



**The Town of Hilton Head Island**  
**Regular Planning Commission Meeting**  
**Wednesday, September 7, 2011**  
**9:00 a.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. Presentation of Crystal Award to Outgoing Planning Commissioner Tom Crews**  
*There will be a Farewell Reception in honor of Mr. Crews immediately following today's meeting. The reception will be held in Council Chambers. Everyone is invited to attend.*
- 6. Approval of Agenda**
- 7. Approval of Minutes - Planning Commission Meeting July 20, 2011**
- 8. Appearance by Citizens on Items Unrelated to Today's Agenda**
- 9. Unfinished Business**  
None
- 10. New Business**
  - Public Hearing**  
**ZMA110002:** The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at 32 and 40 Marshland Road from the IL (Light Industrial) Zoning District to the RM-4 (Low to Moderate Density Residential) Zoning District. These parcels are further identified on Beaufort County Tax Map 8 as Parcels 8E and 410. *Presented by: Anne Cyran*
  - Public Hearing**  
**ZMA110003:** A request from Mr. Dale R. Johnson proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 841, 843 and 845 William Hilton Parkway from the OL (Office Institutional Low Intensity) Zoning District to the CC (Commercial Center) Zoning District. The properties are known as South Island Square and are further identified on Beaufort County Tax Map 11, Parcels 25, 25B and 25C. *Presented by: Nicole Dixon*

**Public Hearing**

**PPR110002:** Application for Public Project Review from the Town of Hilton Head Island to construct multi-use pathways along Leg O’Mutton Road, Pembroke Drive, and Gardner Drive. *Presented by: Shea Farrar*

**11. Commission Business**

**12. Chairman’s Report**

**13. Committee Reports**

**14. Staff Reports**

Status of Tolling Agreement - Application for Appeal APL100006

**15. Adjournment**

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

**\* Upcoming Planning Commission Meetings**

1. Regular Planning Commission Meeting – Wednesday, September 21st 3:00pm
2. LMO Rewrite Committee Meetings – Each Thursday afternoon at 1:00pm, except for September 8<sup>th</sup>. This meeting is canceled.
3. Comp Plan Committee Meetings – September 7<sup>th</sup> (immediately following PC mtg.)  
October 4<sup>th</sup> and October 11<sup>th</sup> at 9:00am

\* Please refer to the Town’s website for complete and up-to-date information on all Town meetings.

1 **THE TOWN OF HILTON HEAD ISLAND**  
2 **Planning Commission**  
3 **Minutes of the Wednesday, July 20, 2011 Meeting**  
4 **3:00p.m. – Benjamin M. Racusin Council Chambers**

**DRAFT**

5  
6  
7 Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox,  
8 David Bennett, Tom Crews, Jack Docherty, and Gail Quick

9  
10 Commissioners Absent: Terence Ennis and Therese Leary, Excused  
11 Charles Young

12  
13 Town Council Present: None

14  
15 Town Staff Present: Curtis Coltrane, Town Attorney; Brian Hulbert, Staff Attorney  
16 Trudie Johnson, Flood Plain Administrator; Shea Farrar, Senior Planner  
17 Jayme Lopko, Senior Planner & Planning Commission Coordinator  
18 Marcy Benson, Senior Grants Administrator  
19 Kathleen Carlin, Secretary & Administrative Assistant

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20  
21  
22 **1. CALL TO ORDER**

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

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

26  
27 **3. ROLL CALL**

28  
29 **4. FREEDOM OF INFORMATION ACT**

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

32  
33 **5. APPROVAL OF AGENDA**

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

35  
36 **6. APPROVAL OF MINUTES**

37 The minutes of the regular July 6, 2011 meeting were **approved** as amended by general  
38 consent.

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

41 None

42  
43 **8. UNFINISHED BUSINESS**

44 None

45

1 **9. NEW BUSINESS**

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

7 Chairman Warden stated that APL100006 is the first application for appeal appearing for  
8 review before the Planning Commission. The Planning Commission's review of an  
9 application for appeal is appropriate under Land Management Ordinance, Sec. 16-3-309.  
10 Chairman Warden stated the Planning Commission's procedure for the review of an  
11 application for appeal. The Chairman then requested that Chester C. Williams make his  
12 presentation on behalf of his client, Ephesian Ventures, LLC.

