



**Town of Hilton Head Island  
Regular Planning Commission Meeting  
Wednesday, February 16, 2011  
3:00 p.m. Benjamin M. Racusin Council Chambers  
AGENDA**

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

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Freedom of Information Act Compliance**  
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
5. **Approval of Agenda**
6. **Approval of Minutes** – January 5, 2011 and January 19, 2011
7. **Appearance by Citizens on Items Unrelated to Today's Agenda**
8. **New Business**  
**Public Hearing**  
**ZMA100009:** The Town of Hilton Head Island is proposing to amend the Official Zoning Map for portions of the IL, Light Industrial and OL, Office/Institutional Low Density Zoning Districts, by changing the zoning designation of five properties in the area of the Mathews Drive and Marshland Road intersection. These parcels are further identified on Beaufort County Tax Map 8 as Parcels 11H and 217 and on Tax Map 8A as 104, 106 and 108. The properties will be rezoned to CC, Commercial Center Zoning District. These changes may affect your rights as an owner of land. *Presented by: Anne Cyran*
9. **Commission Business**
10. **Chairman's Report**
11. **Committee Reports**
12. **Staff Reports**
13. **Adjournment**

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

1 **TOWN OF HILTON HEAD ISLAND**  
2 **Planning Commission**  
3 **Minutes of the Wednesday, January 5, 2011 Meeting**  
4 **9:00a.m. – Benjamin M. Racusin Council Chambers**

**REVISED**  
**DRAFT**

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

10  
11 Commissioners Absent: Therese Leary

12  
13 Town Council Present: Bill Ferguson

14  
15 Town Staff Present: David Cooler, Administrative Battalion Chief  
16 Shawn Colin, Comprehensive Planning Division Manager  
17 Mike Roan, Urban Design Administrator  
18 Jeff Buckalew, Town Engineer  
19 Teri Lewis, LMO Official  
20 Nicole Dixon, Senior Planner; Shea Farrar, Senior Planner  
21 Kathleen Carlin, Secretary & Administrative Assistant

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22  
23  
24 **1. CALL TO ORDER**

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

26  
27 **2. PLEDGE OF ALLEGIANCE TO THE FLAG**

28  
29 **3. ROLL CALL**

30  
31 **4. FREEDOM OF INFORMATION ACT**

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

34  
35 **5. APPROVAL OF THE AGENDA**

36 The agenda was **approved** as presented by general consent.

37  
38 **6. APPROVAL OF THE MINUTES**

39 The minutes of the December 15, 2010 meeting were **approved** as amended by general  
40 consent.

41  
42 **7. APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA**

43 None

44  
45 **8. UNFINISHED BUSINESS**

46 None

1  
2 **9. NEW BUSINESS**

3 **Public Meeting**

4 **APL100006:** Request for Appeal from Chester C. Williams on behalf of Ephesian Ventures,  
5 LLC. The Community Development Department issued a notice of action, approving the  
6 construction of a tabby walkway and brick areas at Edgewater on Broad Creek. The  
7 appellant contends that the Community Development Department erred in its decision to  
8 issue a notice of action and is requesting that the notice of action be declared void.

9 Chairman Vadnais stated that action on APL100006 has been postponed to the February 2,  
10 2011 meeting at 9:00a.m. For the record, Chairman Vadnais reported that he is having a  
11 great deal of difficulty placing this application on the Planning Commission's agenda.

12 Chairman Vadnais stated that he has expressed his reasons for his concern extensively with  
13 staff. Chairman Vadnais stated that he has been informed by staff that they have shared this  
14 information with the Town's attorney. Chairman Vadnais stated that he will be available to  
15 discuss this issue with anyone who may wish to discuss it with him immediately following  
16 today's meeting.

17  
18 **Public Hearing**

19 **STRNM100001:**

20 This application is a request to modify an existing street name. Mr. William H. Presnell, on  
21 behalf of Lowcountry Bank, has applied to modify the street name of Lost Way Manor,  
22 located off of Jonesville Road. The properties affected by this application are parcels 936  
23 through 947 and 87 on Beaufort County Tax Map 7. The proposed street name is Creek Cove  
24 Lane.

