



Town of Hilton Head Island
Planning Commission Special Meeting
Wednesday, July 15, 2020 – 9:00 a.m.
AGENDA

This meeting is being conducted virtually in accordance with Town Council Emergency Ordinance 2020-13 and can be viewed live on the Town's Public Meeting Facebook Page at <https://www.facebook.com/townofhiltonheadislandmeetings/>. Following the meeting, the video record will be made available on the Town's website at <https://www.hiltonheadislandsc.gov/>.

1. **Call to Order**
2. **FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
3. **Swearing in Ceremony for New and Reappointed Commissioners** – *Performed by Stephen Ryan, Staff Attorney*
4. **Roll Call**
5. **Approval of Agenda**
6. **Approval of Minutes**
 - a. Meeting of February 19, 2020
7. **Citizen Comments**
8. **Unfinished Business**
9. **New Business**
 - a. **Election of Officers for July 1, 2020 – June 30, 2021 term**
 - b. **Public Hearing**
STDV-001236-2020 – Request from the Town of Hilton Head Island to rename the ocean side portion of Firethorn Lane to Firethorn Way. The modification will result in a new address number and street name for five properties: 31 Firethorn Lane (R550 015 00A 0024 0000); 32 Firethorn Lane (R550 015 00A 0023 0000); 33 Firethorn Lane (R550 015 00A 0025 0000); 34 Firethorn Lane (R550 015 00A 023A 0000); and 37 Firethorn Lane (R550 015 00A 0029 0000). The modification will result in a new address number for two properties: 24 Firethorn Lane (R550 018 000 0168 0000); and 26 Firethorn Lane (R550 018 000 0167 0000). *Presented by Fire Rescue Staff*
 - c. **Public Hearing**
ZA-001245-2020 – Request from the Town of Hilton Head Island, on behalf of ArborNature, LLC, to amend the Official Zoning Map for the property located at 76 Leg O' Mutton Road, Parcel ID R510 008 000 0275 0000. The approved uses and density are EITHER a Wholesale Landscape Nursery and Landscape Contractor's Office with

Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site OR Residential at 8 units per net acre for the entire site. The request is to change the allowed uses and density to EITHER a Wholesale Landscape Nursery and Landscape Contractors Office with Outside Storage at up to 6,000 square feet per net acre, Without any Tree Grinding or Logging for the entire site OR Residential at 8 units per net acre for the entire site. The subject property would remain in the PD-1 (Planned Development Mixed-Use) Zoning District, in the Indigo Run Master Plan. *Presented by Nicole Dixon*

10. Staff Report

- a. **Update on Our Plan** – Staff will present the first of two information sessions about Our Plan. The first segment will cover the Our Plan contents, and an overview of the first two sections: Our Purpose and Process, and the Our Community section covering the elements. Staff will also provide an update on the expected adoption steps and timeline. This presentation is intended to provide the Planning Commission and the public with an overview of what to expect when the draft of Our Plan starts the adoption process in August. *Presented by Taylor Ladd*

11. Adjournment

Public comments concerning agenda items can be submitted electronically via the Town's Virtual Town Hall public comment portal at <https://hiltonheadislandsc.gov/opentownhall/>. The portal will close at **Noon** the day prior to the scheduled meeting. Citizens may also call (843) 341-4684 to sign up for public comment participation during the meeting by phone. The public comment period will close at **Noon** the day prior to the scheduled meeting. All comments will be provided to the Commission for review and made part of the official record.

Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.



Town of Hilton Head Island
Planning Commission
February 19, 2020 at 3:00 p.m. Regular Meeting
Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Commission: Chairman Peter Kristian, Vice Chairman Lavon Stevens, Leslie McGowan, Caroline McVitty, Mark O'Neil, Alan Perry, Michael Scanlon, Palmer E. Simmons

Absent from the Commission: Todd Theodore (excused)

Present from Town Council: Tamara Becker, Bill Harkins, Glenn Stanford

Present from Town Staff: Jeff Buckalew, Town Engineer; Shawn Colin, Director of Community Development; Anne Cyran, Senior Planner; Teri Lewis, Deputy Director of Community Development; Scott Liggett, Director of Public Projects and Facilities/Chief Engineer; Jennifer Ray, Deputy Director of Community Development; Darrin Shoemaker, Traffic & Transportation Engineer; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Kristian called the meeting to order at 3:00 p.m.

2. Pledge of Allegiance

3. FOIA Compliance – Public notification of this meeting has been published, posted, and mailed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

4. Roll Call – See as noted above.

5. Approval of Agenda

Chairman Kristian asked for a motion to approve the agenda. Commissioner McGowan moved to approve. Vice Chairman Stevens seconded. The motion passed with a vote of 8-0-0.

6. Approval of Minutes – Meeting of January 15, 2020

Chairman Kristian asked for a motion to approve the minutes of the January 15, 2020 meeting. Commissioner Scanlon moved to approve. Commissioner McGowan seconded. The motion passed with a vote of 8-0-0.

7. Staff Reports

a. Presentation on Quality of Life Referendum

Mr. Colin and Ms. Ray made a presentation regarding the potential Quality of Life Referendum. The proposed referendum would include \$35 million for Arts and Culture Facilities and \$30 million for Parks and Recreation Facilities, totaling \$65 million. The anticipated timeline includes: consideration of the ordinance in March 2020; completion of the Parks & Recreation Plan and the Comprehensive Plan in June 2020; budget for planning and design fiscal year 2021; provide continued public education throughout 2021; and vote on the referendum in November 2021.

The Commission made comments and inquiries regarding: the revenue generated by the current 5 mil tax rate; the anticipated timeline when the referendum was discussed in June 2018; information on the arts campus facility and programming; consideration of various organizations related to Gullah culture; money through the referendum goes directly to each designated organization; responsibility and maintenance concerns of arts and parks facilities; emphasis on education and communication; more information on the referendum is on the Town's website.

b. Quarterly Report – The report was included in the Commission's agenda package.

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

9. Unfinished Business – None

10. New Business

a. Annual Traffic Report

Mr. Shoemaker presented the 2019 Traffic Monitoring and Evaluation Report as provided in the Commission's agenda package. Staff recommends that the Planning Commission endorse the report, provide comments on the report and any supplemental recommendations to Town Council. Mr. Shoemaker noted that the LMO no longer requires the Planning Commission to take formal action and vote on the report.

The Commission made comments and inquiries regarding: consideration of adding a flashing operation at Squire Pope Road/Chamberlain Drive and the potential impacts to the Wild Horse Road/Spanish Wells Road intersection; morning peak demand has decreased and afternoon peak has increased in comparison to last year; delays from accidents on the bridges are not accounted for in the report; hot spots for accidents on the Island include the Sea Pines Circle which is a collection of four different intersections, Squire Pope Road, Gumtree Road, William Hilton Parkway and Mathews Drive; assessment of pedestrian crossing improvements made by the Town.

