



**The Town of Hilton Head Island
Regular Planning Commission Meeting
Wednesday, December 15, 2010
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** - Regular Planning Commission Meeting of November 17, 2010
7. **Appearance by Citizens on Items Unrelated to Today's Agenda**
8. **Unfinished Business**

PUBLIC HEARING

ZMA090003 – Ms. Louanne C. LaRoche has requested to amend the Official Zoning Map by amending the Sea Pines Master Plan to add a Single-Family Residential use to a property that currently allows uses of Institutional and Recreational. The property is referred to as Parcel 'A' Cordillo Parkway and further identified on Beaufort County Tax Map 18 as parcel 218.

Presented by: Mike Roan

9. **New Business**

PUBLIC HEARING

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

PUBLIC HEARING

PPR100004 – Application for Public Project Review from the Indigo Run Community Owners Association to construct a multi-use pathway at the entrance of Indigo Run. The pathway will run along Indigo Run Drive between Wentworth Place and the Leg-O-Mutton traffic circle.

Presented by: Shea Farrar

PUBLIC HEARING

LMO Amendment – The Town of Hilton Head Island is proposing a text amendment to Chapter 4 of the Land Management Ordinance (LMO) to revise the following article and sections: **Article XVI. Sections 16-4-1601 and 16-4-1602:** This will allow residential properties in zoning districts within the existing Tax Increment Financing districts the ability to increase their density by use conversions. *Presented by: Nicole Dixon*

PUBLIC HEARING

LMO Amendment – The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise the following article and section: Article XIII. Section 16-4-1307: This will increase the allowable length of the runway from 4,300 linear feet to 5,000 linear feet. *Presented by: Anne Cyran*

10. Commission Business

11. Chairman’s Report

12. Committee Reports

13. Staff Reports

Quarterly Report – To be discussed at the January 5, 2011 meeting.

14. Adjournment

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

1 **THE TOWN OF HILTON HEAD ISLAND**
2 **Planning Commission**
3 **Minutes of the Wednesday, November 17, 2010 Meeting** **DRAFT**
4 **9:00a.m. – Benjamin M. Racusin Council Chambers**
5

6 Commissioners Present: Chairman Al Vadnais, Vice Chairman Loretta Warden, Tom Crews,
7 Jack Docherty, Terence Ennis, Therese Leary, Tom Lennox,
8 Gail Quick and Charles Young
9

10 Commissioners Absent: None
11

12 Town Council Present: None
13

14 Town Staff Present: Scott Liggett, Director of Public Projects and Facilities/Chief Engineer
15 Charles Cousins, Community Development Department Director
16 Jayme Lopko, Senior Planner & Planning Commission Coordinator
17 Jill Foster, Community Development Department Deputy Director
18 Shawn Colin, Comprehensive Planning Department Manager
19 Kathleen Carlin, Administrative Assistant

20
21 **1. CALL TO ORDER**

22 Chairman Vadnais called today's meeting to order at 9:00a.m.
23

24 **2. PLEDGE OF ALLEGIANCE TO THE FLAG**
25

26 **3. ROLL CALL**
27

28 **4. FREEDOM OF INFORMATION ACT**

29 Public notification of this meeting has been published, posted and mailed in compliance with
30 the Freedom of Information Act and the Town of Hilton Head Island requirements.
31

32 **5. APPROVAL OF THE AGENDA**

33 The agenda was **approved** as presented by general consent.
34

35 **6. APPROVAL OF THE MINUTES**

36 The minutes of the November 3, 2010 meeting were **approved** as presented by general
37 consent.
38

39 **7. APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA**

40 Chester C. Williams, Esq., presented public statements with regard to re-writing the Land
41 Management Ordinance.
42

43 **8. UNFINISHED BUSINESS**

44 **PUBLIC HEARING**

45 **ZMA090003** – Ms. Louanne C. LaRoche has requested to amend the Official Zoning Map
46 by amending the Sea Pines Master Plan to add a Single-Family Residential use to a property
47 that currently allows uses of Institutional and Recreational. The property is referred to as
48 Parcel 'A', Cordillo Parkway and further identified on Beaufort County Tax Map 18 as
49 parcel 218.

1
2 Chairman Vadnais stated that the review of this application is postponed to the December 15,
3 2010 meeting at 3:00pm.
4

5 **9. NEW BUSINESS**

6 **Capital Improvement Plan (CIP) Presentation**

7 Chairman Vadnais requested that Mr. Tom Lennox, Chairman of the CIP Committee, present
8 opening comments on behalf of the committee. Mr. Lennox stated that the CIP Committee
9 met on October 25, 2010 for an in depth discussion of the CIP proposal. The Committee
10 provided Mr. Liggett with their recommendations which have been incorporated into today's
11 presentation for review by the Planning Commission. Chairman Vadnais thanked Mr. Lennox
12 and then requested that Mr. Liggett make his presentation.
13

14 Mr. Scott Liggett stated that the Town Council will conduct their annual goal setting
15 workshop on December 9 – 11th. During this workshop, Town Council will produce their
16 Action Agendas for next year. In order for the Planning Commission to provide timely CIP
17 recommendations to Town Council, the CIP Committee, along with support from the staff, is
18 prepared to present the (attached) list of Priority Projects that Town Council may discuss at
19 their workshop.
20

21 Mr. Liggett stated that he would like to provide a broad discussion of the following key
22 categories. A closer review will be provided to a number of key projects that seem most
23 relevant for 2012. Please refer to Mr. Liggett's complete CIP presentation (dated November
24 17, 2010) for complete information on each of these categories:
25

26 **Pathways:**

27 Mr. Liggett stated that there are several Pathway projects recommended for priority treatment.
28 Key among these projects is proposed construction of a pathway along William Hilton
29 Parkway between Gardner Drive and Mathews Drive. There are also a couple of projects
30 recommended for design surveying and upfront legal costs including William Hilton Parkway
31 (Wexford Circle to Fresh Market Shops) as well as the interconnected pathways along Leg
32 O'Mutton Road, Pembroke Drive and Gardner Drive.
33

34 At the completion of staff's presentation on Pathways, Chairman Vadnais requested comments
35 from the Planning Commission. Vice Chairman Warden and Mr. Liggett briefly discussed the
36 Mathews Drive project. Commissioner Ennis and Mr. Liggett briefly reviewed pathway
37 maintenance issues, user compliance issues, and lessons learned going forward.
38

39 **Drainage Improvements:**

40 Mr. Liggett stated that this is a continuation of a program to enhance stormwater management
41 throughout the Island. The broad categories are reflective of the additional systems that the
42 Town has taken on over the years. Mr. Liggett specifically discussed the Arrow Road
43 drainage project; and Commissioner Ennis and Mr. Liggett discussed the Palmetto Hall
44 drainage area.
45

46 **Roadway Improvements:**

47 Mr. Liggett discussed a couple of key projects proposed for construction. The first to be
48 discussed was the proposed roundabout at Mathews Drive and Marshland Road. This project
49 was identified during the development of the initiative area plans some years ago. With the
50 opening of the new Children's Center earlier this year, this project is ready to move forward.

1
2 The proposed Mathews / Chaplin connectivity project was also discussed (east side of
3 Mathews Drive – Power Alley, Thompson Drive, and Mingo Way). This project will allow
4 these Town-owned side streets and drainage to be improved. Mr. Liggett also discussed the
5 proposed gateway improvements at Windmill Harbor (both the short term and longer term
6 improvements).

7
8 Mr. Liggett then reviewed a series of projects including mast arm replacement at locations
9 throughout the Island as well as a series of pedestrian crosswalks and refuges, largely
10 contained within William Hilton Parkway.

11
12 On a separate issue, Chairman Vadnais and Mr. Liggett discussed the status of the Dunnagan’s
13 Alley roundabout. Mr. Liggett stated that a legal issue still exists with parking easements and
14 small property acquisitions; however, start of the project will continue as planned.

15
16 With regard to roadway improvements at Windmill Harbor, Commissioner Quick and Mr.
17 Liggett briefly discussed the issue of the annexation of bridges. Commissioner Young and
18 Mr. Liggett discussed the status of roadway improvements for William Hilton Parkway as well
19 as the Town’s acquisition of dirt roads (private roads that will be brought into the public road
20 system).

21
22 Commissioner Young and Mr. Liggett then discussed the condition of Fish Haul Road. Mr.
23 Liggett stated that this road is owned by the County and is on their list for pavement. Mr.
24 Liggett stated that he will check the County’s schedule for improvements to Fish Haul Road.
25 Chairman Vadnais requested that this item be placed on the next Planning Commission agenda
26 under Staff Reports. This completed the presentation and discussion on Roadway
27 Improvements.

28
29 **Park Development:**

30 Mr. Liggett stated that the Town is proposing to lead with required upgrades, enhancements,
31 and maintenance of the existing facilities. Mr. Liggett stated that this is also where we try to
32 identify and house the Island Recreation Center requests for annual park and equipment
33 upgrades in their facilities. Mr. Liggett stated that we are also recommending design
34 consideration for a variety of projects. These projects include the on going expansion of the
35 Island Recreation Center, Chaplin Linear Park with the boardwalk, the Sailing and Rowing
36 Center, and the Yacht Cove Community Park.

37
38 Chairman Vadnais inquired about the status of the Rock/Remy’s Park. Mr. Liggett stated that
39 this is now intended to be more of a beautification project rather than a park. Vice Chairman
40 Warden asked if the Yacht Cove Community Park is a new addition to this year’s list.

41
42 Mr. Liggett stated that the Yacht Cove Community Park has been included in the out years for
43 some time now. Vice Chairman Warden questioned the number of projects that did not make
44 the list based on financial concerns. Vice Chairman Warden and Mr. Liggett discussed the
45 feedback received from the community which suggested that the proposed development of
46 additional parks is not considered a high priority.

47
48 Mr. Liggett stated that the Yacht Cove Community Park has remained on the list because it is
49 considered a larger project than the smaller community ‘pocket parks’. The Yacht Cove
50 Community Park is 12 acres of Town owned land situated on Broad Creek. The project is

1
2 intended to serve the greater community rather than just the neighborhood. This completed
3 the presentation and discussion on Park Development.
4

5 **Existing Facilities and Infrastructure:**

6 Mr. Liggett stated that the replacement of Fire Station # 6 (located at the entry to Palmetto
7 Dunes) is one of the 'marquee projects' in the program. This project is the continuation of a
8 long standing program to update and replace the fire stations on the Island.
9

10 The Planning Commission and Mr. Liggett discussed the status of Fire Station # 6 as well as
11 the status of Fire Station # 1.
12

13 **New Facilities:**

14 Mr. Liggett stated that there are a variety of Fire and Rescue systems, equipment upgrades and
15 replacements in this category. The proposed Coligny area improvements, known as Phase II,
16 may be the 'marquee program'. The staff has been working on this project for some time
17 now. Developing the budget continues to be a great challenge. The Coligny Phase II project
18 seems to be a higher priority than the Dunnagan's project based on input received from Town
19 Council.
20

21 Chairman Vadnais asked why proposed improvements to cell phone facilities, Wi-Fi, etc., are
22 not included in today's proposal. Mr. Liggett stated that Town Council is currently discussing
23 space issues and potential placement of additional cell towers on Town owned land. The
24 Planning Commission stated that this is a critical need for the Island.
25

26 **Beach Maintenance:**

27 Mr. Liggett stated that since the Port Royal beach fill project will soon be behind us, the
28 upcoming year appears to be a continuation of the ongoing management and monitoring of our
29 beaches, beach parks, access rehabilitation, reworking of walkovers, pedestrian ways, dune
30 refurbishment, installation of plantings, and sand fencing. There are no noteworthy projects
31 planned at this time. Mr. Liggett and the Planning Commission discussed the status of Port
32 Royal beach fill and the South Beach groin projects.
33

34 On a separate issue, Chairman Vadnais stated that the Planning Commission received a one-
35 page letter dated November 15, 2010 with an attachment regarding the Mitchelville Freedom
36 Park. Chairman Vadnais requested comments from staff on this issue as the project does not
37 appear on today's list.
38

39 Mr. Liggett stated that this is a fairly recent discussion even at the Town Council level. Mr.
40 Liggett stated that he believes it is premature for the staff to recommend a level of funding at
41 this time. Also, it is potentially inconsistent with the direction that Town Council has
42 provided. This project does not yet have a Master Plan, a lease agreement, or a business plan
43 which is required by Town Council. There has been no public notification of this project to the
44 Planning Commission.
45

46 Mr. Liggett recommended that the Planning Commission consider adding the Mitchelville
47 Freedom Park to the list of Priority Projects. Chairman Vadnais stated that the Planning
48 Commission should not take any action on this item at this time. This project will eventually
49 come before the Planning Commission.
50

1 On a separate CIP issue, Commissioner Crews provided statements regarding the Pope
2 Avenue - Coligny Circle area. Mr. Crews stated that the Planning Commission needs to be
3 careful about design details as we going forward operating within the constraints of the present
4 Land Management Ordinance.