25  
26 Administrative Battalion Chief David Cooler made the presentation on behalf of staff. The  
27 staff recommended that the Planning Commission *approve* the Creek Cove Lane Modified  
28 Street Name Application based on the review criterion outlined in the Land Management  
29 Ordinance. The current name of the development is Wayward Cove and the current street  
30 name is Lost Way Manor. The residents have proposed to modify the street name in  
31 correlation with the surrounding area. The name Creek Cove Lane is related to the  
32 community's adjacent waterway, Jarvis Creek.

33  
34 Administrative Battalion Chief Cooler presented a visual review of the property and stated  
35 the required Findings of Fact and Conclusions of Law. The Planning Commission and the  
36 staff discussed the application. Following the discussion, Chairman Vadnais requested  
37 public comments.

38  
39 Applicant, Mr. William Presnell, on behalf of Lowcountry Bank, presented brief statements  
40 in support of the application. Following these comments, Chairman Vadnais stated that the  
41 public hearing for this application is closed.

42  
43 At the completion of the discussion, Chairman Vadnais requested that a **motion** be made that  
44 the Planning Commission **approves** Street Name Application, STRNM100001, as presented  
45 today by staff. Commissioner Quick made the **motion** as stated by Chairman Vadnais.  
46 Commissioner Young **seconded** the motion and the motion **passed** with a vote of 8-0-0.  
47  
48

1 **10. COMMISSION BUSINESS**

2 None

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4 **11. CHAIRMAN’S REPORT**

5 None

6

7 **12. COMMITTEE REPORTS**

8 Commissioner Quick, LMO Committee Chairperson, stated that all future proposed  
9 amendments to the Land Management Ordinance should be reviewed first by the LMO  
10 Committee before being reviewed by the entire Planning Commission. The LMO Committee  
11 will review the proposed amendments first and will then provide a recommendation to the  
12 full Planning Commission. Chairman Vadnais stated his agreement with Commissioner  
13 Quick’s policy on these reviews.

14

15 **13. STAFF REPORTS**

16 a. Quarterly Report - Mr. Shawn Colin requested comments or questions from the  
17 Planning Commission on the Quarterly Report and none were received.

18 b. Status Report on Unpaved Roads – Mr. Jeff Buckalew presented the requested  
19 update on the status of unpaved roads. Mr. Buckalew stated that a number of roads  
20 (including Ned Court, Jessica Drive, and Fish Haul Road) are scheduled to be paved  
21 by the County in Spring 2011.

22 Commissioner Young and Mr. Buckalew discussed plans for paving Fish Haul Road.  
23 Commissioner Young thanked the staff and complimented their efforts in making  
24 recent road improvements to the Mitchelville extension road.

25 c. Town Council Goals, Targets for Action, and Management Agenda – Mr. Shawn  
26 Colin made the presentation on behalf of staff. Mr. Colin briefly reviewed the  
27 Planning Commission’s list of priorities provided to Town Council for their  
28 consideration. Mr. Colin reviewed the Planning Commission’s list of priorities and  
29 goals in relationship to Town Council’s list of priorities and goals. There is a good  
30 deal of consistency between the two.

31 Mr. Colin stated that Mr. Mike Roan, Urban Design Administrator, will make the  
32 presentation on the proposed conceptual redevelopment of the Coligny area.

33 Mr. Roan stated that today’s presentation is for informational purposes only. Mr.  
34 Roan presented a visual review of the area and outlined a conceptual framework for  
35 public and private investment in the redevelopment of the Coligny area.

36 Mr. Roan’s presentation included the reconfiguration of the infrastructure, land and  
37 density based incentives provided by the Town, and the creation of a cohesive district  
38 as requested by Town Council.

39 The Planning Commission and Mr. Roan discussed the potential provision for  
40 including residential development in the proposal. The Planning Commission and Mr.  
41 Roan discussed potential next steps.

42 The Planning Commission reported their strong support for pursuing the conceptual  
43 proposal as presented by the staff today. The Planning Commission stated that they

1 look forward to being involved in future public hearings on this project with  
2 presentation to be in a similar manner as the Comprehensive Plan. The Planning  
3 Commission thanked Mr. Roan for his excellent presentation.