11. Commission Business – None

12. Chairman's Report – None

13. Committee Report

The LMO Committee met earlier this month to review proposed Workforce Housing LMO Amendments. The Committee also met today with two DRB members to discuss RD and CR zoning district standards.

Staff is continuing to work on the plan approved by the Gullah-Geechee Land & Cultural Preservation Task Force and Town Council.

14. Adjournment

The meeting was adjourned at 4:45 p.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]



**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
STREET NAME MODIFICATION**

Case #	Street Name Modification	Public Hearing Date
STDV-001236-2020	Portion of Firethorn Lane to Firethorn Way	July 15, 2020

Location	Firethorn Lane between South Forest Beach Drive and Sea Oak Lane		
Affected Properties	Parcel Number	Existing Address	Proposed Address
	R550 015 00A 0024 0000	31 Firethorn Lane	1 Firethorn Way
	R550 015 00A 0023 0000	32 Firethorn Lane	2 Firethorn Way
	R550 015 00A 0025 0000	33 Firethorn Lane	3 Firethorn Way
	R550 015 00A 023A 0000	34 Firethorn Lane	4 Firethorn Way
	R550 015 00A 0029 0000	37 Firethorn Lane	5 Firethorn Way
Applicant	Hilton Head Island Fire Rescue 40 Summit Drive Hilton Head Island, SC 29926		

Application Summary

Hilton Head Island Fire Rescue proposes to rename a portion of Firethorn Lane to Firethorn Way. The portion of the street to be renamed is south of South Forest Beach Drive and north of Sea Oak Lane. If approved, the address numbers and street names of five properties would change.

This modification would reduce confusion of addresses in the area and ensure prompt emergency response.

Staff Recommendation

Staff recommends the Planning Commission **approve** the application to modify a portion of Firethorn Lane to Firethorn Way based on the review criterion outlined in Land Management Ordinance Section 16-2-103.O.4 and enclosed herein.

Background

Firethorn Lane is unique among streets in the South Forest Beach area because it extends north *and* south of South Forest Beach Drive; all other streets in the area are located north *or* south of South forest Beach Drive.

The address numbers on Firethorn Lane do not follow the pattern used for similar streets in the area. All other streets in the area – from Alder Lane to Laurel Lane – use the same addressing pattern: properties closer to South Forest Beach Drive have low address numbers, such as 1, 2, 3, etc. The ocean side portion of Firethorn Lane uses higher address numbers – 31, 32, 33, 34, and 37 – even though these properties are close to South Forest Beach Drive.

The inconsistent address pattern on Firethorn Lane may lead to delayed emergency response times. Fire Rescue staff determined the best solution is to rename the ocean side portion of Firethorn Lane. If the street name is modified, new address numbers that are consistent with the pattern used in the area can be assigned to those properties.

Fire Rescue staff discussed the proposed street renaming with the affected property owners. Fire Rescue staff proposed using the name Firewheel Lane after the firewheel plant, which is native to the area. However, the affected property owners preferred to maintain the name Firethorn with the suffix Way. Fire Rescue staff agreed that Firethorn Way is an acceptable alternative.

If the proposed modification is approved, the five properties that are addressed off of the ocean side portion of Firethorn Lane will be assigned new addresses off of Firethorn Way with address numbers that are consistent with the pattern used in the area: 1, 2, 3, 4, and 5. The potential for any future subdividing of lots on Firethorn Way has been considered in the new addressing numbers.

As set forth in LMO Section 16-2-103.O.3.d, Decision-Making Body Review and Decision, the Commission shall hold a public hearing and make a final decision on the application based on the standards in LMO Section 16-2-103.O.4, Street/Vehicular Access Easement Review Standards.

Summary of Facts and Conclusion of Law

Criterion A: No new street or vehicular access easement, or proposed modification of the name of an existing street or vehicular access easement, shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing street or vehicular access easement, despite of the use of prefixes or suffixes. (LMO Section 16-2-103.O.4.a).

Findings of Fact:

1. Town staff, Fire Rescue Dispatch, and Beaufort County Dispatch have determined Firethorn Way is not duplicated within the Town or Beaufort County.
2. Town staff, Fire Rescue Dispatch, and Beaufort County Dispatch have determined Firethorn Way is not phonetically similar to an existing street or vehicular access easement.

3. Town staff, Fire Rescue Dispatch, and Beaufort County Dispatch have determined Firethorn Way will not likely be confused with an existing street or vehicular access easement.

Conclusion of Law:

1. The proposed street name, Firethorn Way, meets the requirements of this criterion.

Summary of Facts and Conclusion of Law

Criterion B: Name(s) shall be simple, logical, easy to read and pronounce, and are clear and brief. Use of frivolous or complicated words or unconventional spellings in names shall not be approved. (LMO Section 16-2-103.O.4.b).

Findings of Fact:

1. Town staff, Fire Rescue Dispatch, and Beaufort County Dispatch determined Firethorn Way is simple, logical, easy to read and pronounce.
2. Town staff, Fire Rescue Dispatch, and Beaufort County Dispatch determined Firethorn Way is clear and brief.
3. Town staff, Fire Rescue Dispatch, and Beaufort County Dispatch determined Firethorn Way does not include frivolous or complicated words or unconventional spelling.

Conclusion of Law:

1. The proposed street name, Firethorn Way, meets the requirements of this criterion.

Summary of Facts and Conclusions of Law

Criterion C: It is desirable to use names that have some association with Hilton Head Island and specifically with the immediate location of the street or place, such as reference to local history or physiographic features. (LMO Section 16-2-103.O.4.c).

Findings of Fact:

1. The proposed street name Firethorn Way retains Firethorn from the existing street name.
2. Town staff chose Firethorn Way after consulting with the residents whose addresses will change as a result of the street name modification.

Conclusion of Law:

1. The proposed street name, Firethorn Way, meets the requirements of this criterion.

Summary of Facts and Conclusion of Law

Criterion D: Use of a common theme is recommended for names of streets that are associated with one another, such as those within a residential development. (LMO Section 16-2-103.O.4.d).

Finding of Fact:

1. The proposed street name Firethorn Way retains Firethorn from the existing street name.

Conclusion of Law:

1. The proposed street name, Firethorn Way, meets the requirement of this criterion.

Summary of Facts and Conclusion of Law

Criterion E: Streets or vehicular access easements that continue through an intersection should generally bear the same name, except where the street crosses a major arterial or where existing address points on a street require that the street given a different name. (LMO Section 16-2-103.O.4.e).