5
6 Commissioner Crews recommended that we do something like we did before with the study
7 for the Bridge to the Beach concept. Commissioner Crews recommended that we bring in
8 business owners, property owners, design professionals, and citizens of the Town to “brain
9 storm” on a redevelopment concept regardless of the constraints of the current LMO. We then
10 have an opportunity to go back and look at the LMO in that district and perhaps craft an
11 ordinance that supports what the community says make sense.

12
13 Commissioner Crews stated that one of the concepts that we put in the Comprehensive Plan is
14 the potential for a Form Based Code in such an area as this. It has wonderful potential -- it
15 combines the public realm and the private realm and realigns the whole nature of how that
16 redevelopment could occur inside of an ordinance. Commissioner Crews and the Planning
17 Commission discussed the issue particularly in regard to the Coligny Circle right-of-way.
18 Commissioner Crews recommended that the Planning Commission take a broad scope vision
19 first over the details.

20
21 Vice Chairman Warden stated her agreement with many of these comments. With regard to
22 moving forward with the Coligny Phase II project, Vice Chairman Warden asked at what point
23 will the Planning Commission become involved?

24
25 Vice Chairman Warden recommended that the staff provide the Planning Commission with an
26 interim report on this type of project before it gets to the Public Project Review level.
27 Chairman Vadnais requested a response from staff on this issue.

28
29 Mr. Charles Cousins stated that the staff is currently working with major property owners in
30 the Coligny area to talk about the potential. With regard to the LMO, we are looking at a
31 ‘clean slate’ at this point. The staff anticipates re-crafting the LMO to reflect what we want to
32 do in this area. As we receive firmer ideas of what the major property owners have in mind,
33 and what does the Town has to do to encourage them, to give incentives, looking at what they
34 need from the Town as a partnership, we will then take those ideas to the Planning
35 Commission for public discussion. Mr. Cousins stated that it is premature to do that at this
36 time.

37
38 Following final comments by the Planning Commission on the CIP presentation, Chairman
39 Vadnais recommended that the Planning Commission approve the proposed Priority Projects
40 for Fiscal Year 2012 as presented by Mr. Liggett with the condition that the statements
41 provided by Commissioner Crews and Vice Chairman Warden regarding improvements to the
42 Coligny Phase II project be taken into consideration by staff. The Planning Commission
43 agreed with the Chairman’s recommendation; no motion on this item was required. The
44 Planning Commission thanked Mr. Liggett for an excellent presentation.

45
46 **10. COMMISSION BUSINESS**

47 Chairman Vadnais reported that on November 11, 2010, he and Vice Chairman Warden met
48 with Mr. Cousins and his staff for an in depth discussion of the proper publication procedures
49 as required by the LMO. The Planning Commission will receive these procedures soon from
50 the staff; and these procedures are to be faithfully followed.

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11. CHAIRMAN’S REPORT

None

12. COMMITTEE REPORTS

None

13. STAFF REPORTS

Mrs. Jayme Lopko presented the following items:

- 1) Status of Outstanding Projects – Mrs. Lopko stated that the Rocks/Remy area has not yet received a Public Project Review by the Planning Commission.
- 2) Clarification of Public Notification Requirements for CIP presentations – Mrs. Lopko reported that Capital Improvement Projects (CIP) presentations do not require any type of public notification except to be listed on the agenda (and posted 24-hours in advance of the meeting). The CIP presentation is not required to have a published legal ad, no mailings, and no posting is required. Chairman Vadnais stated concern with this notification procedure.
- 3) LMO Public Notice Requirements – Mrs. Lopko stated that LMO Sec. 16-3-111 covers the content of public notice requirements. Posted public notice requirements are as follows: posting the type of application, the time, the date, the location of the public hearing, and a telephone number to contact the Town. The staff has met these posting requirements. With regard to published legal advertisements, the staff was deficient in not including a Town telephone number. This has been corrected by the staff. Since several legal ads were published recently without a Town telephone number, those legal items (including today’s ZMA and the items scheduled for review on December 1, 2010) have been pulled back and re-advertised. These items are now scheduled for review on December 15, 2010 (two ZMAs, two different LMO amendments, and one PPR). Due to this rescheduling, the Planning Commission meeting on December 1, 2010 has been canceled.
- 4) Town Council Monthly Report – November 2010 Mrs. Lopko distributed the report. Commissioner Crews inquired about the meaning of the Visioning Committee. Ms. Jill Foster stated that this committee (part of the Mayor’s Task Force) is no longer an active committee.

The Planning Commission and Ms. Foster discussed the status of the Property Maintenance Code Amendment. The appeals process has been included in the re-draft. Ms. Foster stated that the redrafted Ordinance also received comments from the Planning & Development Standards Committee. The Ordinance will have first reading by Town Council at this evening’s meeting.

Next, Chairman Vadnais and the staff discussed the status of the old Cracker Barrel property. Commissioner Ennis commented on the convergent process contained within the Monthly Town Council Information Report. Mr. Shawn Colin presented statements on behalf of staff in clarification of this issue.
- 5) Guidance on Ex-parte Communications - Mrs. Lopko distributed and reviewed this guidance handout on behalf of Brian Hulbert, Board Attorney.

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Prior to adjournment of today’s meeting, Chester Williams, Esq., presented public comments regarding the Town’s legal advertisement of ZMA090003. Mr. Williams also presented statements regarding public notice requirements for CIP presentations. Following these public comments, today’s meeting was adjourned.

14. ADJOURNMENT

The meeting was adjourned at 10:25a.m.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Al Vadnais
Chairman



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4688

FAX 843-842-8908

STAFF REPORT ZONING MAP AMENDMENT (ZMA090003) PROPOSED ORDINANCE 2010-26

Case #:	Name of Project or Development:	Public Hearing Date:
ZMA#090003	Parcel A- Cordillo Parkway	December 15, 2010

Parcel Data:	Parcel Location and Size:	Agent/Applicant/Owner
<p><u>Existing Zoning & Density</u> PD-1, Planned Development Recreational and Institutional</p> <p><u>Proposed Zoning & Density</u> PD-1, Planned Development Recreational, Institutional, and Residential @ 1 Single Family Residence</p> <p><u>Applicable Overlay District</u> Corridor Overlay</p>	<p><u>Parcel Number</u> R550 018 000 0218 0000</p> <p><u>Parcel Size</u> 1.97 Net Acres</p>	<p><u>Agent/Applicant</u> Chester C. Williams 17 Executive Park Rd, Suite 2 Hilton Head Island, SC, 29938</p> <p><u>Owner</u> Ms. Louanne LaRoche 51 Pine View Drive Bluffton, SC 29910</p>

Application Summary:

An application has been submitted by Chester C. Williams, LLC on behalf of Louanne LaRoche to amend the Official Zoning Map by amending the Sea Pines Master Plan and its associated text to add Residential as an additional permitted use on Lot A Cordillo Parkway. The parcel is further identified as Parcel 218 on Beaufort County Tax Map #18.

Staff Recommendation:

Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan but does not serve to carry out the purposes of the Land Management Ordinance (LMO) as it pertains to the addition of Residential use, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background:

Lot A Cordillo Parkway is part of the Sea Pines Master Plan as shown on the attached Zoning Map and Vicinity Map (Attachments A & B). The Sea Pines Master Plan was approved by the Town in 1984. Under this approval, Lot A Cordillo Parkway was part of a tract of land designated as Parcel 22, which was assigned institutional and recreational use.

In 2009, Louanne LaRoche applied to add commercial and residential as allowed uses on the subject parcel. The allowed commercial density would be 19,700 square feet, and the allowed residential density would be 1 single family dwelling unit. The parcel in question originally allowed institutional and recreational uses as part of the 1984 Master Plan adopted by the Town of Hilton Head Island. Sea Pines made revisions to the document in 1992; these revisions included the addition of commercial and residential as allowed uses on the subject parcel. It is important to note, however, that the Town of Hilton Head Island, not Sea Pines, is the only entity authorized to approve changes to the adopted Master Plan. There is no documentation of the additional uses being permitted for the subject site. Since inheriting the property Ms. LaRoche has been assessed by Community Services Associates for institutional, recreational and residential uses and by the Beaufort County Assessor’s office as owning a parcel with institutional, recreational, commercial, and residential designations; however, the residential and commercial uses are not allowed on the parcel without the adoption an amendment to the Sea Pines master plan. This application proposes an amendment to the master plan to allow residential use.

Staff has concluded that to allow the addition of ‘Residential’ use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

“Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants.

Miss LaRoche has since produced a Title to Real Estate dated October 4, 1977 (Beaufort County Property Records Book 254, Page 1853), which states the parcel “is subject to all obligations, restrictions, limitations, covenants, etc. Applicable to Class ‘A’ limited Residential Areas of Sea Pines Plantation”.

Applicant’s Grounds for ZMA, Summary of Facts and Conclusions of Law:

Grounds for ZMA:

The applicant is requesting to amend the Sea Pines Master Plan to add residential use at 1

dwelling unit to the subject parcel which already allows institutional and recreational uses. The site is currently undeveloped. The applicant contends the additional use would be compatible with the existing development and character of the area.

As set forth in LMO Section 16-3-1505, Zoning Map Amendment Review Criteria, the applicant shall make findings and conclusions for the criteria listed in this LMO Section regarding the proposed amendment.

Summary of Facts:

1. Residential are approved land uses within the Comprehensive Plan.
2. The zoning would remain PD-1 within Sea Pines Plantation with residential use added to the previously adopted institutional and recreational uses for the parcel.
3. The property would be zoned for institutional, recreational, and residential uses.
4. The property is zoned for institutional and recreational uses.
5. This property is currently surrounded by both developed and undeveloped properties with compatible zoning.
6. The property would have an additional use permitted that not all properties in the area would have.
7. The property does not currently have adequate water, sewer, and stormwater facilities, although they are available.

Conclusions of Law:

- A. This application is supported by the Comprehensive Plan, because residential is an approved land use within the Comprehensive Plan.
- B. The additional allowed use would be suitable since there are other parcels in the area with use requested in this application.
- C. The property is suitable for residential use because of similar uses in the immediate area.
- D. The marketability of the property would be enhanced by the additional use being permitted on the property.
- E. There are adequate facilities in place to serve the uses that are and would be permitted on the property.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the application was published in the Island Packet on November 14, 2010 as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on December 15, 2010 as set forth in LMO Section 16-3-1504A.
- The Commission has authority to render their decision reached here as set forth in LMO Section 16-3-1504.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-3-1502.
- The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.
- The applicant submitted an affidavit stating they met the mailed notice requirements in LMO Section 16-3-111.

As set forth in LMO Section 16-3-1505, Zoning Map Amendment Review Criteria, the Commission shall consider and make findings on the following matters regarding the proposed amendment:

Summary of Facts and Conclusions of Law:

Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

One of Six Land Use Goals

Identify an acceptable level of future development that does not overtax the area's natural environment and infrastructure.

Goal 8.1 – Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of the existing and future populations.

Goal 8.3 - Planned Unit Developments (PUDs)

- B. The goal is 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 8.10 - Zoning Changes

- A. The goal is to provide appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.

Conclusions of Law:

While this parcel is currently vacant, adequate infrastructure is in place to accommodate the development of the mix of uses that are proposed for the property. This application would add residential use to a parcel that currently allows recreational and institutional uses, providing for the potential of a mix of land uses to be developed. The ability to provide this mix of land uses gives greater potential to meet the market demands for development needs in the area.

This application is consistent with the adopted Comprehensive Plan as described in the *Land Use Element* as set forth in LMO Section 16-3-1505A, as it pertains to the addition of Residential Use.

Summary of Facts and Conclusions of Law:

Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):

Findings of Fact:

- The tract (Tract 20 on the 1984 Sea Pines Master Plan) bordering the northern property line is zoned institutional, recreational, commercial, and residential.
- The tract (Tract 25 on the Sea Pines Master Plan) to the east of this parcel is zoned institutional, recreational, commercial, and residential.
- The parcels to the west of this parcel underwent administrative rezoning in 1996 to limit land uses per covenants, namely single family residential or duplex, an art/design/sales gallery or architectural studio or training center. All of these uses are consistent with the allowed uses under the residential and commercial designations of the Sea Pines master plan.
- The parcels across the street to the south are zoned residential. Currently there is an architect's office located in this residentially zoned area; the architect's office is considered a legally nonconforming use.
- The subject parcel is located within the Corridor Overlay District and any non-single family development would require review and approval from the Town's Design Review Board.

Conclusions of Law:

Due to the fact that the surrounding area is currently developed or zoned for residential use, the proposed use for the subject property is compatible with the neighboring parcels. In addition, this parcel is required to be reviewed by the Design Review Board for aesthetics of any recreational or institutional structures and landscaping proposed for the property to ensure that it is compatible with the character of the surrounding neighborhood. Any residential development would be subject to the same review effort by the Sea Pines Architectural Review Board. Based on the above, the proposed additional use is compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B.

