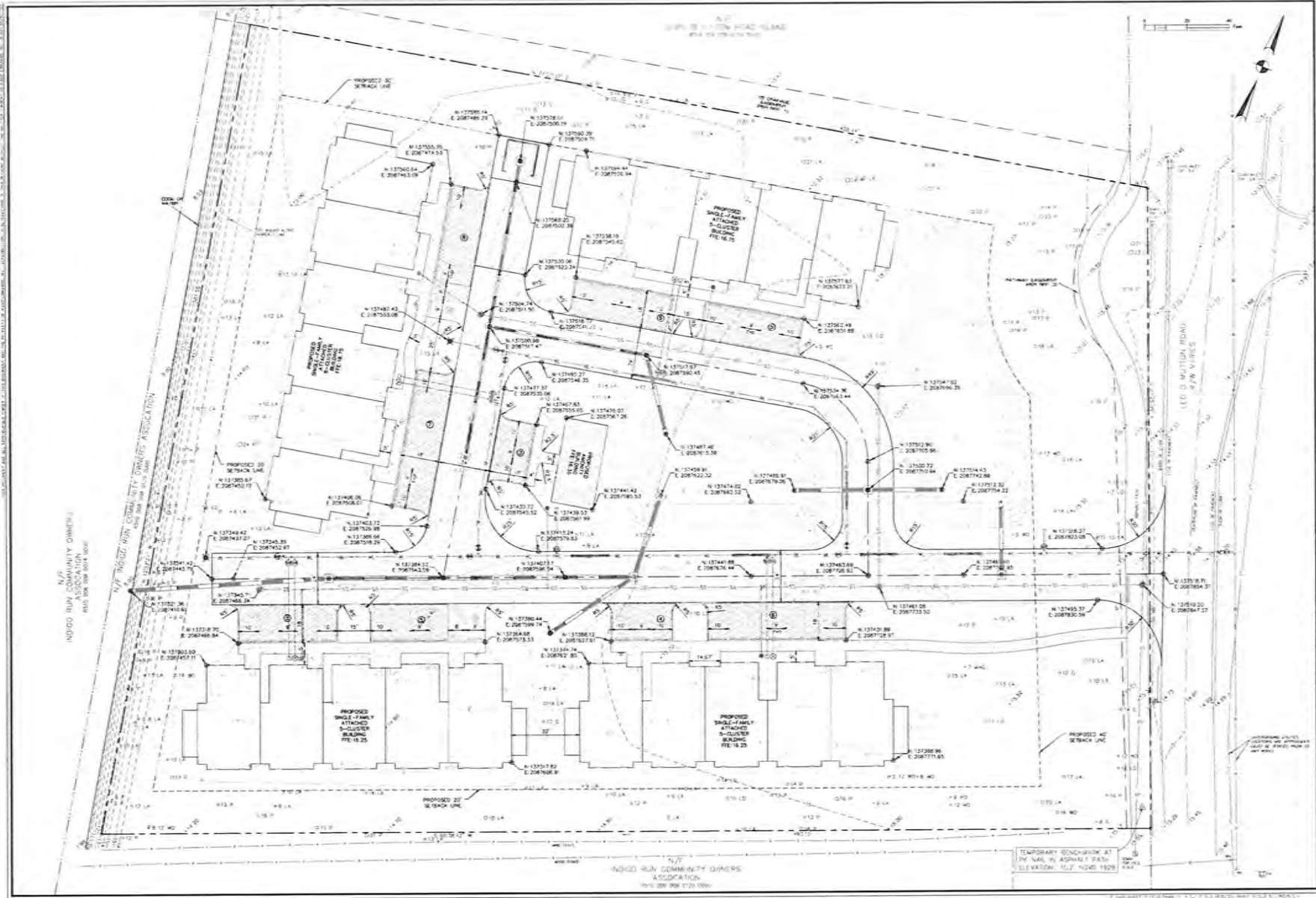
- APPROVED AS SUBMITTED**
- APPROVED WITH THE SPECIFIC CONDITIONS LISTED BELOW**
 - 1) All Southern Magnolias and all Live Oaks shall be a minimum 4” caliper size.
- DENIED**
- WITHDRAWN AT THE APPLICANTS REQUEST**

PURSUANT TO LMO 16-2-103-I.7, THIS APPROVAL WILL EXPIRE ONE YEAR FROM THE DATE OF THIS NOTICE UNLESS A DEVELOPMENT PLAN (SEE LMO 16-2-103.G) OR SMALL RESIDENTIAL DEVELOPMENT (SEE LMO 16-2-103.H) IS APPROVED OR, WHERE DEVELOPMENT PLAN REVIEW OR SMALL RESIDENTIAL DEVELOPMENT REVIEW IS NOT REQUIRED, THE APPROVED ACTIVITY IS COMPLETED. YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO CIRCUIT COURT IN ACCORDANCE WITH LMO 16-2-103-I.4.c.ii.

NOTICE: APPROVAL BY THE DESIGN REVIEW BOARD MAY NOT CONSTITUTE AUTHORITY TO PROCEED. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 341-4757 TO FIND OUT IF OTHER APPROVALS OR PERMITS ARE REQUIRED FROM THE DEVELOPMENT REVIEW AND ZONING, BUILDING, OR ENGINEERING DIVISIONS.

BY: , Urban Designer

Attachment I
Conceptual Site Plan for 21 Units Approved by DRB July 2017
ZA-001482-2018



NO.	DESCRIPTION	DATE



LEG OUMTON TOWNHOUSES
 TOWN OF ILLINOIS HEADLAND, SOUTH CAROLINA
SRE ACQUISITIONS II, LLC
 Chicago, Illinois
SITE LAYOUT PLAN

DATE	
DESIGNED BY	
CHECKED BY	
SCALE	
SHEET C401	

Attachment I
Conceptual Elevation for Townhomes Approved by DRB July 2017
ZA-001482-2018



Town of HHI
 DRB Final
 Review Only

DATE	BY	NO.
2017.07.12	DRB	001
2017.07.12	DRB	002
2017.07.12	DRB	003
2017.07.12	DRB	004
2017.07.12	DRB	005
2017.07.12	DRB	006
2017.07.12	DRB	007
2017.07.12	DRB	008
2017.07.12	DRB	009
2017.07.12	DRB	010

A New Residential Project for
Leg O'Mutton Townhouses
 107 Leg O'Mutton Road
 Hilton Head Island, South Carolina

THOMAS
 DESIGN GROUP, INC
 74 Spanish Lane
 Hilton Head Island, SC 29929
 843.715.9434

Copyright:
 ©Thomas Design Group, Inc. all rights reserved. These drawings may not be reproduced, transmitted, or used in any form, in part or in whole, without the expressed written consent of TDC, Inc.
 Disclaimers:
 TDC, Inc. makes no warranty and all responsibility and liability which arises from the failure to follow the drawings, related documents, specified products, material and methods of construction and the design intent (the country or from any other failure to obtain and/or follow TDC's guidance w/ respect to any errors, omissions, inconsistencies, ambiguity, or conflicts which may be alleged.

A205

Elevations