4 Because this issue did not appear as a business item on today's agenda, the Planning  
5 Commission cannot vote on the item. Chairman Vadnais stated that there will be  
6 several public meetings in the future on the conceptual redevelopment of the Coligny  
7 area.

8 At completion of the discussion Vice Chairman Warden recommended that the  
9 "Planning Commission go on record and inform Town Council that having received a  
10 presentation on the conceptual plan for the redevelopment of the Coligny area, the  
11 Planning Commission wishes to convey to them our support for pursuing this and our  
12 willingness as a body to be involved in future public hearings on this project."

13 Chairman Vadnais agreed with Vice Chairman Warden's statements and  
14 recommended that the project be presented in a similar manner as the Comprehensive  
15 Plan. The Planning Commission unanimously agreed with these recommendations.

16  
17 **14. ADJOURNMENT**

18 The meeting was adjourned at 10:25a.m.  
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21  
22 Submitted By:

Approved By:

23  
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25 \_\_\_\_\_  
26 Kathleen Carlin  
27 Administrative Assistant

\_\_\_\_\_

Al Vadnais  
Chairman

1  
2 **TOWN OF HILTON HEAD ISLAND**  
3 **Planning Commission**

4 **Minutes of the Wednesday, January 19, 2011 Meeting** **DRAFT**  
5 **3:00p.m. – Benjamin M. Racusin Council Chambers**  
6  
7

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

10  
11 Commissioners Absent: Therese Leary and Tom Lennox

12  
13 Town Council Present: None

14  
15 Town Staff Present: Nicole Dixon, Senior Planner;  
16 Jayme Lopko, Senior Planner & Planning Commission Coordinator  
17 Teri Lewis, LMO Administrator  
18 Heather Colin, Development Review Administrator  
19 Kathleen Carlin, Secretary & Administrative Assistant  
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23 **1. CALL TO ORDER**

24 Chairman Vadnais called the meeting to order at 3:00p.m.  
25

26 **2. PLEDGE OF ALLEGIANCE TO THE FLAG**  
27

28 **3. ROLL CALL**  
29

30 **4. FREEDOM OF INFORMATION ACT**

31 Public notification of this meeting has been published, posted and mailed in compliance with  
32 the Freedom of Information Act and the Town of Hilton Head Island requirements.  
33

34 **5. APPROVAL OF THE AGENDA**

35 The agenda was **approved** as presented by general consent.  
36

37 **6. APPROVAL OF THE MINUTES**

38 Chairman Vadnais reported his concern with the accuracy of the January 5, 2011 Planning  
39 Commission meeting minutes. Approval of the minutes is deferred to the next meeting.  
40

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

42 None  
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44 **8. UNFINISHED BUSINESS**

45 None  
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1  
2 **9. NEW BUSINESS**  
3 **Public Hearing**

4 **ZMA100008**: Mr. Jay Sanders of American Tower Corporation has requested to amend the  
5 Official Zoning Map by amending the Indigo Run Master Plan to add Telecommunications  
6 Facilities as a permitted use on the property located at 1001 Marshland Road. The property  
7 is currently zoned PD-1 within the Indigo Run Master Plan and assigned land uses of  
8 Residential and Private & Semi-Private Recreation. The property is referred to Fire Station  
9 # 7 and is further identified on Beaufort County Tax Map 11, Parcel 276.

10 Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the  
11 Planning Commission find this application to be consistent with the Town’s Comprehensive  
12 Plan and does serve to carry out the purposes of the Land Management Ordinance (LMO),  
13 based on the Findings of Facts and Conclusions of Law as determined by the LMO Official.  
14

15 Ms. Dixon stated that the applicant is proposing to amend the Indigo Run Master Plan to add  
16 “Telecommunications Facility” as a permitted land use on Parcel B-1. The property currently  
17 has assigned land uses of “Residential” and “Private & Semi-Private Recreation”. According  
18 to LMO Section 16-4-209, in the PD-1 district, a Telecommunications Facility is a use that is  
19 restricted to locations where the Town-approved master plan or master plan text specifically  
20 states such use is permitted. Because the master plan does not list Telecommunications  
21 Facility as an assigned land use on the subject property, the applicant has requested a  
22 rezoning.  
23