Summary of Facts and Conclusions of Law:

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):

Findings of Fact:

- LMO Section 16-4-219 describes the purpose of the existing zoning district for this parcel. *“The purpose of the Planned Development Mixed Use District (PD-1) is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.”* (Land Management Ordinance – page 4-12)
- The current zoning does not allow residential development on the property.
- This application would add residential use on the property with a maximum of 1 single family residence.
- All design and performance standards of the LMO would apply to any development on the property.
- There are four residential density units reserved under the Sea Pines Master Plan cap of 5,890 dwelling units available for use on Cordillo Parkway for the parcels that currently have Residential Use assigned. There is no density unit currently assigned to, or reserved for Parcel ‘A’.

Conclusions of Law:

The purpose of the PD-1 zoning district to provide a mixture of uses is supported by the additional use requested in the application. The additional use that would result from the approval of the amendment would be required to meet all the requirements of the LMO for development, including approval by the Design Review Board where applicable.

Staff further concludes that to allow the addition of Residential use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

“Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants. Due to the lack of a density unit assigned to this parcel, staff concludes that the property is not suitable for Residential use, as set forth in LMO Section 16-3-1505C.

Summary of Facts and Conclusions of Law:

Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):

Findings of Fact:

- The current uses allowed on the property per the Sea Pines Master Plan are institutional and recreational.
- The Sea Pines Master Plan identifies institutional use as land used for educational facilities, fire stations and/or community service maintenance facilities.
- The Sea Pines Master Plan identifies recreational use as any piece of land set aside and maintained within Sea Pines Plantation for the purpose of ornament, pleasure, exercise, amusement, entertainment, or recreation.
- The property is currently vacant and could be developed as an institutional or recreational use.

Conclusion of Law:

Based on the above, this property is suitable for the uses currently permitted on the property as set forth in LMO Section 16-3-1505D.

Summary of Facts and Conclusions of Law:

Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):

Findings of Fact:

- The property is currently vacant and could be developed for institutional and recreational uses.
- This rezoning, if approved, would result in the additional use of residential being permitted on the property.

Conclusion of Law:

Allowing the additional Residential use would increase the marketability of this property as set forth in LMO Section 16-3-1505E.

Summary of Facts and Conclusions of Law:

Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):

Findings of Fact:

- LMO Sections 16-5-1702 and 16-5-602A require that sufficient stormwater facilities, water supply, and sewage and waste disposal be provided for each development.
- Sewer and water services currently exist nearby and can be provided by the South Island Public Service District (PSD) under specific conditions as outlined in a

letter from the PSD to the applicant dated June 8, 2009 (Attachment E).

- o Storm water facilities were designed and implemented for this site as a part of the overall Sea Pines Master Plan.

Conclusions of Law:
 The subject property is currently undeveloped; however, at the time it is developed it will be required to provide the utilities necessary to serve the proposed use. This property has adequate stormwater facilities and can provide water and sewer facilities suitable and adequate for the proposed uses as set forth in LMO Section 16-3-1505F.

LMO Official Determination

Determination: Staff determines that the application for the addition of Residential use is consistent with the Comprehensive Plan but does not serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law specifically found in the review of criteria 3 in this staff report.

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:

MR

 Mike Roan, ASLA, RLA
Urban Design Administrator

November 30, 2010

 DATE

REVIEWED BY:

TBL

 Teri Lewis, AICP
LMO Official

November 30, 2010

 DATE

JL

 Jayme Lopko, AICP
*Senior Planner, Comprehensive Planning
 Planning Commission Coordinator*

November 30, 2010

 DATE

ATTACHMENTS:

- A) Zoning Map
- B) Vicinity Map
- C) LMO Section 16-4-209
- D) Owner's Narrative
- E) South Island Public Service District Letter
- F) Boundary and Wetlands Survey
- G) July 1, 2009 Letter from Sea Pines Resort, LLC
- H) July 1, 2009 Letter from McNair Law Firm on Behalf of Community Services Assoc.
- I) Petition from Night Heron Property Owners Association
- J) SC State Code Section 6-29-1145

**PD-1
ZONING**

*SUBJECT
PARCEL*

CORDILLO PARKWAY

CORDILLO PARKWAY

FOX GRAPE ROAD

NIGHT HERON LAKESIDE

**RS-5
ZONING**

HICKORY LANE



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

Town of Hilton Head Island
ZMA090003 - Parcel "A" Cordillo Parkway
July 15, 2009
Attachment A - Zoning Map



0 62.5 125 250 375 500
Feet

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



Town of Hilton Head Island

ZMA090003 - Parcel "A" Cordillo Parkway

July 15, 2009

Attachment B - Vicinity Map


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



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

Sec. 16-4-209. PD-1--Planned Development Mixed Use District ATTACHMENT 'C'

- A. The purpose of this Planned Development Mixed Use District is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.
- B. In limited situations, the zoning map places some commercially planned portions of those PUDs in other base districts to more specifically define the types of commercial uses allowed.
- C. PUD-1 Listed 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 hereby incorporated by reference as a part of the Official Zoning Map and Land Management Ordinance text:
1. Hilton Head Plantation
 2. Indigo Run
 3. Long Cove Club
 4. Palmetto Dunes Resort (including Shelter Cove)
 5. Palmetto Hall
 6. Port Royal Plantation (and surrounds)
 7. Sea Pines
 8. Shipyard Plantation
 9. Spanish Wells Plantation
 10. Wexford Plantation
- D. These master plans and associated text, as approved and, when applicable, as amended by the Town, establish general permitted uses and maximum area densities for the PUDs, except as may be modified by the overlay of a specific district other than the PD-1 District. Undesignated areas on these master plans shall be considered as open space.
- E. In the PD-1 District the following uses are restricted to locations where the Town-approved master plan or master plan text specifically states such uses are permitted. In addition the specific use standards of Chapter 4, Article XII must be met for any new use or changes to the site for any existing such use.
1. Adult Entertainment
 2. Auto Rentals
 3. Auto Sales
 4. Convenience Stores
 5. Divisible Dwelling Units
 6. Gas Sales
 7. Interval Occupancy
 8. Liquor Store
 9. Marinas
 10. Nightclub or Bar
 11. Outdoor Entertainment
 12. Telecommunications Facilities
 13. Truck or Trailer Rental
 14. Veterinary Hospital
 15. Watercraft Sales or Rentals
 16. Water-Oriented Embarkation Facilities
 17. Tattoo Facilities
- F. Amendments to these master plans and/or master plan text shall follow the requirements set forth in Chapter 3, Article XVII.

(Revised 11/17/98--Ordinance 1998-35; Revised 4/3/01--Ordinance 2001-17; Revised 8/17/04--Ordinance 2004-32)

Narrative**Parcel Owner: Louanne Carrene LaRoche**

Area: 85015.7662551, Pin: R550 018 000 0218 0000, Key no: 00482640, Tax map: 18, Tax Parcel: 218, Parcel legal1: Parcel A
PB 32 P 32, Pud Name: Sea Pines, Mp land use: Recreational and Institutional

This property was purchased originally in 1986. I inherited it in 2004. The current Sea Pine's Master Plan designates this parcel can be used as Institutional, recreational, residential, and commercial purposes. Sea Pines has allocated at least one density unit for a single family home or two units for a town house.

The current master plan is a change from the original recreational and institutional land use specified in the 1984 Sea Pine's Master Plan.

The 1992 zoning map amendment is not available. Therefore, I am asking that my parcel be rezoned to reflect the current Sea Pine's Master Plan.

The current zoning of bordering parcels would be compatible with this change of use.

My parcel is bordered by: Sea Pines Resort LLC # R550-018-0248, zoned institutional, residential, recreational and commercial. (#18 – 248)

Parcel "B" # R550-018-218B (# 18-212) owned by Low Country Schools Inc. (zoned institutional and recreational)

Night Heron Lakes (18A-496) zoned residential

(#18-174)(Former architect's office, residence, and art gallery) zoned residential and commercial

Morris Whiteside Art Gallery (#18-190)(former Red Piano Gallery and residence) zoned residential and commercial

#18-292 and #18-191 (townhouses zoned residential and commercial)

***All of these properties fall under the Sea Pine's Master Plan.**

The current zoning of the Town of Hilton Head prohibits marketing the property to be sold for a residence or commercial usage permitted and assessed under the Sea Pines Master Plan and covenants.

Public services would be available for my parcel. Surrounding properties currently have Sewer, water and storm water facilities.

SOUTH ISLAND PUBLIC SERVICE DISTRICT

POST OFFICE BOX 5143 • 25 BOW CIRCLE • HILTON HEAD ISLAND, S.C. 29928

ATTACHMENT 'E'

June 8, 2009

Ms. Louanne LaRoche

RE: Parcel A Cordillo Parkway, PIN R550
018 000 0218

Dear Ms. LaRoche:

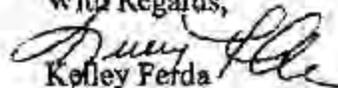
The District cannot determine whether or not it can provide water and sewer service to the above referenced property without more information. The survey you provided does not show enough of the surrounding property.

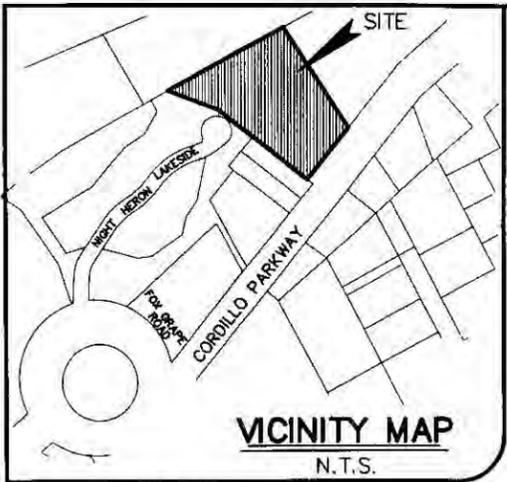
There is a 2-inch water line in front of the property that could serve the parcel nearest to Cordillo Parkway. There is no sewer service available, unless you install a manhole and bore a sewer line under Cordillo Parkway and connect to a manhole on the opposite side of the road. This would require a SCDOT permit.

The parcel in the back, designated as Parcel A, does not have water or sewer service. You would need to have an engineer evaluate the site and elevations to determine if the lot could be served through Night Heron Lakeside. This routing would require easements from the property owners at Night Heron Lakeside. The District does not allow any water or sewer line to be routed through a lagoon. I don't think you could excavate through a wetland to route the water from the front parcel to the back, but you could check with a representative from the Town.

If you would like to have an engineering firm review this parcel, I will make a District representative available to meet with them. I can be reached at 671-2907.

With Regards,


Kelley Ferda
Operations Manager



REFERENCE PLATS

- 1) A PLAT OF PARCELS "A" & "B"
A SECTION OF SEA PINES PLANTATION
DRAWN: 11/12/84
RECORDED IN BOOK 32, PAGE 189, DATED 12/28/84
RMC. BEAUFORT COUNTY, SC
BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784
- 2) A PLAT OF 1,866 ACRES NIGHT HERON PHASE III, FOX GRAPE ROAD,
A SECTION OF SEA PINES PLANTATION
DRAWN: 5/26/82, LAST REVISED: 6/30/82
RECORDED IN BOOK , PAGE , DATED
RMC. BEAUFORT COUNTY, SC
BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784

LINE	LENGTH	BEARING
L1	12.54	N88°13'49"E
L2	21.81	N88°13'49"E
L3	14.30	S78°39'47"E
L4	15.42	N37°12'57"E
L5	19.51	N58°05'07"E
L6	32.66	N45°42'41"E
L7	30.51	N41°59'55"E
L8	28.70	N40°11'21"E
L9	32.02	N52°21'11"E
L10	40.24	N73°25'14"E
L11	48.43	N47°49'24"E
L12	28.55	N44°05'22"E
L13	45.46	S47°24'37"W
L14	18.53	S53°57'13"W
L15	32.38	S44°28'29"W

LINE	LENGTH	BEARING
L16	26.81	S53°39'15"W
L17	35.57	S49°40'12"W
L18	18.67	S49°20'57"W
L19	43.03	S42°23'42"W
L20	32.78	S52°50'45"W
L21	8.43	N72°20'42"E
L22	15.69	N49°34'35"E
L23	18.67	N62°09'28"E
L24	18.46	N62°46'11"E
L25	27.33	N56°03'10"E
L26	36.33	N53°06'49"E
L27	35.96	N58°02'27"E
L28	21.06	N53°43'24"E
L29	35.59	N81°48'41"E

NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). THIS PROPERTY IS SUBJECT TO RESTRICTIONS AS RECORDED IN THE OFFICE OF THE RMC FOR BEAUFORT COUNTY.
- 3). THIS PROPERTY IS SUBJECT TO EASEMENTS OF RECORD.

THIS MAP IS A GENERAL REPRESENTATION OF THE LOCATIONS OF 404 WETLANDS (FRESHWATER WETLANDS) LOCATED WITHIN THE PROPERTY AS SHOWN. THESE WETLANDS ARE SUBJECT TO REVIEW AND APPROVAL BY THE U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT. THE WETLANDS HAVE BEEN LOCATED AS FLAGGED BY TERRA NOVA ENVIRONMENTAL, INC.