13 Chester C. Williams, Esq. stated that based on certain events occurring yesterday, Michael  
14 Mogil, Esq., who represents the Edgewater Homeowners Association, is requesting an  
15 opportunity to address the Planning Commission. Mr. Williams stated that he has no  
16 objections to this request. Following these comments, Chairman Warden requested that Mr.  
17 Mogil address the Planning Commission.

18 Mr. Michael Mogil stated that he represents the Edgewater on Broad Creek Owners  
19 Association and Horizontal Property Regime. Mr. Mogil stated that this application for  
20 appeal has been continued several times by tolling agreement between Mr. Williams' client,  
21 Ephesian Ventures, his own client, Edgewater on Broad Creek Owners Association, and the  
22 Town of Hilton Head Island.

23 Mr. Mogil stated that an action was filed yesterday by his client in Beaufort County Court of  
24 Common Pleas. The action for a declaratory judgment asks that the Court rule on all  
25 material issues involving the interpretation of the master deed which governs the relationship  
26 between Mr. Mogil's client and Mr. Williams' client.

27 Mr. Mogil stated that the issue, including whether or not Mr. Williams' client has the legal  
28 standing to object to development on Mr. Mogil's client's land, will be before the Common  
29 Pleas Court for interpretation. The issue before the Planning Commission is to decide  
30 whether or not the restrictive covenants in place allow for Mr. Williams' client to object to  
31 the issuance of the Notice of Action. Mr. Mogil stated that, if all parties agree, application  
32 for appeal, APL10006, should be continued until after the Court issues its ruling.

33 Chairman Warden requested that Mr. Williams respond to Mr. Mogil's request. Mr.  
34 Williams stated that he has no objections to the request for continuance. Mr. Williams stated  
35 that two grounds were alleged for voiding the Notice of Action: (1) the application was  
36 incomplete and, therefore, should not have been acted on (this is wholly outside of the issues  
37 having to do with the master deed); and (2) misinformation was provided in the application.  
38 The requested activity in the permit violates restrictive covenants contained in the master  
39 deed.

40 Chairman Warden and Mr. Williams discussed the extension of the tolling agreement. Mr.  
41 Williams and Mr. Mogil stated that they agree with extension of the tolling agreement.

42

1 Curtis Coltrane, Attorney for the Town, presented statements on behalf of the Town. Mr.  
2 Coltrane stated that the Town has no objections to Mr. Mogil's request for continuance. The  
3 primary dispute lies between these two parties with respect to the interpretation of the  
4 documents that set up the Edgewater Regime and the balance of the property owned by  
5 Ephesian Ventures, LLC. Having the matter resolved in Circuit Court leaves the two parties  
6 that actually have the issue between them, with the burden of resolving it.

7 Mr. Brian Hulbert, Staff Attorney, presented statements with regard to the Planning  
8 Commission's role in this matter. The decision as to whether or not to continue the appeal  
9 rests entirely with the Planning Commission. The Planning Commission is also charged with  
10 deciding if the application is complete or incomplete.

11 Following final comments by the Planning Commission, Chairman Warden stated the three  
12 options that the Planning Commission has in making their decision for discussion. Following  
13 the discussion, Chairman Warden requested that a motion be made.