24 The applicant states that the proposed application is in conformance with the Comprehensive  
25 Plan and other Zoning Map Amendment criteria because a new telecommunications facility  
26 will improve cell phone and E911 coverage on the Island in areas where it is lacking in what  
27 is referred to as “cold” spots in the Comprehensive Plan. The proposed tower will be located  
28 in an area with natural vegetation to act as a buffer and screen it from adjacent properties and  
29 will be in compliance with all LMO regulations.  
30

31 Fire Station #7 is currently located on the subject property. The new telecommunications  
32 facility will be located within a wooded area on the parcel so that it is heavily screened with  
33 vegetation. The property is surrounded by the Cross Island Parkway, Marshland Road and  
34 single family residential lots within Indigo Run.  
35

36 The proposed 140 foot tower would be built for AT&T Mobility to provide residential  
37 coverage to Spanish Wells and portions of Indigo Run. The Town’s Fire & Rescue  
38 Department will also have space on the tower available to them for their communication  
39 equipment to increase communication coverage in this area. The tower will not be lighted.  
40

41 Following the staff’s presentation, Mr. Jay Sanders, applicant, presented statements in  
42 support of the application. The Planning Commission discussed several issues with the  
43 applicant including the tower’s compatibility with other providers and frequency level. The  
44 Planning Commission reported the importance of the tower to the Island.  
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1 Following this discussion, Chairman Vadnais requested comments from the public and none  
2 were received. Chairman Vadnais stated that the public hearing for this item is closed.  
3

4 Following final comments by the Planning Commission, Chairman Vadnais requested a  
5 **motion** finding that ZMA100008 is consistent with the Town's Comprehensive Plan and  
6 serves to carry out the purposes of the Land Management Ordinance. Commissioner Ennis  
7 made the motion as stated. Commissioner Quick **seconded** the motion and the motion **passed**  
8 with a vote of 7-0-0.  
9

10 **10. COMMISSION BUSINESS**

11 None  
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13 **11. CHAIRMAN'S REPORT**

14 Chairman Vadnais presented statements regarding the Planning Commission's previous  
15 approval of the amendment to the LMO concerning the extension of the airport runway  
16 (Planning Commission meeting on January 5, 2011).

17 Chairman Vadnais stated that Commissioner Ennis was opposed to the Planning  
18 Commission's approval of that amendment due to his concerns with the potential conflict  
19 between LMO Sec. 16-4-403 and the one just approved, LMO Sec. 16-4-1307. Based partly  
20 on these concerns, Chairman Vadnais recommended that the LMO Committee schedule a  
21 meeting with staff for the purposes of studying the existing and proposed language of the  
22 LMO. The language needs to be made clear and more consistent.

23 Chairman Vadnais also recommended that the LMO Committee consider additional  
24 clarification on the issue of a master plan or land use plan for Hilton Head Island.

25 The staff will contact Commissioner Quick to make the LMO Committee meeting  
26 arrangements.  
27

28 **12. COMMITTEE REPORTS**

29 None  
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31 **13. STAFF REPORTS**

32 None  
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34 **14. ADJOURNMENT**

35 The meeting was adjourned at 3:15p.m.  
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37

38 Submitted By:

Approved By:

39  
40 \_\_\_\_\_  
41 Kathleen Carlin

\_\_\_\_\_

42 Administrative Assistant

Al Vadnais  
Chairman



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

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

**STAFF REPORT  
ZONING MAP AMENDMENT**

Case #	Name of Project	Public Hearing Date
ZMA100009	Mathews Drive/Marshland Road Area Rezoning	February 16, 2011

Parcel Data or Location	Applicant
<u>Effected Parcels</u> R511 008 000 011H 0000 R511 008 000 0217 0000 R511 008 00A 0104 0000 R511 008 00A 0106 0000 R511 008 00A 0108 0000  <u>Existing Zoning District</u> Parcel 104: Office/Institutional Low Density (OL) Parcels 11H, 217, 106 & 108: Light Industrial (IL)  <u>Proposed Zoning District</u> Commercial Center (CC)	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928