PROPERTY AREA = 1.974 Ac.
ADDRESS: CORDILLO PARKWAY
DISTRICT: 550, MAP: 18, PARCEL: 218

THIS PROPERTY LIES IN F.E.M.A. ZONE A7
BASE FLOOD ELEVATION = 14.0'
COMMUNITY NO. 450250, PANEL: 0012D, DATED: 9/29/86

SYMBOLS

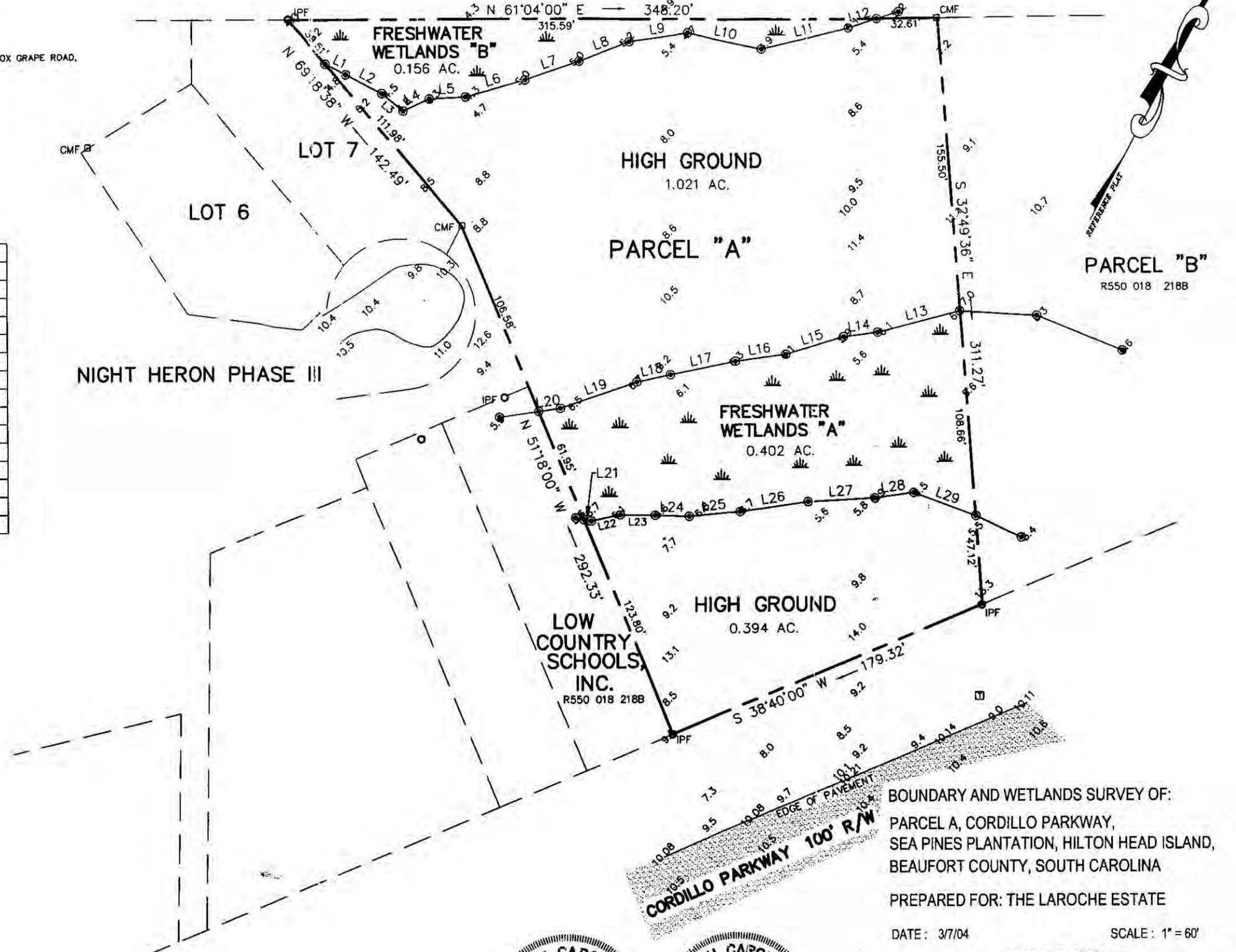
- ☐ - TELEPHONE SERVICE
- IPF ○ - 1/2" IRON PIN (FOUND)
- CMF □ - 3" CONCRETE MONUMENT FOUND

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. NOT VALID UNLESS EMBOSSED.

SEA PINES PLANTATION COMPANY

PB. 30, PG. 22
R550 018 0248

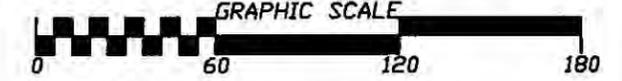
ATTACHMENT 'F'



BOUNDARY AND WETLANDS SURVEY OF:
PARCEL A, CORDILLO PARKWAY,
SEA PINES PLANTATION, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: THE LAROCHE ESTATE

DATE: 3/7/04 SCALE: 1" = 60'



SIS Sea Island Land Survey, LLC.
P.O. Box 21568, Hilton Head Island, SC 29925 Tel (843) 681-3248
4-D Mathews Court, Hilton Head Island, SC 29926 Fax (843) 689-3871
FILE No.: 04058 DWG No.: 1-1561
COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. CAD: MC FIELD: VR



July 1, 2009

Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

Re: Case #ZMA090003
Parcel A – Cordillo Parkway

To Whom It May Concern:

We would like to voice our concern and opposition to the proposed zoning change regarding the referenced parcel on Cordillo Parkway. The proposed zoning change would add residential and commercial uses to this property.

The property is included within the boundaries of the Sea Pines Planned Unit Development (Sea Pines PUD). Sea Pines Resort, LLC holds certain rights within the Sea Pines PUD including, but not limited to, (1) the Right to Approve Change in Master Plan; and, (2) an Assignment of Development Rights along with the ownership of all unassigned residential density within the Sea Pines PUD.

We are not aware of any request to approve a change in the Sea Pines Master Plan nor have we approved such change. Also, no specific residential density has been assigned to this parcel in the density unit count maintained by CSA; therefore, it is our understanding no residential construction will be approved by the Sea Pines ARB. For these reasons, we respectfully oppose the proposed zoning change for the referenced property.

Please contact me at (843) 785-3333 to further discuss this matter.

Sincerely,

SEA PINES RESORT, LLC

Steven P. Birdwell
President

cc: Cary Kelly, Community Services Associates, Inc.

Walter J. Nester III

July 1, 2009

wnester@mcnair.net

T (843) 785-2171
F (843) 686-5991

VIA E-MAIL ONLY

Mr. Mike Roan
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

Re: Case No. ZMA090003
Community Services Associates, Inc. - 2 Acre Parcel on Cordillo Parkway
Our File No. 109426.00062

Dear Mike:

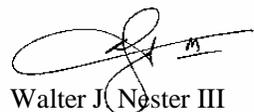
This office represents Community Services Associates, Inc., the Association that represents all property owners in Sea Pines Plantation. I am writing to voice our client's concern with the referenced application for a zoning map amendment. As you know, Sea Pines Plantation is a Planned Unit Development and the density and uses of the property within that Planned Unit Development are governed by the Sea Pines Master Plan dated February 22, 1984. That Master Plan depicts the subject property as a portion of Parcel 22 and describes the permitted uses thereof for institutional and recreational use as permitted under applicable Covenants. The proposed map amendment changes the use to include commercial and/or residential uses. However, the Master Plan also describes existing allocated density and for this parcel that density is zero (0). Certainly the Master Plan has been amended since 1984 and density reallocated in various areas. Our client is responsible under applicable Covenants to track and assure that density does not exceed that described in the Master Plan nor in the Covenants applicable thereto and referenced therein. We are not aware of any density having been allocated to this property and believe that the Town should consider that fact when considering amending the zoning map. If the applicant claims a right or title to density for this property, we would appreciate your advising us of the same. We do not believe property in Sea Pines Plantation should be rezoned unless the rezoning allows the use thereof in accordance with applicable Covenants and Restrictions applicable to such property, which would include title to the necessary and appropriate density.

I am glad to answer any questions or concerns that you may have.

With best regards, I am

Sincerely,

McNAIR LAW FIRM, P.A.



Walter J. Nester III

WJN:dkr

c: Community Services Associates, Inc. (via e-mail)
HILTONHEAD-#702065-v1

McNair Law Firm, P. A.
23-B Shelter Cove, Suite 400
Hilton Head Island, SC 29928

Mailing Address
Post Office Drawer 3
Hilton Head Island, SC 29938

mcnair.net

ATTACHMENT "I"

To: Town of Hilton Head Planning Commission
From: Homeowners of the Night Heron Lakeside Association
Re: LaRoche Proposal Re: Parcel A
Date: July 15, 2009

We, the Homeowners of the Night Heron Lakeside Association, wish by this letter to request that the Town of Hilton Head oppose the LaRoche Proposal which, if approved, would permit Commercial Use of Parcel A in the Sea Pines Master Plan.

We believe the zoning amendment requested by Louanne LaRoche would, if approved, compromise the privacy, natural beauty and wildlife habitat of Night Heron Lakeside, an established residential community, for the following reasons:

It would permit the building of commercial enterprises such as restaurant or bar, warehouse or storage, offices, retail shops, hotels, motels, inns, banks, theaters, lounges, stable buildings, recreation clubhouses and tennis courts.

It would encroach upon the wetlands adjacent to Night Heron Lakeside which we are legally bound to protect.

It would destroy considerable natural area and thereby negatively impact upon the indigenous plant and wildlife.

It would lessen the aesthetic and environmental qualities which were the very reasons we chose to invest in and reside in Night Heron Lakeside and affect the value of our properties.

Copies of this letter bearing our signatures to officially affirm our unanimous support of the position stated above were delivered to Michael Roan and Cary Kelley on July 13, 2009 prior to the Public Hearing.

Sincerely,

The Homeowners of the Night Heron Lakeside Association:
Gary & Lucille Wurth
Dr. Sang & Seung Lee
Sigrid Carlson
Dr. Peter & Ann Marie Furnari
Charles & Wendy Pero
Lisa Knight
George & Lynn Rice

ATTACHMENT "J"

SC Code of Laws Section 6-29-1145

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

(1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."



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

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

Case #:	Name of Project:	Public Hearing Date:
ZMA100007	Verizon Wireless business and adjacent vacant property to the east	December 15, 2010

Parcel Data or Location:	Property Owner	Applicant/Agent
<u>Existing Zoning District:</u> OL (Office Institutional Low Density) <u>Proposed Zoning District:</u> CC (Commercial Center) <u>Applicable Overlay District(s):</u> Corridor Overlay <u>Parcels Affected:</u> Beaufort County Tax Map 11, Parcels 161 and 166	Billy L. & Karen Watson PO Box 21890 Hilton Head Island, SC 29925	Ernest Marchetti 6 Hidden Lakes Court Bluffton, SC 29910

Application Summary:

Ernest Marchetti, on behalf of Karen Watson, is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District.

The following uses will no longer be permitted on the subject properties if this rezoning is approved: Linear Park and Agriculture.

With the exception of the two uses listed above that will no longer be permitted, all other uses that are currently permitted in the OL district, whether it is by right, with conditions or by special exception, will still be permitted on the subject properties if this rezoning is approved.

In addition to the uses currently permitted, the following uses will be permitted by right on the subject properties if this rezoning is approved: Community Service, Colleges, Public or Private Schools, Special Use Park, Funeral Home, Furniture Store, Hardware, Paint, Glass, Wallpaper or Flooring Store, Health Club or Spa, Other Retail Sales or Service and Car Wash.

In addition to the uses currently permitted, the following uses will be permitted with conditions on the subject properties if this rezoning is approved: Day Care, Bicycle Shop With Outdoor Storage, Community Theater, Dance Studio, Convenience Store, Department or Discount Store, Nightclub or Bar, Shopping Center, Souvenir or T-Shirt Store, Supermarket, Tattoo Facility, Veterinary Hospital, Auto Rental, Auto Sales and Contractor's Office.

In addition to the uses currently permitted, the following uses will be permitted by special exception on the subject properties if this rezoning is approved: Waste Treatment Plant, Eating Establishment with Drive-thru, Indoor Recreation, Indoor Entertainment, Commercial Parking, RV Park, Adult Entertainment, Kennel-Boarding, Liquor Store, Auto Repair, Gas Sales, Taxicab Service, Towing Service, Other Light Industrial Service, Self-Service Storage, Wholesale Business and Wholesale Business with Accessory Retail Outlet.

Staff Recommendation:

Staff recommends that the Planning Commission find this application to be inconsistent with the Town's Comprehensive Plan and does not 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.

Background:

The applicant is proposing to change the zoning designation of the subject properties from OL to the CC zoning district.

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

The area surrounding the properties subject to the rezoning contains a mix of uses: a motel to the south, a self-storage facility to the west, Christ Lutheran Church and a gas station/convenience store across William Hilton Parkway to the east, and a restaurant and miniature golf business to the north.