Findings of Fact:

1. Firethorn Lane bears the same name on either side of South Forest Beach Drive.
2. South Forest Beach Drive is not a major arterial street per LMO Table 16-5-105.B.
3. The address points for the other ocean side streets in this area are between 1 and 9.
4. The existing address points on the ocean side portion of Firethorn Lane are 31, 32, 33, 34, and 37.
5. The address points 1, 2, 3, 4, 5, 6, and 8 are already in use for Firethorn Lane. They are used for properties north of South Forest Beach Drive.
6. Modifying the ocean side portion of Firethorn Lane to Firethorn Way will allow the properties addressed off of Firethorn Way to use address points 1, 2, 3, 4, and 5.

Conclusions of Law:

1. The proposed street name, Firethorn Way, meets the requirements of this criterion.
2. Though streets that continue through an intersection should generally bear the same name, the existing address points on the ocean side portion of Firethorn Lane are high numbers, which is inconsistent with the numbering pattern in the area.
3. Modifying the name of this portion of Firethorn Lane will allow the properties to be addressed in a way that is consistent with similar properties in the area.

Summary of Facts and Conclusion of Law

Criterion F: A street or vehicular access easement making an approximate right-angle turn where there is no possibility of extending the street or vehicular access easement in either direction shall be considered to be continuous and continue the same name. Where there is a choice of direction or a possibility of extending either section in the future, such configuration shall be considered to be an intersection and the street/easement segments extending from the intersection shall bear different names. (LMO Section 16-2-103.O.4.f).

Findings of Fact:

1. The proposed Firethorn Way is located between two existing streets – South Forest Beach Drive and Sea Oak Lane.
2. There is no possibility of extending the proposed Firethorn Way in the future.

Conclusion of Law:

1. The proposed street name, Firethorn Way, **meets the requirements** of this criterion.

Summary of Facts and Conclusion of Law

Criterion G. New or modified street names should generally use Drive, Lane, Place, Road, Street, or Way as suffixes. The following street designations should only be used if the street design meets one of the following descriptions. This list is not intended to limit the use of other appropriate suffixes.

1. *Alley – A street providing vehicular access to the rear of lots or buildings, usually as a secondary means of access to a property.*
2. *Avenue – A street that is continuous.*
3. *Boulevard – A street with a landscaped median dividing the roadway.*
4. *Circle – A street with a complete loop on the end or a side street that intersects another street at two adjacent intersections.*
5. *Court – A street terminating in a cul-de-sac, not longer than 1,000 feet in length.*
6. *Extension – A section of street forming an additional length.*
7. *Parkway – A street designated as a collector or arterial road, with a landscaped median reflecting the parkway character implied in the name.*

(LMO Section 16-2-103.O.4.g).

Findings of Fact:

1. Criterion G states, “New or modified street names should generally use Drive, Lane, Place, Road, Street, or Way as suffixes.”
2. The proposed street name is Firethorn Way.

Conclusion of Law:

1. The proposed street name, Firethorn Way, **meets the requirements** of this criterion.

Summary of Facts and Conclusion of Law

Criterion H. The suffixes Manor, Trace, and Common shall typically be used to name vehicular access easements. (LMO Section 16-2-103.O.4.h).

Finding of Fact:

1. The subject roadway is a street, not an access easement.

Conclusion of Law:

1. **This criterion does not apply** to this application.

Summary of Facts and Conclusions of Law

Criterion I. Where natural barriers, intervening land uses, or developments that break an existing street into two separate streets that are not likely to be reconnected in the future,

the streets shall be named in a manner that considers the potential economic impact of the number of address points and type of addresses impacted. (LMO Section 16-2-103.O.4.i).

Finding of Fact:

1. The subject roadway is not broken into two separate streets.

Conclusion of Law:

1. **This criterion does not apply** to this application.

PREPARED BY:

RF

Ricardo Franco
Addressing Technician

July 1, 2020

DATE

REVIEWED BY:

JF

Joheida Fister
Deputy Fire Chief / Fire Marshal

July 1, 2020

DATE

REVIEWED BY:

AC

Anne Cyran, AICP
*Planning Commission Coordinator &
Senior Planner*

July 1, 2020

DATE

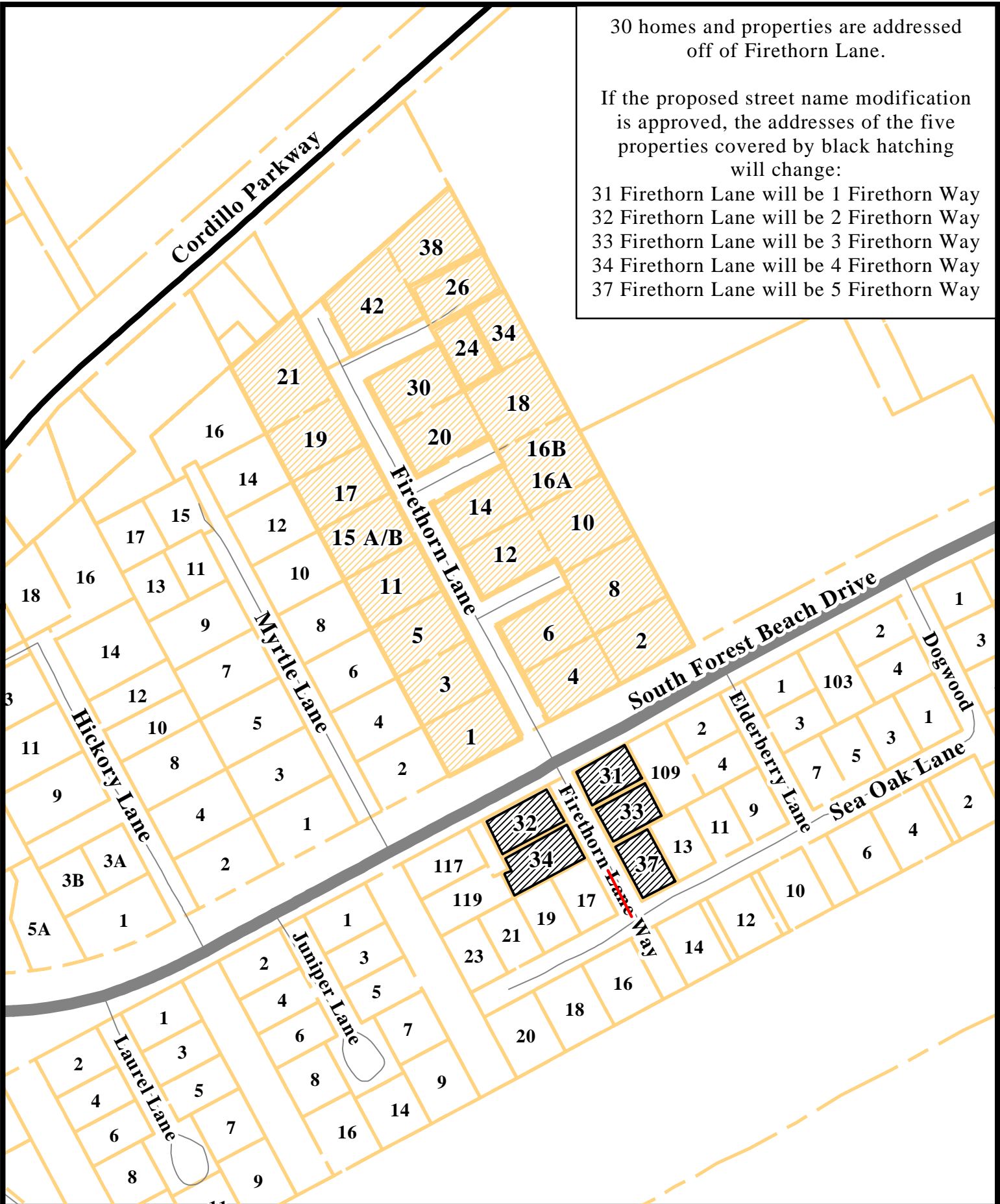
ATTACHMENT:

- A) Location Map

30 homes and properties are addressed off of Firethorn Lane.

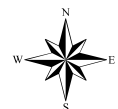
If the proposed street name modification is approved, the addresses of the five properties covered by black hatching will change:

- 31 Firethorn Lane will be 1 Firethorn Way
- 32 Firethorn Lane will be 2 Firethorn Way
- 33 Firethorn Lane will be 3 Firethorn Way
- 34 Firethorn Lane will be 4 Firethorn Way
- 37 Firethorn Lane will be 5 Firethorn Way



Application STDV-001236-2020

Street Name Modification: Firethorn Lane to Firethorn Way
 Staff Report Attachment A: Location Map



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, SC 29928
 PHONE (843) 341-4600



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.



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	Public Hearing Date
ZA-001245-2020	ArborNature, LLC	July 15, 2020

Parcel Data	Property Owner	Applicant
<u>Parcel Number:</u> R510 008 000 0275 0000 <u>Size:</u> 6.70 Estimated Total Acres <u>Address:</u> 76 Leg O Mutton Road	Adam Congrove 76 Leg O Mutton Rd Hilton Head Island, SC 29926	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928
Existing Zoning	Proposed Zoning	
<u>Overlay District:</u> COR (Corridor Overlay District) – within 450 feet of an arterial road <u>Zoning District:</u> PD-1 (Planned Development Mixed Use) Indigo Run Master Plan <u>Existing Use:</u> <u>EITHER</u> a Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site <u>OR</u> Residential at 8 units per net acre for the entire site	<u>Overlay District:</u> COR (Corridor Overlay District) – within 450 feet of an arterial road <u>Zoning District:</u> PD-1 (Planned Development Mixed Use) Indigo Run Master Plan <u>Proposed Use:</u> <u>EITHER</u> a Wholesale Landscape Nursery and Landscape Contractors Office with Outside Storage at up to 6,000 square feet per net acre, <u>without any Grinding or Logging</u> for the entire site <u>OR</u> Residential at 8 units per net acre for the entire site	

Application Summary:
Request from the Town of Hilton Head Island, on behalf of ArborNature, LLC, to amend the Official Zoning Map for the property located at 76 Leg O’ Mutton Road, Parcel ID R510 008 000 0275 0000. The approved uses and density are <u>EITHER</u> a Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site <u>OR</u> Residential at 8 units per net acre for the entire site. The request is to change the allowed uses and density to <u>EITHER</u> a Wholesale Landscape Nursery and Landscape Contractors Office with Outside Storage at up to 6,000 square feet per net acre, <u>without any Grinding or Logging</u> for the entire site <u>OR</u> Residential at 8 units per net acre for the entire site. The subject property would remain in the PD-1 (Planned Development Mixed-Use) Zoning District, in the Indigo Run Master Plan.

Staff Recommendation:

Staff recommends that the Planning Commission find this application to be **consistent** with the Town’s Comprehensive Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Planning Commission recommend **approval** of this application to Town Council with the following conditions:

- **Grinding is prohibited on this site**
- **Logging or storage of logs is prohibited on this site**
- **Tree or log length trailer trucks carrying logs are prohibited from entering this site**
- **Dropping of logs is prohibited on this site**

Background:

The subject property is commonly referred to as ArborNature. The property was rezoned in 2006 to PD-1 as part of the Indigo Run Master Plan. The uses and densities designated for the site were “Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site OR Residential at 8 units per net acre for the entire site” The property is currently developed as a Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage and also contains one single family home.

The site is surrounded by Magnolia Place to the west, which is a single family attached townhome development and zoned RM-4 (Low to Moderate Density Residential District), undeveloped Town-owned land to the north which is zoned PR (Parks and Recreation District), a contractors office and art gallery to the east which is zoned IL (Light Industrial District) and Indigo Run common property and single family lots to the south which is zoned PD-1 (Planned Development Mixed-Use). (See Attachment B- Zoning Map)

In 2010, the Town was made aware that ArborNature had also been using the property for grinding and logging activity. The Town informed the property owner that grinding and logging activity is considered to be a Waste Related Services Other than Waste Treatment Plants use and is not permitted on the property. ArborNature disputed the Town’s position on the use of the property for grinding and logging in an on-going litigation.

The Town has since adopted a definition of grinding in the LMO: “the reduction of vegetative materials in size or volume into materials such as but not limited to mulch or chips.” For the purposes of this rezoning application, logging is defined as “the process of cutting trees, processing them, and moving them to a location for transport”.

After several years of litigation about the use of the property, the Town and ArborNature entered into a settlement agreement. As part of that settlement agreement, the Town leased, and has now sold, 4 acres of Town property at Summit Drive to ArborNature for their operations, which will include the grinding and logging activity. ArborNature has ceased grinding and logging activity on the subject property, as required per the settlement agreement within 30 days after receiving development plan approval for the Summit Drive tract. The deadline for that was June 7, 2020.

The settlement agreement requires the Town to rezone the Property on Leg O Mutton Road to specify that the permitted uses available on the property do not include grinding and logging activity.

Applicant’s Grounds for ZMA:

The Town of Hilton Head Island, with the consent of ArborNature, LLC, is proposing to amend the Indigo Run Master Plan in order to change the permitted uses and densities available for the property

pursuant to a settlement agreement entered into by and between the Town and ArborNature as part of the settlement of on-going litigation concerning the property.

The settlement agreement requires the Town to rezone the Property on Leg O Mutton Road to specify that the permitted uses available on the property do not include grinding and logging activity. The proposed uses for the Property are Wholesale Landscape Nursery and Landscape Contractors Office with Outside Storage, without any Grinding or Logging Activity, or Alternatively Residential Use at 8 Units Per Acre. The zoning will remain PD-1.