Application Summary
<p>The Town of Hilton Head Island is proposing to amend the Official Zoning Map for portions of the IL, Light Industrial, and OL, Office/Institutional Low Density Zoning Districts, by changing the zoning designation of five properties in the area of the Mathews Drive and Marshland Road intersection.</p> <p>The purpose of the rezoning is to bring these properties into greater compliance with the Land Management Ordinance (LMO) and to formalize the existing commercial nature of these street-front properties in the Mathews Drive/Marshland Road area.</p> <p>For a detailed list of the changes in use that will result from this rezoning, see Attachment C, Use Table. Zoning district regulations and design standards are fully described in Chapters 4 and 5 of the LMO.</p>

**Staff Recommendation**

**Staff recommends that the Planning Commission find this application to be consistent with the Town’s Comprehensive Plan and does serve to carry out the purposes of the Land Management Ordinance (LMO), based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.**

**Background**

The parcels subject to the proposed rezoning are older, developed sites. All of the parcels were initially zoned for light industrial uses. The property addressed at 2 Marshland Road was rezoned in 2003 from IL to OL as a result of a request from the property owner, who found that the property couldn’t adequately function as a light industrial property. Each of the parcels has nonconforming site structures or features and four of the five properties have non-conforming uses, which are all commercial uses. The Town received a request from a property owner to rezone his parcel from OL to CC, a district that would allow greater flexibility in leasing space to tenants.

Staff examined this request and determined that, based on their existing uses; five parcels in the area would be more appropriately zoned in the Commercial Center (CC) Zoning District. The rezoning will bring these properties into greater compliance with the LMO without creating new nonconformities.

**Summary of Facts and Conclusions of Law**

**Findings of Facts**

- o Notice of the Application was published in the Island Packet on December 12, 2010 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
- o Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- o A public hearing will be held on February 16, 2011 as set forth in LMO 16-3-1504A.
- o The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

**Conclusion of Law**

- o The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111, 16-3-1502 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 16-3-1505.A)*

**Findings of Fact**

The Comprehensive Plan addresses this application in the following areas:

**Land Use Element:**

**An Implication for Nonconforming Parcels by Use**

Current zoning classifications should be reviewed along with the associated

regulations for each use. Areas that have high instances of nonconforming uses should be reviewed closely and revisions should be made where necessary. Creative alternatives to traditional zoning classifications should be considered, such as form based and smart codes to reflect current building and development trends that are indicative of our Island character.

**An Implication for Zoning Changes**

Future land use decisions and requests for zoning changes will be determined using the background information contained in this plan as well as the future land use map, currently represented by the Town’s Official Zoning Map.

**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 nonconforming 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.

**Implementation Strategy 8.8 – Nonconforming Parcels by Use**

- A. Evaluate the zoning districts or regulations of the districts when high concentrations of nonconforming properties by use exist to determine if amendments are appropriate.

**Implementation Strategy 8.10 – Zoning Changes**

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

**Conclusions of Law:**

- Staff concludes that this application is consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1505.A.
- Four of the subject properties are currently nonconforming for use. This rezoning will result in all parcels being conforming for use.
- This rezoning would provide an appropriate mix of land uses to meet the needs of the population and improve the quality of life on the Island.
- This rezoning would better meet market demands of this area since four of the five properties are already developed with commercial uses.

- This rezoning would focus the higher intensity land uses along minor arterial roadways that have available sewer connections to serve such uses.

**Summary of Facts and Conclusion of Law:**

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

**Findings of Fact:**

- The existing uses on the IL properties are: contractor’s office; flooring store; hardware store; and appliance store.
- The existing uses on the OL property include: massage therapy; fitness training; hydrotherapy; skincare services; physical therapy; psychotherapy; and family medical practice.
- Most of the uses on nearby properties are non-conforming. Conforming uses on nearby properties include: a gas station; a landscaper’s office; and single family residences.
- The neighborhood surrounding these properties contains a wide variety of uses which tend to be clustered into similar types. Mathews Drive contains a strip of commercial uses across from a pocket of single family residences. The intersection of Mathews Drive and Marshland Road has commercial uses on the west side, is undeveloped on the east side and contains single family residences on the south side.