Applicant's Grounds for ZMA:

The applicant states in the narrative that the proposed application to rezone the subject properties from OL to the CC zoning district is more in character with the existing commercial uses in the surrounding area. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to

focus future development on infill development. The applicant also believes that by rezoning the properties to allow for retail possibilities, the marketability of the properties will increase.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the Application was published in the Island Packet on November 7, 2010 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on December 15, 2010 as set forth in LMO 16-3-1504A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

Conclusion of Law:

- The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1504.

*As set forth in **Section 16-3-1505, Zoning Map Amendment Review Criteria**, Planning Staff has based its recommendation on analysis of the following criteria:*

Summary of Facts and Conclusions of Law:

Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):

Findings of Facts:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

An Implication for Existing Land Use

Remaining vacant land, totaling approximately 2,140 acres or 10 percent of the 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.

An Implication for Planned Unit Developments (applicable island-wide)

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.

One of Six Land Use Goals

Identify an acceptable level of future development that does not overtax the area's natural environment and infrastructure. This can be done by monitoring allowable densities and by continuing to purchase lands that would adversely impact the island

if developed.

Goal 8.1 – Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of the existing and future populations.

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. The goal is to have an appropriate mix and availability of land uses to meet the needs of existing and future populations.

Goal 8.8 – Nonconforming Parcels by Use

- B. The goal is to evaluate the locations of non-conforming uses to determine areas to consider for Zoning Map Amendments.

Goal 8.10 – Zoning Changes

- A. The goal is to provide appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.

Transportation Element:

Implication for Traffic Planning on the Island

Future development and zoning classifications have an impact on the potential build-out of properties on the Island. Increasing the density of properties in certain areas of the Town may not be appropriate due to the inability of the current transportation network to handle the resulting additional traffic volumes. It may be more appropriate to provide density in areas that have the available roadway capacity and to reduce densities or development potential in areas that do not have the appropriate roadway capacity.

Conclusions of Law:

- Staff concludes that this application is not consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1505A. Although this zoning change could improve the economic development potential of the property, the existing zoning district in this area was established to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, and provide a balance among land use types in major corridors.
- This rezoning could result in a higher intensity use and/or a higher density development that would generate more traffic, possibly over taxing the existing roadway infrastructure.
- Under the current zoning there are 576 acres of CC zoning and 174 acres of OL zoning. In order to continue to provide a mix of available land uses the amount of

land zoned for OL should not be decreased when an adequate supply of land is currently zoned CC.

- Although there are nonconforming parcels in this area, neither of the parcels that are included in this application are nonconforming. One parcel is currently developed with a conforming use while the second is vacant and therefore this rezoning would not be supported by the Land Use Element.

Summary of Facts and Conclusions of Law:

Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):

Findings of Facts:

- LMO Section 16-4-216 describes the purpose of the existing OL zoning district as being: *“established between major commercial areas of the Island and intended to limit the types of nonresidential uses permitted. Land uses permitted are office and institutional in order to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, provide balance among land use types in major corridors and improve visual appearance along major corridors.”*
- There are two properties subject to the proposed rezoning; one which is vacant and one that is a Verizon Wireless business, which is classified as an “Other Retail Service Use” and is permitted by special exception in the OL zoning district.
- The conforming uses of nearby property are the restaurant to the north and the church to the east.

Conclusions of Law:

- Staff concludes that the properties subject to the rezoning application are compatible with the present zoning, the conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505B because the developed property contains a use that is currently permitted in the OL district and the vacant lot can be developed with a use that is permitted in the OL district.
- The Verizon Wireless business and the vacant lot are compatible with the surrounding conforming uses of the restaurant and the church.

Summary of Facts and Conclusions of Law:

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):

Findings of Facts:

- LMO Section 16-4-217 describes the purpose of the CC zoning district as: *“to provide for moderate to high intensity commercial development, especially office and general retail development. Residential development as a component of a PUD is allowed, and traffic and pedestrian interconnections throughout this district are strongly encouraged.”*

- The uses that would be permitted under the CC zoning could be high traffic generators and allow for more moderate to high intensity commercial development than what is permitted with the current OL zoning.
- There are currently a few non-conforming commercial uses in the vicinity that existed prior to the area being zoned OL. The area was zoned OL to eventually eliminate these commercial uses, to establish a balanced mix of land use types between major commercial corridors of the Island and to minimize traffic impacts to the street system.
- There are areas on the Island that have been designated as high intensity commercial development and redevelopment areas, such as the Coligny and Mathews Drive areas because the infrastructure was put in place to support such impacts.
- The properties subject to the rezoning request are surrounded by OL zoning and there are no other CC zoned properties in the area.

Conclusions of Law:

- Staff concludes that the affected properties are not suitable for all of the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C because the subject properties are situated within the OL district where the intent is to limit the types of land uses allowed between commercial areas of the Island and limit any negative impacts on the street system.
- The CC zoning is intended for high intensity commercial development which is not suitable for an area where the current infrastructure may not support such development.

Summary of Facts and Conclusions of Law:

Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):

Findings of Facts:

- LMO Section 16-4-218 describes the purpose of the existing OL zoning district as being: *“established between major commercial areas of the Island and intended to limit the types of nonresidential uses permitted. Land uses permitted are office and institutional in order to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, provide balance among land use types in major corridors and improve visual appearance along major corridors.”*
- There are two properties subject to the proposed rezoning; one which is vacant and one that is a Verizon Wireless business, which is considered an “Other Retail Service Use” and is permitted by special exception in the OL zoning district.

Conclusion of Law:

- Staff concludes that the affected properties are suitable for the uses permitted by the OL zoning district as set forth in LMO Section 16-3-1505D because one lot is developed with a conforming permitted use and the vacant lot could be developed

with any use currently permitted in OL.

Summary of Facts and Conclusions of Law:

Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):

Finding of Fact:

- There will be additional uses and development opportunities available to the property owner to develop should the property be rezoned to the CC district.

Conclusion of Law:

- Staff concludes that the marketability of the properties will be improved as set forth in LMO Section 16-3-1505E because the property owner will have more uses available to market the property to buyers or leases.

Summary of Facts and Conclusions of Law:

Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):

Findings of Facts:

- The affected properties have water and sewer service available to them by the Broad Creek Public Service District.
- Stormwater facilities for the site will be addressed during review of a Development Plan Review (DPR) application.

Conclusion of Law:

- Staff concludes that these properties have available water and sewer suitable for the proposed uses as set forth in LMO Section 16-3-1505F.

LMO Official Determination

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 detailed in this report.

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:

N.D.

Nicole Dixon
Senior Planner

December 1, 2010

DATE

REVIEWED BY:

TBL

Teri B. Lewis, AICP
LMO Official

December 1, 2010

DATE

REVIEWED BY:

JL

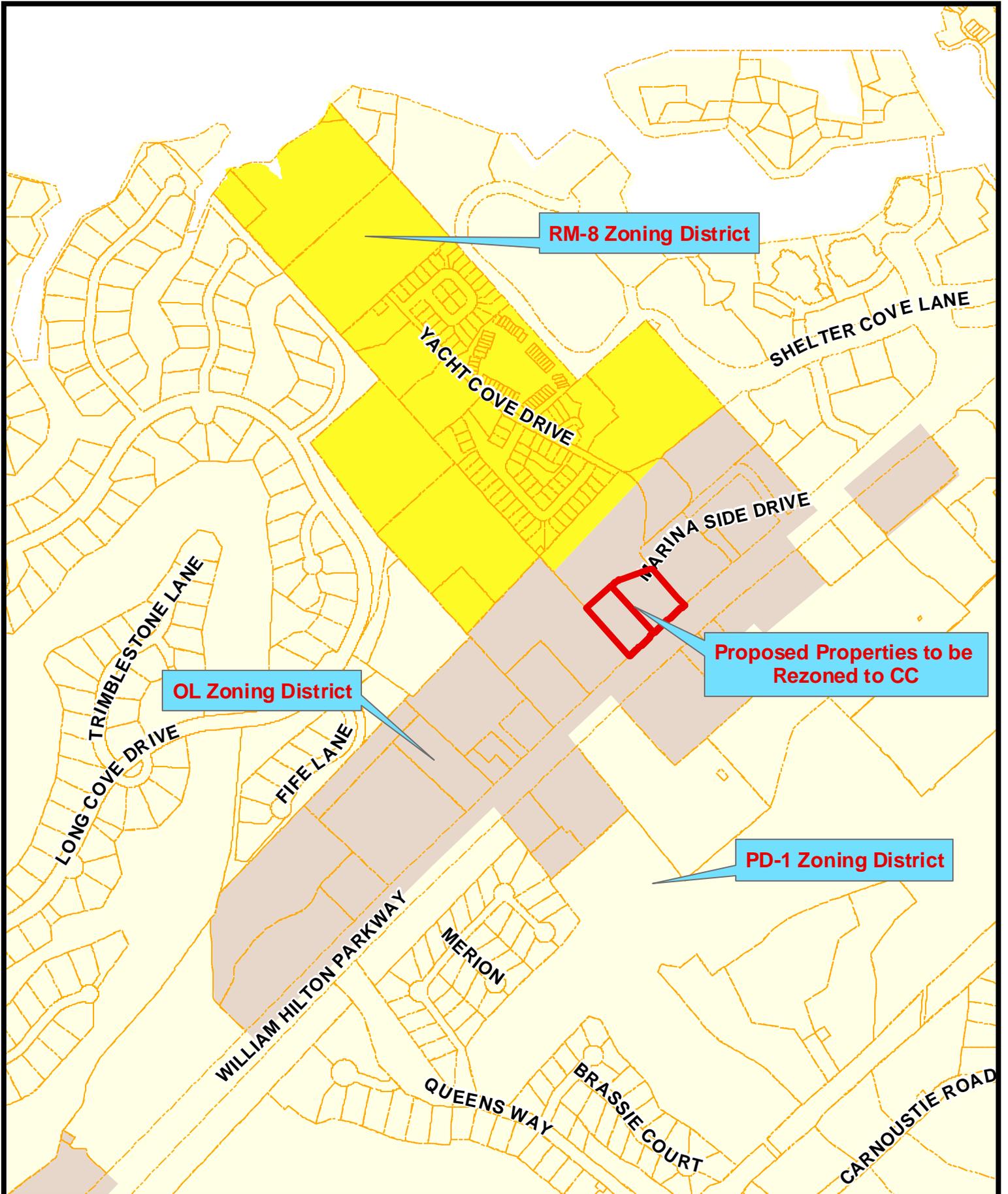
Jayme Lopko, AICP
*Senior Planner & Planning Commission Board
Coordinator*

December 1, 2010

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Vicinity Map with Zoning
- C) Zoning Map
- D) Applicant's Narrative
- E) Boundary Survey



RM-8 Zoning District

OL Zoning District

Proposed Properties to be Rezoned to CC

PD-1 Zoning District



ATTACHMENT C

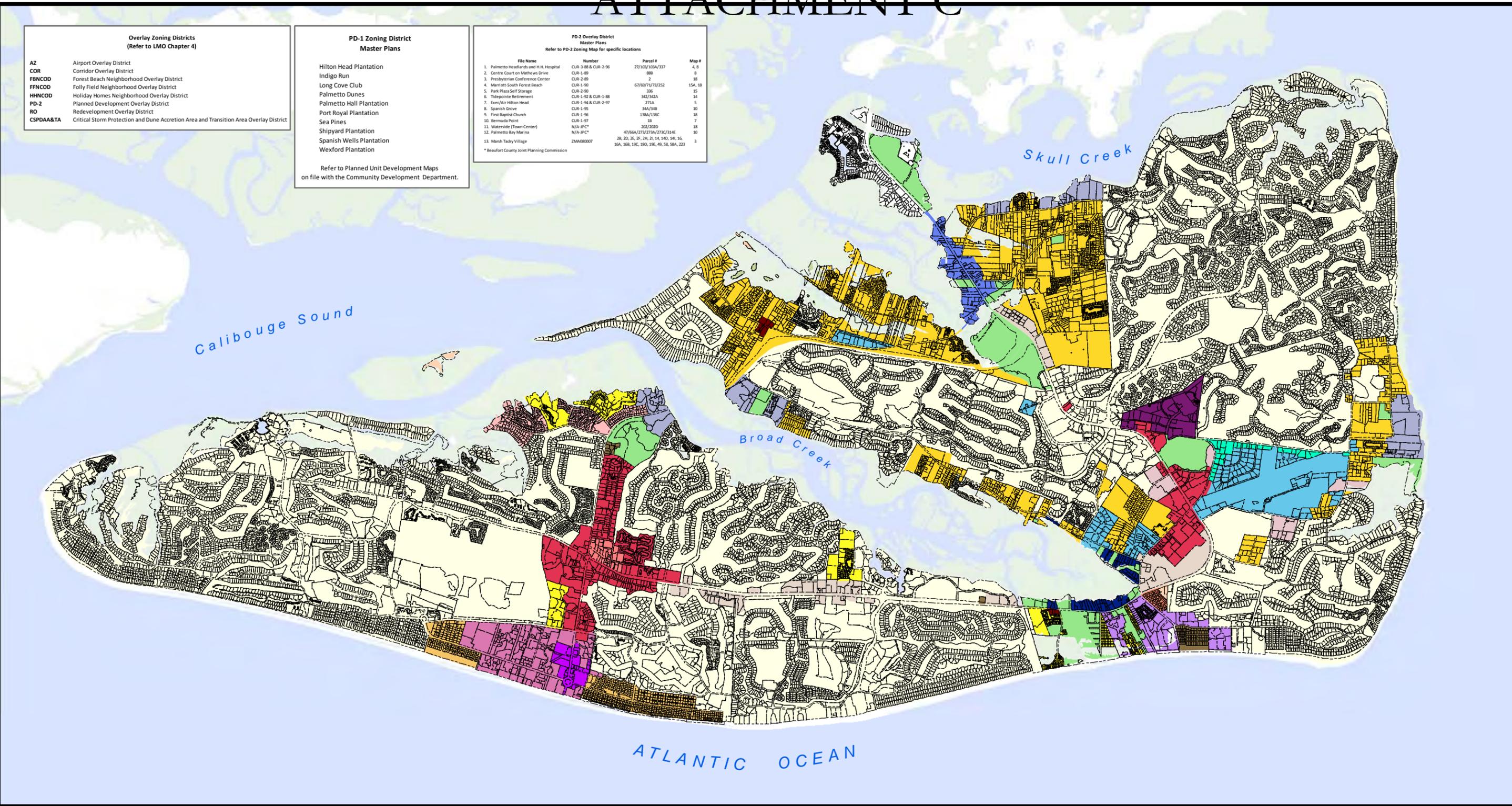
Overlay Zoning Districts (Refer to LMO Chapter 4)	
AZ	Airport Overlay District
COR	Corridor Overlay District
FBNCOD	Forest Beach Neighborhood Overlay District
FFNCOD	Folly Field Neighborhood Overlay District
HHNCOD	Holiday Homes Neighborhood Overlay District
PD-2	Planned Development Overlay District
RO	Redevelopment Overlay District
CSPDAA&TA	Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District