Summary of Facts and Conclusions:

Findings of Fact:

- The application was submitted on June 15, 2020 as set forth in LMO Section 16-2-103.C and Appendix D-1.
- Per LMO Section 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.
- The LMO Official scheduled the public hearing on the application for the July 15, 2020 Planning Commission meeting, which is a regularly scheduled meeting of the Planning Commission.
- Per LMO Section 16-2-102.E.2, 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.
- Notice of the July 15, 2020 public hearing was published in the Island Packet on June 28, 2020.
- Per LMO Section 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.
- The applicant mailed notices of the July 15, 2020 public hearing by first-class mail to the owners of record of properties within 350 feet of the subject land on June 25, 2020.
- Per LMO Section 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 such notice being visible from each public thoroughfare that abuts the subject land.
- The LMO Official posted on June 24, 2020 conspicuous notice of the public hearing on the land subject to the application.

Conclusions of Law:

- The application was submitted in compliance with LMO Section 16-2-103.C and Appendix D-1.
- Notice of the public hearing was published, mailed and posted, in compliance with LMO Section 16-2-102.E.2.

As set forth in LMO Section 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:

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):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element

8.3 Planned Unit Developments (PUDs) Goal:

- A. 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.

8.3 Planned Unit Developments (PUDs) Implementation Strategy:

- A. Consider flexibility within the PUDs to address appropriate commercial or service land uses in areas with a high residential concentration.

8.4 Existing Zoning Allocation Goal:

- 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.

8.8 Nonconforming Parcels by Use Goal:

- B. To evaluate the locations of nonconforming uses to determine areas to consider for Zoning Map Amendments.

Conclusions of Law:

- The proposed rezoning is in accordance with the Comprehensive Plan, as described in the Land Use Element, as set forth in LMO Section 16-2-103.C.3.a.i.
- The proposed rezoning will modify the existing permitted land use to accommodate the desire of nearby residents and the Town’s quality of life consistent with the Land Use Element Goals 8.3A and 8.4A.
- The proposed rezoning will remove an intense service land use from the property, which is located near a concentration of residential use, consistent with Land Use Element Implementation Strategy 8.3A.
- The proposed rezoning will modify the permitted land use to ensure that the proposed use of the property will come into conformance consistent with Land Use Element Goal 8.8A.

Summary of Facts and Conclusions:

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):

Findings of Fact:

- The current PD-1 zoning specifically allows a Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site OR Residential at 8 units per net acre for the entire site.
- The application proposes to rezone the property to continue to allow the Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre, but without any grinding and logging activity.
- The proposed zoning allows the site to be alternatively developed with residential use at 8 units per net acre.

- The subject property is surrounded by Magnolia Place Townhomes and Indigo Run which are both residential uses.

Conclusions of Law:

- The proposed rezoning will allow a use that is more compatible with the uses allowed on other property in the immediate vicinity in accordance with LMO Section 16-2-103.C.3.a.ii.
- The proposed rezoning will remove an intense land use from the property, which is located near a concentration of residential use and has been a nuisance to the surrounding neighbors.

Summary of Facts and Conclusions:

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):

Findings of Fact:

- The current PD-1 zoning specifically allows a Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site OR Residential at 8 units per net acre for the entire site.
- The application proposes to rezone the property to continue to allow the Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre, but without any grinding and logging activity.
- The proposed zoning allows the site to be alternatively developed with residential use at 8 units per net acre.
- The subject property is surrounded by Magnolia Place Townhomes and Indigo Run which are both residential uses.
- The proposed rezoning to remove grinding and logging activity from the subject parcel is required pursuant to the settlement agreement between the Town and ArborNature as part of the settlement of on-going litigation concerning the property.

Conclusions of Law:

- The proposed zoning is appropriate for the land in accordance with LMO Section 16-2-103.C.3.a.iii.
- The proposed rezoning will remove an intense land use from the property, which is located near a concentration of residential use and has been a nuisance to the surrounding neighbors, and is required per the settlement agreement between the Town and ArborNature.

Summary of Facts and Conclusions:

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):

Findings of Fact:

- The application proposes to rezone the property to continue to allow the Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre, but without any grinding and logging activity.
- The proposed zoning allows the site to be alternatively developed with residential use at 8 units per net acre.
- The subject property is surrounded by Magnolia Place Townhomes and Indigo Run which are both residential uses.

- The Town has received complaints about the noise impacts of the grinding occurring on the subject property for many years.
- The proposed rezoning to remove grinding and logging activity from the subject parcel is required pursuant to the settlement agreement between the Town and ArborNature as part of the settlement of on-going litigation concerning the property.

Conclusions of Law:

- The rezoning would fulfill a demonstrated community need in accordance with LMO Section 16-2-103.C.3.a.iv.
- The proposed rezoning will remove an intense land use from the property, which is located near a concentration of residential use and has been a nuisance to the surrounding neighbors.

Summary of Facts and Conclusion:

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:

- The current PD-1 zoning specifically allows a Wholesale Landscape Nursery and Landscape Contractor's Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site OR Residential at 8 units per net acre for the entire site.
- The application proposes to rezone the property to continue to allow the Wholesale Landscape Nursery and Landscape Contractor's Office with Outside Storage at up to 6,000 square feet per net acre, but without any grinding and logging activity.
- The proposed zoning allows the site to be alternatively developed with residential use at 8 units per net acre.
- The Town's overall zoning program allows flexibility in the PD-1 Zoning District by allowing land uses and assigned density to change to address changing needs in the community.

Conclusions of Law:

- The proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town in accordance with LMO Section 16-2-103.C.3.a.v.
- The proposed rezoning will allow the PD-1 zoning designation to remain but will remove an intense land use from the property, which is located near a concentration of residential use and has been a nuisance to the surrounding neighbors.

Summary of Facts and Conclusions:

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):

Findings of Fact:

- The subject property is currently zoned PD-1 as part of the Indigo Run Master Plan.
- The proposed rezoning does not change the zoning designation, it only redefines the uses allowed for the subject property.

Conclusion of Law:

- The proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts in accordance with LMO Section 16-2-103.C.3.a.vi because the existing base zoning district will remain PD-1.

Summary of Facts and Conclusions:

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:

- The current PD-1 zoning specifically allows a Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre on 2.18 acres of the site and Residential at 8 units per net acre on the remaining 4.33 acres of the site OR Residential at 8 units per net acre for the entire site.
- The application proposes to rezone the property to continue to allow the Wholesale Landscape Nursery and Landscape Contractor’s Office with Outside Storage at up to 6,000 square feet per net acre, but without any grinding and logging activity.
- The proposed zoning allows the site to be alternatively developed with residential use at 8 units per net acre.