**Conclusion of Law:**

- Staff concludes the properties subject to the proposed rezoning are not compatible with their present zoning, the conforming uses of nearby property or with the character of the neighborhood as set forth in LMO Section 16-3-1505.B. The parcels proposed for rezoning are clearly not light industrial or institutional in nature. Instead, they more closely meet the purpose of the Commercial Center (CC) zoning district. The neighborhood surrounding these properties contains a mix of uses; the proposed rezoning will formalize another area of commercial use in this area.

**Summary of Facts and Conclusion 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 16-3-1505.C)*

**Findings of Fact:**

- LMO Section 16-4-217 describes the purpose of the Commercial Center Zoning District is, “to provide for moderate to high intensity commercial development, especially office and general retail development.”
- The properties have frontage on minor arterial roads.

**Conclusion of Law:**

- Staff concludes that the affected properties are suitable for the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505.C. The subject properties are already developed with commercial uses, blend in with the commercial uses to the north and have direct access to minor arterial roads which accommodate the additional vehicle trips that commercial uses generate.

**Summary of Facts and Conclusion 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 16-3-1505.D)*

**Findings of Fact:**

- LMO Section 16-4-216 states the purpose of the Office/Institutional Low Density District is, “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.”
- LMO Section 16-4-218 states the purpose of the Light Industrial District is, “to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements.”
- The non-conforming uses are categorized as commercial uses per LMO Section 16-4-1204.
- The properties zoned IL are as little as 225 feet from the headwaters of Broad Creek.
- Several nearby properties are currently being used for single family residences.
- The Town’s recent investment of approximately \$8 million on roadway, pathways, landscaping, stormwater, utility and connectivity improvements in the Mathews Drive corridor is consistent with a high-activity residential and commercial district.

**Conclusion of Law:**

- Staff concludes that the affected properties are not suitable for the uses permitted by the IL and OL Zoning Districts as set forth in LMO Section 16-3-1505.D. The purpose statements for these districts state that these properties should be used for industrial services in large buildings or health services in offices with little traffic, but the current uses of the properties are mostly commercial. Industrial uses in particular are ill-suited on these properties because of their proximity to the environmentally sensitive headwaters of Broad Creek and to existing residential uses. The Town’s recent investment along Mathews Drive, which directly abuts three of these properties, suggests that these properties should be part of a commercial zoning district.

**Summary of Facts and Conclusion 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 16-3-1505.E):*

**Finding of Fact:**

- The CC Zoning District offers a greater number of permitted uses than the IL and OL Zoning Districts.
- Four of the properties currently have non-conforming uses which will become conforming if they are rezoned to CC.

**Conclusion of Law:**

- Staff concludes that the proposed application could increase the marketability of the properties as set forth in LMO Section 16-3-1505.E. A greater number of uses could

occupy the properties if they were rezoned to CC and, because their uses will become conforming, they will be easier to market.

**Summary of Facts and Conclusion of Law:**

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

**Findings of Fact:**

- o The subject properties are all developed with adequate stormwater facilities.
- o The properties at 2 Marshland Road, 4 Marshland Road and 6 Marshland Road are serviced with water and sewer by the Hilton Head Public Service District.
- o The properties at 132 Island Drive and 130 Mathews Drive are serviced with water by the Hilton Head Public Service District. These properties use septic tanks for sewer service.

**Conclusion of Law:**

- o Staff concludes that the properties have adequate water, sewer and stormwater facilities as set forth in LMO Section 16-3-1505.F. Although 132 Island Drive and 130 Mathews Drive are currently serviced by septic tanks, sewer service is available to these properties.