PD-1 Zoning District Master Plans	
Hilton Head Plantation	
Indigo Run	
Long Cove Club	
Palmetto Dunes	
Palmetto Hall Plantation	
Port Royal Plantation	
Sea Pines	
Shipyard Plantation	
Spanish Wells Plantation	
Wexford Plantation	

Refer to Planned Unit Development Maps on file with the Community Development Department.

PD-2 Overlay District Master Plans			
Refer to PD-2 Zoning Map for specific locations			
File Name	Number	Parcel #	Map #
1. Palmetto Headlands and H.H. Hospital	CUR-3-88 & CUR-2-96	27/103/103A/337	4, 8
2. Centre Court on Mathews Drive	CUR-1-89	888	8
3. Presbyterian Conference Center	CUR-2-89	2	18
4. Marriott South Forest Beach	CUR-1-90	67/68/71/72/252	15A, 18
5. Park Plaza Self Storage	CUR-2-90	336	15
6. Tidewater Retirement	CUR-1-92 & CUR-1-88	142/142A	14
7. Exec/Air Hilton Head	CUR-1-94 & CUR-2-97	271A	5
8. Spanish Grove	CUR-1-95	14A/14B	10
9. First Baptist Church	CUR-1-96	138A/138C	18
10. Bermuda Point	CUR-1-97	18	7
11. Waterside (Town Center)	N/A-SPC*	202/203	18
12. Palmetto Bay Marina	N/A-SPC*	47/66A/27/27A/27B/27C/3146	10
13. Marsh Tacky Village	ZMA08007	28, 29, 30, 31, 34, 35, 14, 140, 141, 15, 16A, 16B, 15C, 15D, 15E, 45, 58, 58A, 223	3

* Beaufort County Joint Planning Commission



Town of Hilton Head Island OFFICIAL ZONING DISTRICT MAP

Effective Date*: July 21, 1998
Last Update**: June 15, 2010

* Effective Date is the most recent date the entire Zoning Map was adopted by Town Council.
** Last Update date is the most recent date any amendments to the Zoning District Map were adopted by Town Council.

1 inch = 4,500 feet



<p>RESIDENTIAL ZONING DISTRICTS</p> <ul style="list-style-type: none"> RS-2 SINGLE FAMILY RS-3 SINGLE FAMILY RS-4 SINGLE FAMILY RS-5 SINGLE FAMILY RS-6 SINGLE FAMILY RM-4 LOW TO MODERATE DENSITY RM-8 MODERATE DENSITY RM-12 MODERATE TO HIGH DENSITY 	<p>COMMERCIAL ZONING DISTRICTS</p> <ul style="list-style-type: none"> OL OFFICE/INSTITUTIONAL LOW DENSITY OM OFFICE/INSTITUTIONAL MODERATE DENSITY OCIL OFFICE LIGHT COMMERCIAL LIGHT INDUSTRIAL NC NEIGHBORHOOD COMMERCIAL CC COMMERCIAL CENTER IL LIGHT INDUSTRIAL COMMERCIAL DISTRIBUTION DCW DUNNAGANS COMMERCIAL WALKING CCW COLIGNY COMMERCIAL WALKING 	<p>MIXED USE ZONING DISTRICTS</p> <ul style="list-style-type: none"> PD-1 PLANNED DEVELOPMENT MMU MARSHFRONT MIXED USE SMU STONEY MIXED USE WMU WATER-ORIENTED MIXED USE <p>RESORT DEVELOPMENT ZONING DISTRICTS</p> <ul style="list-style-type: none"> CFB CENTRAL FOREST BEACH RD RESORT DEVELOPMENT 	<p>OTHER ZONING DISTRICTS</p> <ul style="list-style-type: none"> PR PARKS, RECREATION AND PUBLIC FACILITIES CON CONSERVATION
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The upland boundary of the Conservation Zoning District corresponds to the OCRM Critical Line and therefore, is approximately co-terminus with all tidal wetlands and the upland boundary of the beach as defined in Section 8-1-112 of the Municipal Code and extends outward to the Town Jurisdictional Boundary as defined within Section 2-1-20 of the Municipal Code of the Town of Hilton Head Island, South Carolina. (Reference: LMO Section 15-4-203, Conservation District)

ATTACHMENT D

October 14, 2010

Community Development Department
One Town Center Court
Hilton Head Island SC29928

This letter is a request for rezoning two lots located at 2 and 4 Marina Side Drive, Hilton Head Island SC, shown on the plat attached. The current zoning is OL (Office Institutional Low Intensity). The request is to change to CC (Commercial Center).

A. Consistency with the Comprehensive Plan. This request for a zoning change to CC is consistent with the Comprehensive Plan. The request is for the property to be zoned CC is more in keeping with the commercial uses in the surrounding William Hilton Parkway area. The CC use fits the Comprehensive Plan's objective of having commercial property situated where it serves the Island residence and guests in a safe and efficient manner

The property at 2 Marina Side Drive was redeveloped within the last two (2) years by the owner prior to his death. The redevelopment significantly improved a long vacant run down restaurant to a Verizon store that is esthetically pleasing and adds to the commercial character of the surrounding properties.

The Land Use component of the Comprehensive Plan states that infill development in the commercial context should be a focus for future development. This rezoning request would allow that to happen. The Comprehensive Plan further indicates current zoning classifications should be reviewed and revisions made where necessary.

B. Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood. Surrounding properties include the Hilton Head Diner, a self-storage facility, and a miniature golf course. Across William Hilton Parkway is a gas/convenience store. Rezoning the subject parcels to CC would be in total compliance with the neighborhood.

Both lots lend themselves to CC zoning which is more consistent with that of surrounding properties. It is the highest and best zoning for use since it would produce a higher value in employment and tax revenues. There are three accesses from William Hilton Parkway, Marina Side Drive North and South and Yacht Cove Drive this assists in maintaining limited traffic congestion which is consistent with the Comprehensive Plan.

C. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment. The Verizon Building, (2 Marina Side Drive) is an existing facility dealing in retail sales and service of cell phones, accessories and communication contracts. That use is consistent with CC

ATTACHMENT D

zoning. The property at 4 Marina Side Drive is vacant and is suitable for a CC zoning classification.

D. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment. The property at 2 Marina Side Drive is a 1 acre site with a 2,800 square ft building that is currently being leased to Verizon for retail sales and service. The property at 4 Marina Side Drive is a 1.34 acre vacant lot on William Hilton Parkway. The property at 4 Marina Side Drive is suitable for infill commercial development.

E. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment. There is currently a glut of empty office space on Hilton Head and rents have decreased in this economic climate. Including retail possibilities through rezoning will increase marketability. The rezoning will substantially increase the marketability of the property.

F. Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use. Documentation attached from Broad Creek Public Service District. The area has been developed for a number of years and storm water drainage is in and adequate. Water and sewer are available to the site. See attached.



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 PUBLIC PROJECT REVIEW

Case #	Name of Project or Development	Public Hearing Date
PPR100004	Indigo Run Pathway	December 15, 2010

Parcel Data or Location	Applicant
Along the Southeastern side of Indigo Run Drive between the Leg-O-Mutton traffic circle & Wentworth Place inside the Indigo Run community.	Wallace Milling Witmer, Jones, Keefer, Ltd. P.O. Box 3036 Hilton Head Island, SC 29928

Application Summary

Application for Public Project Review from the Indigo Run Community Owners Association to construct a multi-purpose pathway at the entrance of Indigo Run. The pathway will run along Indigo Run Drive between Wentworth Place and the Leg-O-Mutton traffic circle.

Staff Recommendation

Staff recommends the Planning Commission find this application to be compatible with the Town's Comprehensive Plan for location, character, and extent based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background

Indigo Run has identified the need for a multi-purpose pathway connection between the existing pathways inside the community to areas outside of the community. There are approximately 1,000 homes in Indigo Run and many people use existing pathways within Indigo Run to walk or bike to the gate of the community and nearby commercial areas. The pathway would connect to an existing path that currently ends at Wentworth Place. It would meander from Wentworth Place along the southeastern side of Indigo Run Drive to the Leg-O-Mutton traffic circle. The Town has pathways planned along Pembroke and Leg-O-Mutton that would ultimately link to William Hilton Parkway and Marshland Road. When combined with these projects the community will benefit from improved interconnectivity, as well as safety for pedestrians and cyclists.

Description of Project

The proposed pathway will be located along the southeastern side of Indigo Run Drive between Wentworth Place and the Leg-O-Mutton traffic circle, connecting Indigo Run's existing pathway system to areas outside the community. The pathway will be designed to match the existing asphalt multi-purpose pathways used by both Indigo Run and the Town. The path will meander along the roadside and the project will be designed with sensitivity to natural resources.

Location, Character, and Extent

LMO Section 16-3-1201. Applicability and Purpose

*The Planning Commission shall review any new street, structure, utility, square, park, or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, and make a determination of compatibility with the Comprehensive Plan for **location, character and extent.***

Summary of Facts and Conclusions of Law

Findings of Fact:

- Notice of the Public Project application was published in the Island Packet on November 7, 2010 as set forth in LMO 16-3-110 and 16-3-111.
- Notice of the Public Project Application was posted and mailed on November 1, 2010 as set forth in LMO 16-3-110 and 16-3-111.
- A public hearing will be held on December 15, 2010 as set forth in LMO 16-3-1204A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1204.

Conclusion of Law:

- The Public Project Review application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1204A.

Summary of Facts and Conclusions of Law, for the LOCATION, CHARACTER and EXTENT of the project

Findings of Fact:

The adopted Comprehensive Plan addresses the project in the following areas:

Community Facilities Element:

Goal 6.3 – Transportation Network

- D. The goal is to have a pathway network that provides for recreational opportunities as well as an alternative means of transportation to and on the Island.

Implementation Strategy 6.3 – Transportation Network

- C. Continue to expand the Island's pathway network.

Transportation Element:

Goal 9.4 – Multi-Use Pathways

- A. The goal is to expand the pathway network to provide pedestrians, bicyclists, and other users of non-motorized transit with a safe and efficient infrastructure to connect residential and tourist areas to schools, parks, commercial areas, and potential off-Island connections.

Implementation Strategy 9.4 – Multi-Use Pathways

- A. Expand the Island’s Multi-Use Pathway System to connect all appropriate land uses such as parks, schools, open spaces, and beach access facilities on the Island along with residential and commercial destinations.

Recreation Element:

Goal 10.4 - Pathways

- A. Continue improving and expanding the existing network of multi-use pathways throughout the Island enabling residents and visitors to access recreational areas, shopping centers, schools and businesses by non-motorized forms of transportation.

Implementation Strategy 10.4 – Pathways

- A. Continually make improvements to the existing pathway system and provide new pathway links.

Conclusions of Law:

For the **Location** of the project:

- Staff concludes that the project is compatible with the adopted Comprehensive Plan as described in the Community Facilities Element, Transportation Element, and Recreation Element for the location of this project.
- The proposed pathway will result in a 3,000 foot expansion to the Indigo Run pathway system. It will also link Indigo Run to future Town pathways that are planned for Leg-O-Mutton and Pembroke Drive.
- The pathway will be located in an existing transportation corridor and will provide the opportunity for alternative transportation and access to the community.