14 Commissioner Quick made a **motion** for **continuance** of Application for Appeal,  
15 APL100006, based on timely submission of the executed tolling agreement. The continuance  
16 shall be until after the Court of Common Pleas issues a decision on the action filed by  
17 Edgewater Homeowners Association on July 19, 2011. Commissioner Docherty **seconded**  
18 the motion and the motion **passed** with a vote of 6-0-0.  
19

#### 20 **Public Hearing**

21 **Hazard Mitigation Plan:** Review of the Beaufort County Hazard Mitigation Plan and  
22 consideration for adoption as an appendix to the Comprehensive Plan. This Plan is an update  
23 to the current Hazard Mitigation Plan.  
24

25 Mrs. Trudie Johnson made the presentation on behalf of staff. Mrs. Johnson discussed the  
26 2009 update of the Beaufort County Hazard Mitigation Plan. The Comprehensive Planning  
27 Committee approved the Plan on June 15, 2011. Following approval by the Planning  
28 Commission, the Hazard Mitigation Plan will be forwarded to Town Council for adoption as  
29 an Appendix of the Comprehensive Plan of the Town of Hilton Head Island.  
30

31 Mrs. Johnson stated that Beaufort County and its incorporated communities prepared this  
32 Hazard Mitigation Plan to assess the communities' vulnerabilities to natural hazards, to  
33 prepare a long term strategy to address these hazards, and to prevent future damage and loss  
34 of life. This Plan was created through participation from county and municipal officials as  
35 well as residents and business owners. As such, it represents the community's consensus. The  
36 modified Plan has been approved by both State and Federal reviewing agencies.  
37

38 The 2009 update to the Beaufort County Hazard Mitigation Plan will replace the original  
39 Beaufort County Hazard Mitigation Plan prepared in 2004, as required by the Disaster  
40 Mitigation Act of 2000. The adoption of the updated 2009 Plan will fulfill the continuing  
41 requirements that qualify the Town of Hilton Head Island for FEMA pre-disaster mitigation  
42 grants, post disaster reconstruction assistance and continued participation in the Community  
43 Rating System. This completed Mrs. Johnson's presentation. Chairman Warden requested  
44 public comments on this item and none were received. Chairman Warden stated that the  
45 public hearing for this item is closed.  
46

1 Following final comments, Chairman Warden requested that a motion be made by Resolution  
2 that we recommend to the Town Council the adoption of the Hazard Mitigation Plan as an  
3 appendix to the Hilton Head Island Comprehensive Plan. Commissioner Crews made the  
4 **motion** as stated by Chairman Warden. Commissioner Quick **seconded** the motion and the  
5 motion **passed** with a vote of 6-0-0.  
6

7 **10. COMMISSION BUSINESS**

8 None  
9

10 **11. CHAIRMAN'S REPORT**

11 Chairman Warden reported that she and Vice Chairman Lennox met with senior staff earlier  
12 today to discuss future Planning Commission agendas.  
13

14 **12. COMMITTEE REPORTS**

15 None  
16

17 **13. STAFF REPORTS**

18 Update of Priority List to Town Council

19 Ms. Shea Farrar made the presentation on behalf of staff. The Planning Commission briefly  
20 reviewed a section that addresses obtainable housing in relationship to land use, economic  
21 development, and redevelopment. The Town is currently working with Habitat for Humanity  
22 on a project off of Marshland Road. Town Council is considering the donation of land to  
23 assist Habitat in this effort.

24 Separately, the Planning Commission inquired about the status of the burial of powerlines,  
25 particularly along William Hilton Parkway. Mrs. Jayme Lopko responded on behalf of staff.  
26 Staff will e-mail a memo and map of the Island which states the status and future plans for  
27 the burial of powerlines following today's meeting.

28 Ms. Marcy Benson, Senior Grants Administrator, reported that updated Town of Hilton Head  
29 Island wallet cards will be provided to the Planning Commission as soon as they are  
30 available. The staff has been waiting for updated census information.