**LMO Official Determination**

**Determination:** Staff determines that this application is consistent with the Comprehensive Plan and does serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law 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:**

AC  
\_\_\_\_\_  
Anne Cyran, AICP  
*Senior Planner*

28 January 2011  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

TBL  
\_\_\_\_\_  
Teri B. Lewis, AICP  
*LMO Official*

28 January 2011  
\_\_\_\_\_  
DATE

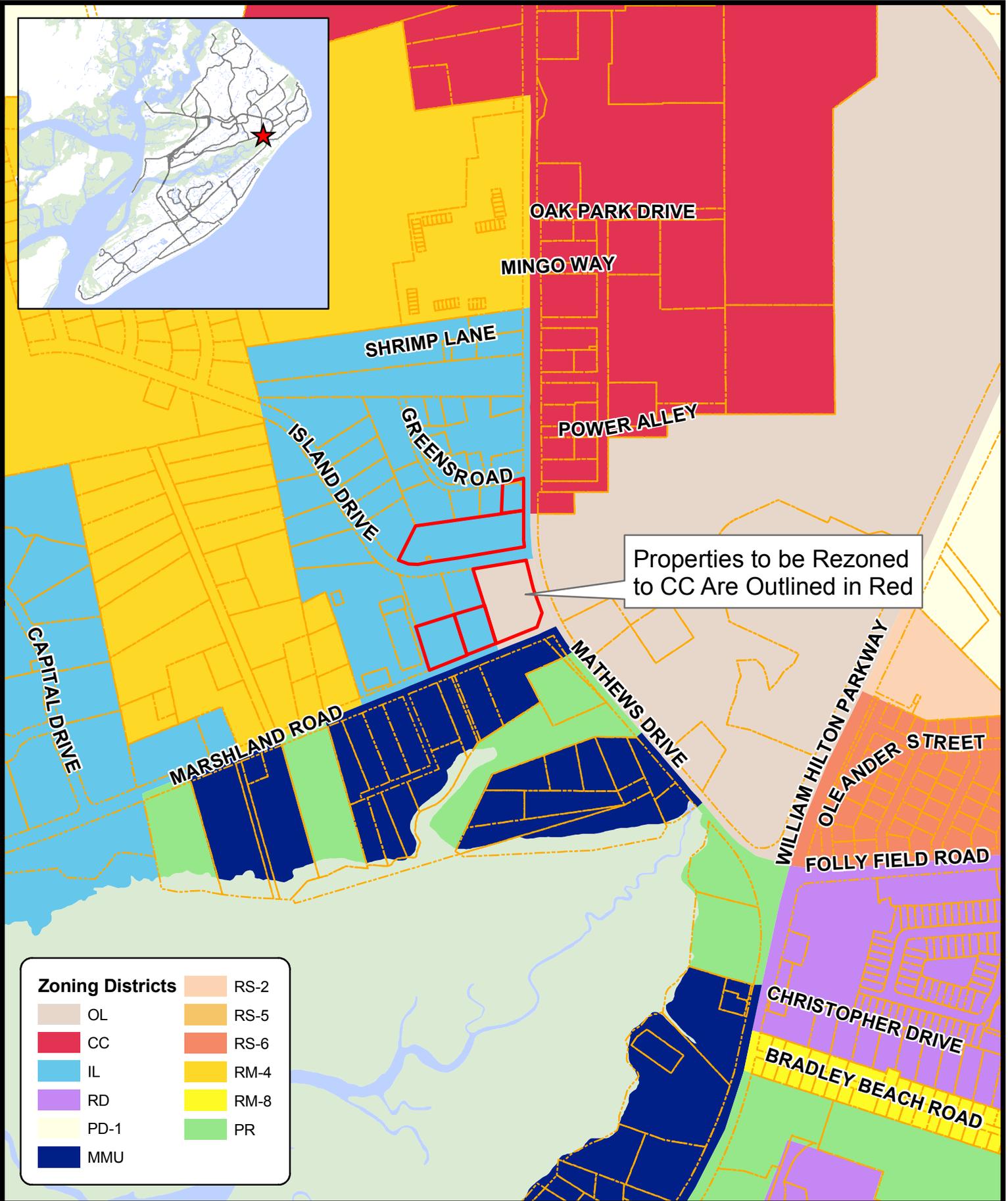
**REVIEWED BY:**

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

3 February 2011  
\_\_\_\_\_  
DATE

**ATTACHMENTS:**

- A) Vicinity Map
- B) Aerial Photo
- C) Use Table



Zoning Districts	
	OL
	CC
	IL
	RD
	PD-1
	MMU
	RS-2
	RS-5
	RS-6
	RM-4
	RM-8
	PR

### ZMA100009 Mathews & Marshland Rezoning

#### Vicinity Map Attachment A



  
**TOWN OF HILTON HEAD ISLAND**  
 ONE TOWN CENTER COURT  
 HILTON HEAD ISLAND, S.C. 29928  
 PHONE (843) 341-6000



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.