Conclusions of Law:

- The proposed zoning would allow the subject property to be put to a reasonably viable economic use in accordance with LMO Section 16-2-103.C.3.a.vii.
- The proposed rezoning will allow the site to remain as currently developed but will remove the grinding and logging activity, which is a nuisance to the surrounding residential neighbors.
- The rezoning also allows the site to be redeveloped with residential use; making the site more compatible with the uses in the vicinity still allows the property to be put to a reasonably viable economic use.

Summary of Facts and Conclusion:

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:

- The site has direct access to Leg O Mutton Road.
- The site already has adequate infrastructure and public facilities serving the existing development.
- Should the property owner wish to redevelop the site to residential use at a later date, a Major Development Plan Review or Subdivision application would be required. Any infrastructure or public facilities improvements needed for residential use would be required at that time.

Conclusion of Law:

- The proposed zoning would result in development that can be and is already served by available public facilities in accordance with LMO Section 16-2-103.C.3.a.viii.

Summary of Facts and Conclusion:

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:

- The subject property is surrounded by Magnolia Place Townhomes and Indigo Run which are both residential uses.
- The Town has received complaints about the noise impacts of the grinding occurring on the subject property for many years.

- The proposed rezoning to remove grinding and logging activity from the subject parcel is required pursuant to the settlement agreement between the Town and ArborNature as part of the settlement of on-going litigation concerning the property.

Conclusions of Law:

- The proposed rezoning is appropriate due to the changes in the area, in accordance with LMO Section 16-3-103.C.a.ix.
- The proposed rezoning will remove an intense land use from the property, which is located near a concentration of residential use and has been a nuisance to the surrounding neighbors, and is required per the settlement agreement between the Town and ArborNature.

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:

ND

 Nicole Dixon, AICP, CFM
Development Review Administrator

July 6, 2020

 DATE

REVIEWED BY:

TL

 Teri B. Lewis, AICP
Deputy Director of Community Development

June 30, 2020

 DATE

REVIEWED BY:

AC

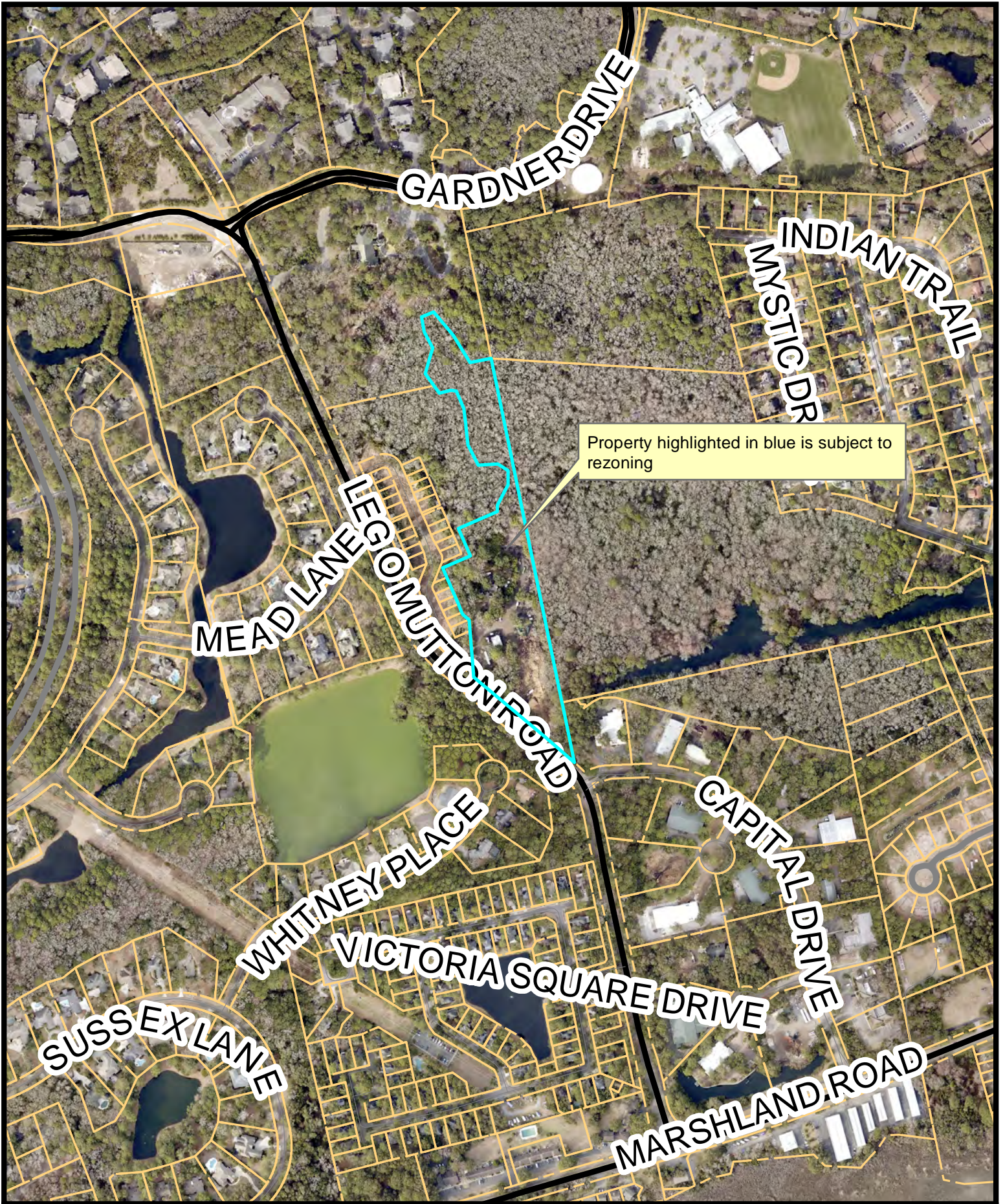
 Anne Cyran, AICP
Senior Planner & Planning Commission Board Coordinator

June 30, 2020

 DATE

ATTACHMENTS:

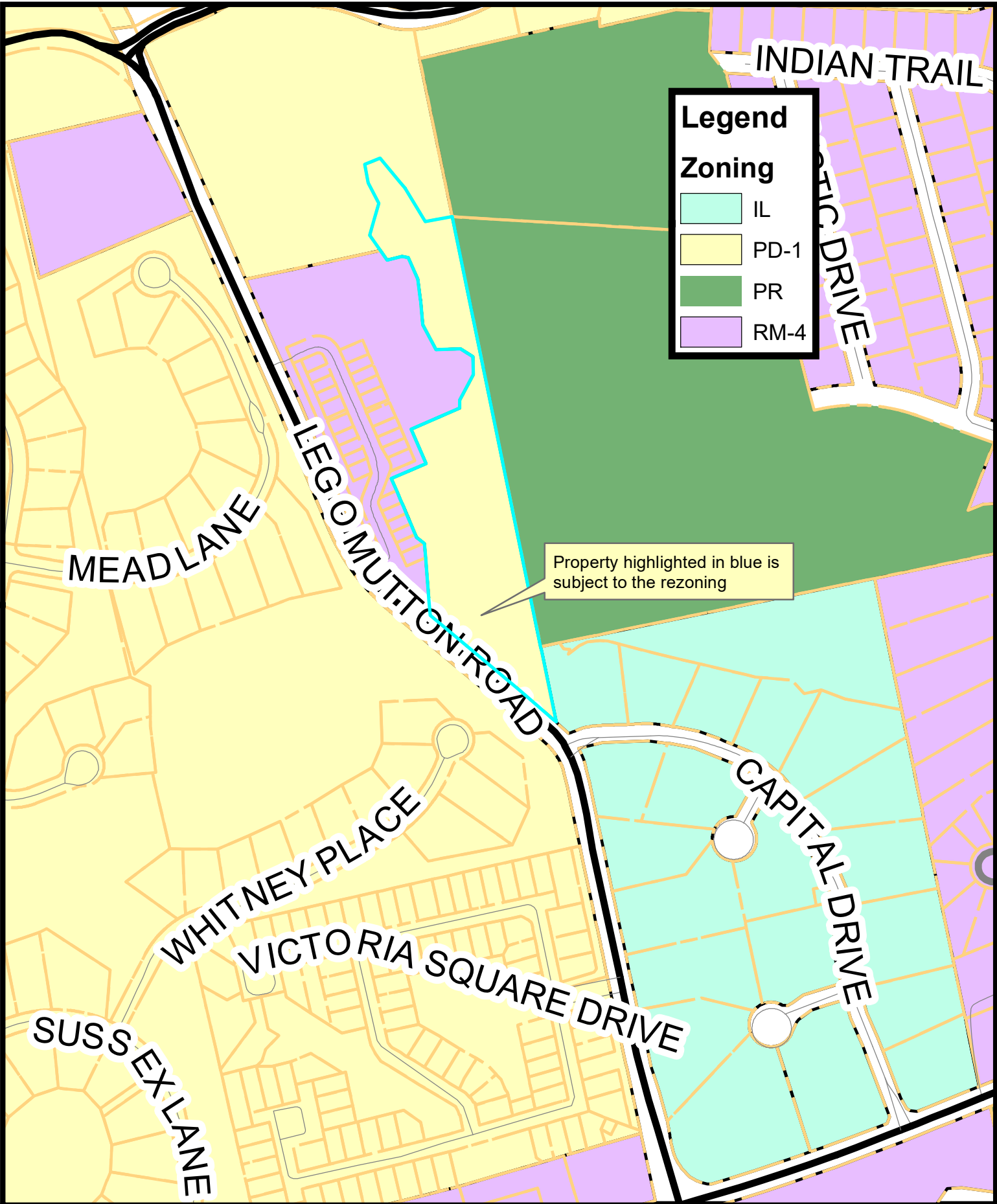
- A) Vicinity Map
- B) Zoning Map
- C) Site Survey



Property highlighted in blue is subject to rezoning

Town of Hilton Head Island
 ZA-001245-2020
 Attachment A - Vicinity Map





Legend

Zoning

 IL
 PD-1
 PR
 RM-4

Property highlighted in blue is subject to the rezoning

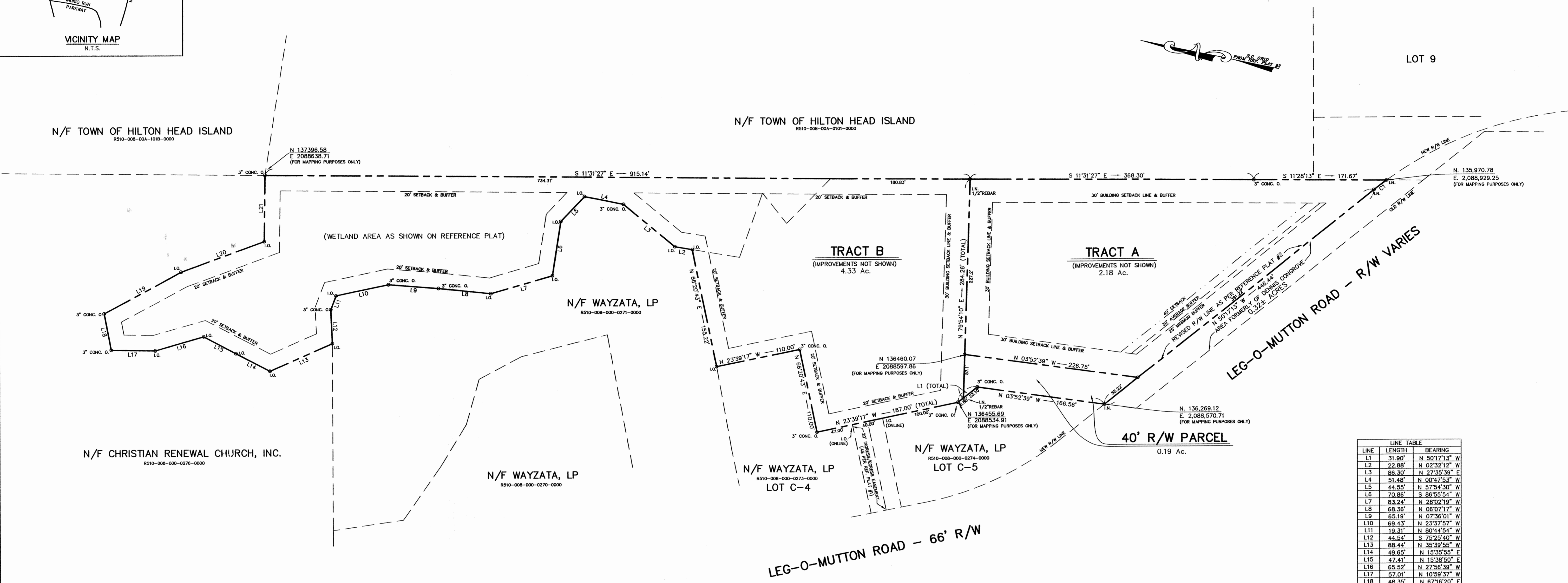
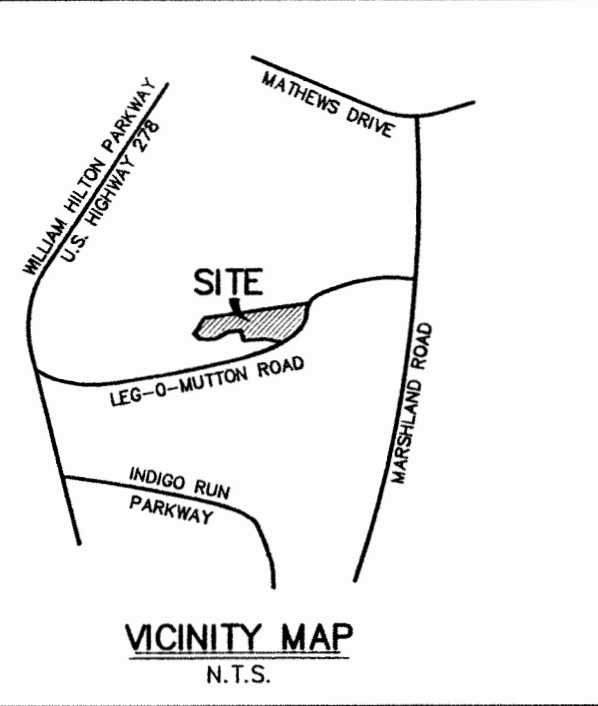
Town of Hilton Head Island
 ZA-001245-2020
 ATTACHMENT B - Zoning Map