31 Lastly, Mrs. Lopko stated that the staff has no agenda items for the next Planning  
32 Commission meeting on Wednesday, August 3<sup>rd</sup>. Chairman Warden approved the  
33 cancellation of this meeting. The next regularly scheduled Planning Commission meeting is  
34 Wednesday, August 17, 2011 at 3:00pm.  
35

36 **14. ADJOURNMENT**

37 The meeting was adjourned at 4:00pm.  
38

39 Submitted By:

Approved By:

40 \_\_\_\_\_  
41  
42 Kathleen Carlin  
43 Administrative Assistant

\_\_\_\_\_

Loretta Warden  
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 or Development	Public Hearing Date
ZMA110002	Marshland Road Rezoning	September 7, 2011

Parcel Data or Location	Owners	Applicant
<u>Effected Parcels</u> R511 008 000 008E 0000, 40 Marshland Road R511 008 000 0410 0000, 32 Marshland Road  <u>Existing Zoning District</u> Light Industrial (IL)  <u>Proposed Zoning District</u> Low to Moderate Density Residential (RM-4)	Parcel 8E: Town of Hilton Head Island One Town Center Court Hilton Head Island SC 29928  Parcel 410: Alexandria A. Patterson 1 Beachwood Dr Hilton Head Island SC 29928	Town of Hilton Head Island One Town Center Court Hilton Head Island SC 29928

**Application Summary**

The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties on Marshland Road from IL to RM-4. The purpose of the rezoning is to bring parcel 410 into greater compliance with the Land Management Ordinance (LMO) and to make both parcels' zoning compatible with the surrounding zoning and uses.

The only existing development on the subject parcels is a single family home, which is a legally non-conforming use. The home would become a conforming use if the property is rezoned to the RM-4 Zoning District. 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.

**Staff Recommendation**

**Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and serves 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 parcels subject to the rezoning are both located in the IL Zoning District and are located on Marshland Road.

Parcel 8E (40 Marshland Road) is currently owned by the Town of Hilton Head Island. The Town purchased the parcel in 2001, and the property is currently undeveloped. It was previously used for storage by a construction company and by the Town as a staging area for construction projects. Town Council has approved a recommendation to include this parcel in a land swap with property owned by Henry Driessen off Alex Patterson Road.

Parcel 410 (36 Marshland Road) is owned by Alexandria Patterson. The property contains a 2,300 square foot single family home, which is a legally non-conforming use.

**Summary of Facts and Conclusions of Law**

**Findings of Fact**

1. Notice of the Application was published in the Island Packet on July 31, 2011 as set forth in LMO Sections 16-3-110 and 16-3-111.
2. Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
3. A public hearing will be held on September 7, 2011 as set forth in LMO Section 16-3-1504.A.
4. The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

**Conclusion of Law**

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

*As set forth in 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 16-3-1505.A)*

**Findings of Fact**

The adopted Comprehensive Plan addresses this project 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 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 8.8 – Nonconforming Parcels by Use**

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

**Conclusion of Law**

1. Staff concludes that this application is consistent with the adopted Comprehensive Plan, as set forth in LMO Section 16-3-1505.A. The proposed rezoning will increase the potential of development and redevelopment by making a non-conforming use conforming and by approving residential-oriented uses that are compatible with the surrounding neighborhood.

**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 16-3-1505.B)*

**Findings of Fact**

1. The subject parcels are on the edge of two zoning districts, the Light Industrial (IL) Zoning District and the Low to Moderate Density Residential (RM-4) Zoning District.
2. LMO Section 16-4-218 states the purpose of the IL Zoning District is, “To provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This district also provides for certain instructional and theatrical uses with similar space requirements.”
3. LMO Section 16-4-206 states the purpose of the RM-4 Zoning District is, “To protect and preserve the unique character of Native Islander areas and

neighborhoods at densities up to four (4) dwelling units per net acre. This district is used to encourage a variety of residential opportunities.”