For the **Character** of the project:

- Staff concludes that the project is compatible with the adopted Comprehensive Plan as described in the Community Facilities Element, Transportation Element, and Recreation Element for the character of this project.
- The pathway is compatible with the residential and commercial land uses.
- The pathway will meander along side of the roadway consistent with the character of existing paths. It will be designed to minimize disturbance to existing natural resources.

For the **Extent** of the project:

- Staff concludes that the project is compatible with the adopted Comprehensive Plan as described in the Community Facilities Element, Transportation Element, and Recreation Element for the extent of this project.
- The proposed pathway will connect Wentworth Place, where the existing path ends, to Leg-O-Mutton traffic circle. This connection is a critical link that will connect Indigo Run into the Town’s pathway system. This will serve as the community’s primary pathway connection to the area, including access to William Hilton Parkway and Marshland Road. The pathway will increase recreational capacity of Indigo run’s pathway system, improve pedestrian safety and provide for an alternative transportation route to areas outside of the community.

LMO Official Determination

Determination: Staff determines that this application is compatible with the Comprehensive Plan for the location, character, and extent as based on the above Findings of Fact and Conclusions of Law.

Planning Commission Determination and Motion

The Planning Commission’s role is to determine if the application is compatible with the Comprehensive Plan for location, character, and extent.

PREPARED BY:

SF

Shea Farrar
Senior Planner

November 30, 2010

DATE

REVIEWED BY:

JL

Jayme Lopko, AICP
Senior Planner

November 30, 2010

DATE

REVIEWED BY:

TBL

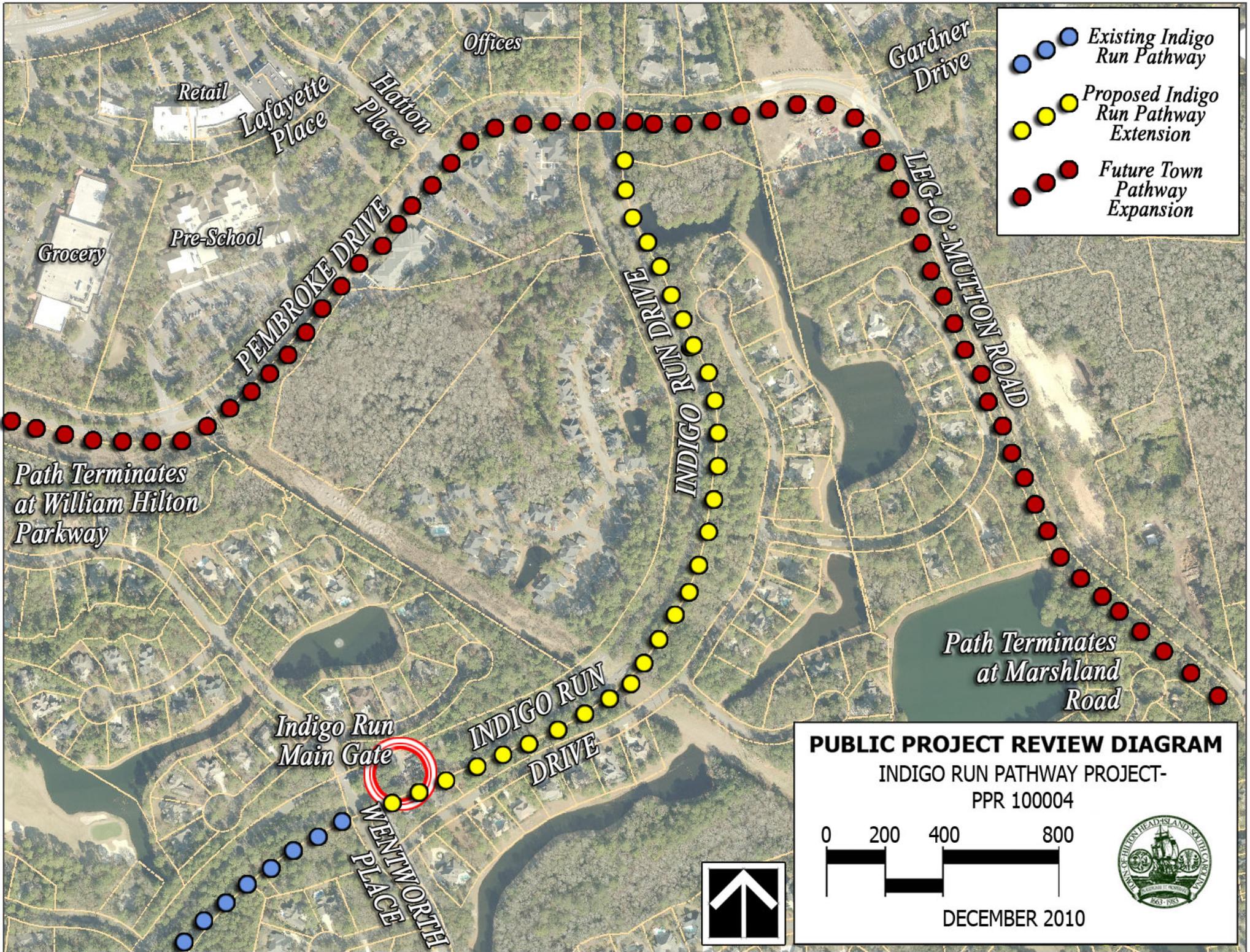
Teri B. Lewis, AICP
LMO Official

November 30, 2010

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant’s Materials



-  Existing Indigo Run Pathway
-  Proposed Indigo Run Pathway Extension
-  Future Town Pathway Expansion

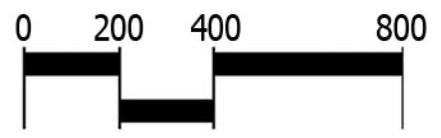
Path Terminates at William Hilton Parkway

Path Terminates at Marshland Road

Indigo Run Main Gate

PUBLIC PROJECT REVIEW DIAGRAM

INDIGO RUN PATHWAY PROJECT-
PPR 100004



DECEMBER 2010





Indigo Run Drive Bike Path Extension PPR Narrative

The Indigo Run Community Owners Association is proposing to extend approximately one half (0.5) mile of an 8 foot wide asphalt bike path on the north bound side of Indigo Run Drive from Wentworth Place (inside the Indigo Run Community Gate) to the traffic circle at Leg-o-mutton Drive (outside the Community gate).

The proposed path meets the goals set forth in **Section 9.4 Pathway Network** of the Town of Hilton Head Island Comprehensive Plan. It provides a safe route for pedestrian and bicycle traffic into and out of the main Indigo Run gate at Indigo Run Drive. This safe route will promote a healthy lifestyle for Indigo Run visitors and residents while reducing vehicular traffic on Indigo Run Drive by providing pedestrian access to nearby goods and services as well as Town of Hilton Head parks via future pathways.

The proposed bike path will be constructed to match the existing bike path on Indigo Run Drive as well as Town of Hilton Head Island bike paths. As with these paths, the proposed bike path will meander through existing vegetation and conform to existing topography in an effort to ensure the lightest touch possible on the natural landscape along Indigo Run Drive.

Sincerely,

Wallace Milling

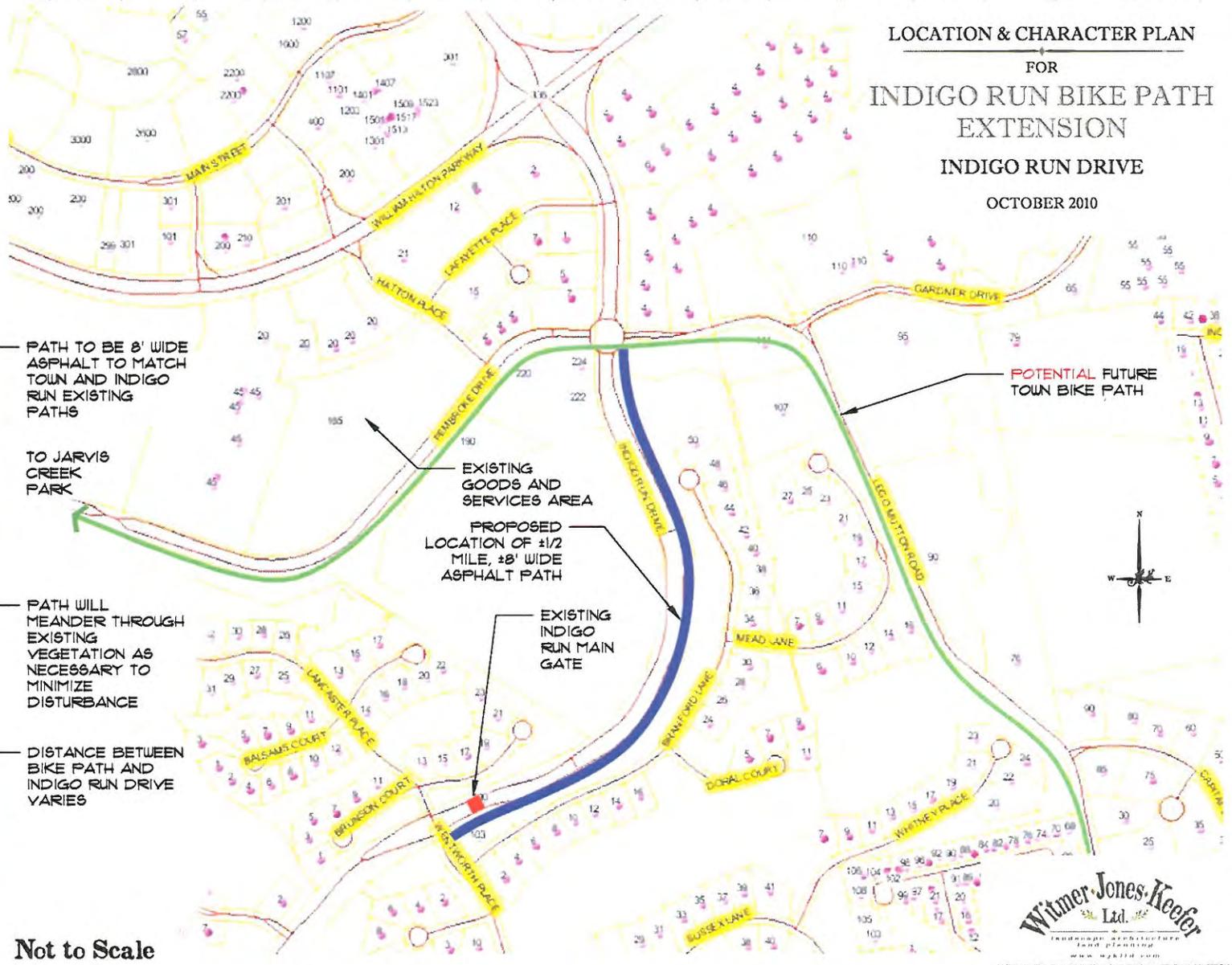
14A Palmetto Way
Bluffton, SC 29910
Tel: 843.757.7411

TOWN OF HILTON HEAD ISLAND EXISTING BIKE PATHS MAP



LOCATION & CHARACTER PLAN
 FOR
**INDIGO RUN BIKE PATH
 EXTENSION**
 INDIGO RUN DRIVE

OCTOBER 2010



PATH TO BE 8' WIDE ASPHALT TO MATCH TOWN AND INDIGO RUN EXISTING PATHS

TO JARVIS CREEK PARK

PATH WILL MEANDER THROUGH EXISTING VEGETATION AS NECESSARY TO MINIMIZE DISTURBANCE

DISTANCE BETWEEN BIKE PATH AND INDIGO RUN DRIVE VARIES

EXISTING GOODS AND SERVICES AREA

PROPOSED LOCATION OF ±1/2 MILE, ±8' WIDE ASPHALT PATH

EXISTING INDIGO RUN MAIN GATE

POTENTIAL FUTURE TOWN BIKE PATH

Not to Scale

Witmer Jones-Keefe
 Ltd.
 landscape architecture
 and planning
 www.wjkllc.com

14 Parkway Way, Suite A • Redwood, South Carolina • 29027 • tel 803 787 7111



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Nicole Dixon, *Senior Planner*
DATE: November 22, 2010
SUBJECT: Proposed Density Conversion LMO (Land Management Ordinance) Amendment

The proposed Amendments to LMO Section 16-4-1601, Density Standards Table and Section 16-4-1602, Bonus Densities, is attached for your review. The proposed amendments will allow an existing eating establishment or retail sales and service establishment that is accessory to and within an existing residential structure, to be converted to a residential unit.

It was the direction of the Planning Commission to not have an LMO Committee meeting for the proposed amendments.

Please contact me at 341-4686 or nicoled@hiltonheadislandsc.gov if you have any questions.