Properties to be Rezoned to CC Are Outlined in Red



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### Aerial Photo

### Attachment B



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ZMA100009 Mathews Drive/Marshland Road Area Rezoning  
Attachment C: Use Table

Specific Use	OL	IL	CC
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception			
<b>Residential Uses</b>			
<b>Household Living</b>			
Single Family	P		P
Multifamily Residential	PC		PC
Mixed Use	PC		PC
<b>Public and Civic Uses</b>			
Aviation/Surface Passenger Terminal		SE	
Community Service			P
Day Care	P		PC
<b>Educational Facilities</b>			
Colleges			P
Schools, Public or Private			P
Government Facilities	P	P	P
<b>Institutions</b>			
Religious Institutions	P	PC	P
Other Institutions	SE		SE
<b>Parks and Open Areas</b>			
Park, Community	SE		SE
Park, Linear	P		
Park, Mini	P		P
Park, Special Use			P
<b>Utilities</b>			
Major Utility	SE	P	SE
Minor Utility	P	P	P
Telecommunications Facility	PC	PC	PC
Waste Treatment Plant		SE	SE
<b>Commercial Uses</b>			
<b>Eating Establishments</b>			
With Drive-Thru			SE
With Seating, High Turnover	PC	PC	P
With Seating, Low Turnover	PC		P
Without Seating	PC	P	P
<b>Indoor Recreation/Entertainment</b>			
Indoor Recreation			SE
Indoor Entertainment			SE
<b>Office</b>			
Health Services Except Hospitals	P		P
Real Estate Sales/Rental	P		P
Other Offices	P		P

<b>Specific Use</b>	<b>OL</b>	<b>IL</b>	<b>CC</b>
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception			
<b>Commercial Uses</b>			
<b>Office (cont.)</b>			
Parking, Commercial			SE
<b>Resort Accommodation</b>			
RV Park			SE
<b>Retail Sales and Service</b>			
Adult Entertainment			SE
Bank or Financial Institution	PC		P
Bicycle Shop (with Outdoor Storage)			PC
Community Theater		PC	PC
Dance Studio		PC	PC
Convenience Store			PC
Department or Discount Store			PC
Funeral Home		P	P
Furniture Store		P	P
Hardware, Paint, Glass, Wallpaper or Flooring Store		P	P
Health Club or Spa			P
Kennel, Boarding		P	SE
Landscape Nursery		P	
Liquor Store			SE
Nightclub or Bar			PC
Shopping Center			PC
Souvenir or T-Shirt Store			PC
Supermarket			PC
Tattoo Facility			PC
Veterinary Hospital		P	PC
Watercraft Sales, Rental or Service		P	
Other Retail Sales or Service	SE		P
<b>Vehicle Sales and Services</b>			
Auto Rental		P	PC
Auto Repair		P	SE
Auto Sales		PC	PC
Car Wash		P	P
Gas Sales			SE
Taxicab Service		P	SE
Towing Service		P	SE
Truck or Trailer Rental		PC	
<b>Industrial Uses</b>			
Aviation Services		PC	
<b>Light Industrial Services</b>			
Contractor's Office		P	PC

<b>Specific Use</b>	<b>OL</b>	<b>IL</b>	<b>CC</b>
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception			
<b>Industrial Uses</b>			
<b>Light Industrial Uses</b>			
Other Light Industrial Service		P	SE
<b>Manufacturing and Production</b>			
Other Manufacturing and Production		P	
<b>Warehouse and Freight Movement</b>			
Moving and Storage		P	
Self-Service Storage		P	SE
Warehousing		P	
Waste Related Service		P	
<b>Wholesale Sales</b>			
Contractor's Materials		P	
Wholesale Business		P	SE
Wholesale Business with Accessory Retail Outlet		PC	SE
<b>Other Uses</b>			
Agriculture	P		