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (843) 781-4600
 Date Created: June 16, 2020
 Project: map.mxd

The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

ATTACHMENT C



LINE	LENGTH	BEARING
L1	31.90'	N 50°17'13" W
L2	22.88'	N 02°32'12" W
L3	86.30'	N 27°35'39" E
L4	51.48'	N 00°47'53" W
L5	44.55'	N 57°54'30" W
L6	70.86'	S 86°55'54" W
L7	83.24'	N 28°02'19" W
L8	68.36'	N 08°07'17" W
L9	65.19'	N 07°36'01" W
L10	69.43'	N 23°37'57" W
L11	19.31'	N 80°44'54" W
L12	44.54'	S 75°25'40" W
L13	88.44'	N 35°39'55" W
L14	49.65'	N 15°35'55" E
L15	47.41'	N 15°38'50" E
L16	65.52'	N 27°36'39" W
L17	57.01'	N 05°59'37" W
L18	48.35'	N 67°16'20" E
L19	113.41'	S 40°08'44" E
L20	114.83'	S 31°51'15" E
L21	85.63'	N 78°50'40" E

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	19.99'	480.04'	10.00'	19.99'	N 49°05'39" W	2°23'09"

AREA TABLE	
TRACT A	= 2.18 ACRES
TRACT B	= 4.33 ACRES
40' R/W PARCEL	= 0.19 ACRES
TOTAL AREA	= 6.70 ACRES

TOWN OF HILTON HEAD ISLAND LMO
SECTION 16-5-1402 DISCLOSURE STATEMENT

Some or all areas on this plat are flood hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain floor hazard protective measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the development covenants and restrictions of this development and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to federally insured mortgage financing in these designated flood hazard areas.

We the undersigned, as the Representatives of the Owners of Record of parcel(s),
R510-008-000-0275-0000, agree to the recording of this plat.

DENNIS ROY CONGROVE _____ DATE: _____

LEGEND

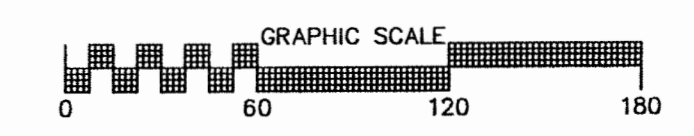
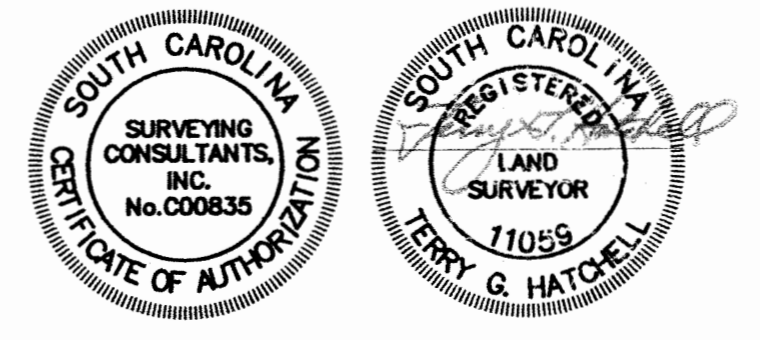
I.O. IRON OLD, 1/2" REBAR FOUND
I.N. IRON NEW, 1/2" REBAR SET
3" CONC. O. 3"x3" CONCRETE MONUMENT FOUND

- NOTES
- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN 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 OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 - AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.L.D. PANEL B-D, COMMUNITY NO. 450250, MAP DATED 9/29/86, BASE ELEVATION 14.0'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
 - UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - BEARING AND DISTANCE ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATES TAKEN FROM REFERENCE PLAT #3.
 - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT.

- REFERENCE PLATS:
- 7.025 ACRES, LEG-O-MUTTON ROAD, A SECTION OF RAMSFORD ACRES, DATED: 10/7/1992, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, RECORDED: P.B. 46, PG. 146, 6/25/97.
 - THE RELOCATION OF LEG O' MUTTON ROAD, A SECTION OF INDIGO RUN AREA, DATED: 9/09/1994, LAST REVISED: 6/06/95, BY: MICHAEL R. DUNIGAN, S.C.R.L.S. NO. 11905, RECORDED: P.B. 53, PG. 43, 6/13/95.
 - BOUNDARY, TREE & TOPOGRAPHIC SURVEY OF 11.00 ACRES, LEG-O-MUTTON ROAD, A SECTION OF RAMSFORD ACRES, DATED: 11/06/2000, LAST REVISED: 10/17/2005, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059,

- NOTES FOR ZONING MAP AMENDMENT APPLICATION NO. ZMA060013
- Area**
6.70 acres consisting of Tract A, Tract B, and 40' R/W Parcel, as shown on this plat.
 - Permitted Land Uses and Density**
Tract A: Residential at up to four (4) dwelling units per net acre, or up to eight (8) dwelling units per net acre under the Town's Moderate Income Housing Program, or Wholesale Landscape Nursery and landscape contractor's office with onsite storage at up to 6,000 square feet per net acre.
Tract B and 40' R/W Parcel: Residential at up to four (4) dwelling units per net acre, or up to eight (8) dwelling units per net acre under the Town's Moderate Income Housing Program.
 - Maximum Height**
35 feet above the base flood elevation.
 - Setback and Buffer Areas**
As delineated on this plat.

PREPARED FOR: DENNIS ROY CONGROVE
ADDRESS: #78 LEG O' MUTTON ROAD
TAX PARCEL I.D. NO. R510-008-000-0275-0000



PLAT OF
TRACTS A, B & 40' R/W PARCEL
LEG-O-MUTTON ROAD
THE
DENNIS CONGROVE TRACT
A SECTION OF
RAMSFORD
ACRES

HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 60' DATE: 11/14/2006 JOB NO: 922970-2

SC SURVEYING CONSULTANTS
17 Sherrington Drive, Suite C, Bluffton, SC 29910
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