Staff Explanation: *In order to be more flexible for redevelopment opportunities, staff recommends adding language that will allow residential properties the ability to increase their density by use conversions. Staff is proposing to allow the use conversion in zoning districts within the adopted Tax Increment Financing districts, as these areas have been identified as targeted redevelopment areas. This amendment is supported by the following Town Council 2010 goals: having a Sustainable Town by Protecting Island Character and Stimulating Economic Investment and Rewriting the LMO to Reflect Community Expectations. This amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities.*

Sec. 16-4-1601. Density Standards Table

Maximum density in any District shall conform to the Table below unless use conversions are permitted to allow additional density or bonus densities are used as set forth in Sections 16-4-1602 and 16-4-1603.

Sec. 16-4-1602. Use Conversions

In order to promote flexibility in the following identified redevelopment areas: DCW, CC, CFB, CCW, WMU, MMU, RD, and SMU Zoning Districts, an existing eating establishment or retail sales and service establishment that is accessory to and within an existing residential structure may be converted to a residential unit or units upon the Administrator's determination that the development can support the required amount of parking. The alteration shall not expand beyond the footprint of the existing residential structure and shall not cause the structure to become nonconforming.

Sec. 16-4-1602~~3~~. Bonus Densities

Sec. 16-4-1603~~4~~. Maximum Site Density in PUDs

Sec. 16-4-1604~~5~~. Computation of Density for Lock-Out Room

Sec. 16-4-1605~~6~~. Maximum Impervious Coverage and Minimum Open Space

Sec. 16-4-1606~~7~~. Impervious Coverage in PD-1 District

Sec. 16-4-1607~~8~~. Open Space in PD-1 District



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Anne Cyran, *Senior Planner*
DATE: October 29, 2010
SUBJECT: Proposed Airport Runway Length Amendment

The proposed Amendment to LMO Section 16-4-1307, Aviation/Surface Passenger Terminal, is attached for your review. The proposed amendment will be discussed at the December 15, 2010 Planning Commission meeting.

Please contact me at 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions.

Staff Explanation: *At the Special Joint Session of Beaufort County Council and Town Council on October 27, 2010, Town Council approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet. Accordingly, staff is proposing to amend this section to change the allowable runway length from 4,300 linear feet to 5,000 linear feet. This amendment is supported by the Adopted 2010 Hilton Head Island Airport Master Plan, which recommends lengthening the existing runway.*

Sec. 16-4-1307. Aviation/Surface Passenger Terminal

The length of the runway is limited to ~~4,300~~ 5,000 linear feet.

PLANNING COMMISSION PROJECT UPDATE
4th Quarter 2010

Previously Reviewed Applications or Documents:

<i>Land Management Ordinance Amendments:</i>	<i>Status:</i>
<p><u>Auto Sales Amendment:</u> <u>Article XIII. Section 16-4-1305:</u> This reduces the separation requirement for auto sales facilities, eliminates the requirement of having direct access to a major or minor arterial road and requires a minimum lot size.</p>	<p>At the September 7, 2010 Town Council meeting, a motion to approve this amendment failed by a vote of 2-3-1.</p>
<p><u>Density Conversion Amendments:</u> <u>Article XVI. Sections 16-4-1601 and 16-4-1602:</u> This will allow residential properties in zoning districts within the existing Tax Increment Financing districts the ability to increase their density by use conversions.</p>	<ul style="list-style-type: none"> • PC public hearing: December 15, 2010 • P&DS: January 26, 2011 • TC 1st reading: • TC 2nd reading:
<p><u>Airport Amendment:</u> <u>Article XIII. Section 16-4-1307:</u> This will increase the allowable length of the runway from 4,300 linear feet to 5,000 linear feet.</p>	<ul style="list-style-type: none"> • PC public hearing: December 15, 2010 • P&DS: January 26, 2011 • TC 1st reading: • TC 2nd reading:

<i>Zoning Map Amendments:</i>	<i>Status:</i>
<p><u>ZMA090003</u> - Ms. Louanne C. LaRoche has requested to amend the Official Zoning Map by amending the Sea Pines Master Plan to add a Single-Family Residential use to a property that currently allows uses of Institutional and Recreational. The property is referred to as Parcel 'A' Cordillo Parkway and further identified on Beaufort County Tax Map 18 as parcel 218.</p>	<ul style="list-style-type: none"> • PC public hearing: December 15, 2010 • P&DS: January 26, 2011 • TC 1st reading: • TC 2nd reading:
<p><u>ZMA100007</u> - The Town of Hilton Head Island has received a request from Mr. Ernest Marchetti, on behalf of Karen Watson, proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 11, Parcels 161 and 166.</p>	<ul style="list-style-type: none"> • PC public hearing: December 15, 2010 • P&DS: January 26, 2011 • TC 1st reading: • TC 2nd reading:

PLANNING COMMISSION PROJECT UPDATE
4th Quarter 2010

<i>Public Project Review:</i>	<i>Status</i>
<p><u>PPR100001</u>- Application for Public Project Review from the Town of Hilton Head Island for restoration and stabilization to the Port Royal shoreline. These improvements will include restoring an area of eroding beach with sand fill from an offshore borrow site and stabilizing the area with a low crested groin to reduce future sand loss. The project area is located between the Westin Resort and the northeast tip of the Island and is approximately 5,400 linear feet of Atlantic Ocean shoreline.</p>	<ul style="list-style-type: none"> • This application was heard at the October 6th Planning Commission meeting. • The Commission voted unanimously that the application was compatible with the Town’s Comprehensive Plan with regard to location, character, and extent.
<p><u>PPR100002</u> - Application for Public Project Review from the Town of Hilton Head Island to construct a multi-use pathway in the Mathews Drive Tax Increment Financing (TIF) District. The pathway will run along the south side of William Hilton Parkway between Mathews Drive and Gardner Drive.</p>	<ul style="list-style-type: none"> • This application was heard at the November 3rd Planning Commission meeting. • The Commission voted unanimously that the application was compatible with the Town’s Comprehensive Plan with regard to location, character, and extent.
<p><u>PPR100003</u> - Application for Public Project Review from the Town of Hilton Head Island to construct a multi-use pathway in the Pope/Palmetto Area Tax Increment Financing (TIF) District. Beginning at Arrow Road, the pathway will run along south side of Dunnagans Alley, cross Dunnagans Alley, then continue on the north side of Palmetto Bay Road to Target Road.</p>	<ul style="list-style-type: none"> • This application was heard at the November 3rd Planning Commission meeting. • The Commission voted unanimously that the application was compatible with the Town’s Comprehensive Plan with regard to location, character, and extent.
<p><u>PPR100004</u> – Application for Public Project Review from the Indigo Run Community Owners Association to construct a multi-use pathway at the entrance of Indigo Run. The pathway will run along Indigo Run Drive between Wentworth Place and the Leg-O-Mutton traffic circle.</p>	<p>This application will be heard at the December 15th Planning Commission meeting.</p>

<i>Street Names:</i>	<i>Status:</i>
<p><u>Modified Street Name Request</u> - Sea Pines Plantation has applied to modify the name of the portion of Greenwood Drive that is accessed from Willow Oak Road. Properties affected by this application are addressed 251-275 Greenwood Drive. The proposed street name is Spruce Wood Lane.</p>	<p>This application was withdrawn.</p>

PLANNING COMMISSION PROJECT UPDATE
4th Quarter 2010

<p>Modified Street Name Request – William H Presnell, on behalf of Lowcountry Bank, has applied to modify the street name of Lost Way Manor located off of Jonesville Road. Properties affected by this application are parcels 936 through 947 and 87 on Beaufort County Tax Map 7. The proposed street name is Creek Cove Lane.</p>	<p>This item was postponed. It is scheduled to be heard on January 5, 2011.</p>
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<i>Appeals:</i>	<i>Status:</i>
<p>APL100006: Request for Appeal from Chester C. Williams on behalf of Ephesian Ventures, LLC. The Community Development Department issued a notice of action, approving the construction of a tabby walkway and brick areas at Edgewater on Broad Creek. The appellant contends that the Community Development Department erred in its decision to issue a notice of action and is requesting that the notice of action be declared void.</p>	<p>This item was postponed. It is scheduled to be heard on January 5, 2011.</p>

Issues for the Town:

<p>Property Maintenance Code</p>	<ul style="list-style-type: none"> • The Planning Commission gave comments on this Ordinance at their September 15, 2010 meeting. • At the November 17, 2010 Town Council meeting, a motion to approve the ordinance failed by a tie vote of 3-3.
<p>Mathews Drive Connectivity</p>	<ul style="list-style-type: none"> • Design in progress. • Proposed for construction in 2012.
<p>Public Guide to Development and Permitting</p>	<ul style="list-style-type: none"> • Staff is drafting a guidebook. • Anticipate release in Spring 2011.
<p>Southern Beaufort County Regional Plan</p>	<ul style="list-style-type: none"> • Staff has formed working groups with Beaufort and Jasper Counties along with Bluffton to work through the implementation strategies outlined in the plan and provide updates to the Implementation Committee. • Implementation Committee will meet on an as-needed basis.

Ongoing Capital Improvement Projects:

Pathways	Status
<p>New Orleans Pathways</p>	<p>Construction Complete.</p>
<p>Lagoon and Avocet Road Pathways</p>	<p>Construction Complete.</p>

PLANNING COMMISSION PROJECT UPDATE
4th Quarter 2010

William Hilton Parkway from Gardner Drive to Mathews Drive	Design in progress.
Dunnagans Alley Pathway	<ul style="list-style-type: none"> • Expedited Development Plan Review is under review. • In-house design underway, 90% complete. • Anticipated start of construction early 2011.
Drainage Improvements	
Squire Pope Road Drainage Project	<ul style="list-style-type: none"> • Under construction. • Target completion December 2010.
Roadway Improvements	
William Hilton Parkway Acceleration Lane at Coggins Point Road	Construction Complete.
Burkes Beach Road Turn Lane at US 278	Construction Complete.
Jarvis Park Road Right Turn Lane	Construction Complete.
Intersection Improvements Beach City Rd/278	Construction Complete.
Mathews Drive North – Roundabout @ Beach City and Pathway	<ul style="list-style-type: none"> • Expedited Development Plan Review approved. • Bids received November 2010. • Anticipated start of construction in January 2011.
Dunnagans Alley Roundabout	<ul style="list-style-type: none"> • Expedited Development Plan Review is under review. • Waiting for SCDOT permit. • Bids received November 2010. • Anticipated start of construction in January 2011.
Port Royal Miller Pond Dredging	<ul style="list-style-type: none"> • An Expedited Development Plan Review is under review. • Waiting for US Army Corp permit. • Out to bid November 2010. • Anticipated start of construction in January 2011.
Summit Drive Realignment	<ul style="list-style-type: none"> • Waiting for funding from County.
Ground Mounted Street Name Sign Installations / Replacements	<ul style="list-style-type: none"> • Phase one 45 of 60 signs installed. • Phase two number and location of signs under discussion.
Honey Horn Access Improvements	<ul style="list-style-type: none"> • Engineering firm selected. • Contract under negotiation.
New Orleans Turn Lane/Long Cove Pathway	<ul style="list-style-type: none"> • Preliminary in-house design underway. • Anticipated start of construction Spring 2011.
Park Development	
None	NA

PLANNING COMMISSION PROJECT UPDATE
4th Quarter 2010

Existing Facilities and Infrastructure	
Fire Station #1	<ul style="list-style-type: none"> • Demolition is complete. • Project under construction. • Target Completion Fall of 2011.
Power Line Burials	
	(Not CIP funded but included for update.)
<ul style="list-style-type: none"> • Marshland Road (Marshland Road to Store All) • Namon Road Project • Evalina Road • Automobile Place • Arrow Road • Spanish Wells Road feeder • South Forest Beach • Holmes Lane • US 278 – Four Seasons to Palmetto Dunes entrance • Sea Pines – last phase from CSA office to front gate • Hudson’s • Driessen Hill • Dunnagans Alley • Muddy Creek/Bryan Road • Barnwell Property/Mobile Home Park • Otter Hole Trailer Park • Ola Sunday MH Park 	<ul style="list-style-type: none"> • 60% Complete (100% complete) • 100% Complete (Inc. Simmons Rd) • 50% Complete • 25% Complete • 100% Complete • 10% Complete • Started 10/2010 (incl. 58 conversions) • Complete • Start 2/2011 • 98% Complete – Start 3/2011 • Start 1/2011 • Start 4/2011 • Start 1/2011 • Collecting Easements (start 4/2011) • Collecting Easements (start 2011) • Collecting Easements (start 2011) • Collecting Easements (start 2011)
New Facilities and Infrastructure	
Emergency Access Gates	<ul style="list-style-type: none"> • Expedited Development Plan Reviews are under review for Palmetto Hall and Port Royal gates. • In-house design complete for Palmetto Hall & Port Royal gates. • Waiting for SCDOT & OCRM permits. • Waiting for surveys for Wexford & Hilton Head Plantation gates.
Dispatch/F&R Computer Systems Upgrades	Ongoing.
Beach Maintenance	
Dune Refurbishment	Ongoing.
Port Royal Beach Renourishment	<ul style="list-style-type: none"> • Expedited Development Plan Review is under review. • Waiting for US Army Corp permit. • Anticipated start of construction in Winter/Spring 2011. • Winter piping plover study underway.