4. LMO Section 16-4-1204, Use Table, lists conforming uses for each zoning district. For the IL Zoning District, conforming uses include government facilities, utilities, retail uses with significant storage needs (landscape nursery) or potential nuisances (kennel, veterinary hospital), car rental and repair, taxicab and towing services, contractor’s offices, manufacturing, warehouse and freight movement and wholesale sales. For the RM-4 Zoning district, conforming uses include single family, multifamily and manufactured housing, community service and day care, schools and government facilities, religious institutions, parks, minor utilities and agriculture.
5. The surrounding properties in the IL Zoning District are almost all accessed from Capital Business Drive. The parcels are generally large and average 1.6 acres in size. Most parcels are developed with either large buildings with no outdoor storage or small buildings with a large area devoted to outdoor storage. The uses include two landscape nurseries, several contractor’s offices, a flooring store, a printing shop, a sign manufacturer, warehousing and wholesale sales.
6. The surrounding properties in the RM-4 Zoning District are accessed from Alex Patterson Road and Junior Trace. The parcels are a mix of sizes ranging from 0.25 to 2.6 acres. About half of the parcels are developed with single family homes. The uses are exclusively residential.
7. Of the subject parcels, Parcel 8E is 1.6 acres and is currently undeveloped, and Parcel 410 is 0.6 acres with one single family home.

### **Conclusions of Law**

1. Staff concludes that Parcel 8E is compatible with the present zoning, the conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505.B for both the IL and RM-4 Zoning Districts. The parcel is compatible with the IL Zoning District because it is currently undeveloped and is large enough to accommodate light industrial uses. Also, it is directly adjacent to an existing light industrial development to the east. The parcel is compatible with the RM-4 Zoning District because it is currently undeveloped and is large enough to accommodate up to six single family residences. Also, it is directly adjacent to two existing single family homes.
2. Staff concludes that Parcel 410 is not compatible with the present zoning, is compatible with some the conforming uses of nearby property and is compatible with the character of one of the adjacent neighborhoods as set forth in LMO Section 16-3-1505.B. Parcel 410 is not compatible with the present IL zoning because is only 0.6 acres, which is too small to develop for a light industrial use. Parcel 410 is currently developed with a single family home, which is not compatible with the conforming IL uses nearby, but it is conforming with nearby conforming residential uses. Parcel 410 is not compatible with the character of nearby light industrial neighborhood, but it is compatible with the character of the adjacent residential neighborhood.

### **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 16-3-1505.C)*

**Findings of Fact**

- 1. LMO Section 16-4-206 states the purpose of the RM-4 Zoning District is, “To protect and preserve the unique character of Native Islander areas and neighborhoods at densities up to four (4) dwelling units per net acre. This district is used to encourage a variety of residential opportunities.”
- 2. LMO Section 16-4-1204, Use Table, lists conforming uses for each zoning district. For the RM-4 Zoning district, conforming uses include single family, multifamily and manufactured housing, community service and day care, schools and government facilities, religious institutions, parks, minor utilities and agriculture.
- 3. Parcel 410 is developed with a single family house, which is not a permitted use in the IL Zoning District, but it is a permitted use in the RM-4 Zoning District.
- 4. Parcel 8E is not developed, but the parcel is large enough to accommodate up to six single or multi-family homes, a day care, a religious institution, a neighborhood park or a minor utility.

**Conclusion of Law**

- 1. Staff concludes that both parcels are suitable for the proposed uses permitted in the RM-4 Zoning District as set forth in LMO Section 16-3-1505.C. Rezoning Parcel 8E from IL to RM-4 would allow for the development of nearly every use permitted in the RM-4 Zoning District. Rezoning Parcel 410 from IL to RM-4 would bring the existing single family residential use into compliance with the LMO.

**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 16-3-1505.D)*

**Findings of Fact**

- 1. LMO Section 16-4-218 states the purpose of the IL Zoning District is, “To provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This district also provides for certain instructional and theatrical uses with similar space requirements.”
- 2. LMO Section 16-4-1204, Use Table, lists conforming uses for each zoning district. For the IL Zoning District, conforming uses include government facilities, utilities, retail uses with significant storage needs (landscape nursery) or potential nuisances (kennel, veterinary hospital), car rental and repair, taxicab and towing services, contractor’s offices, manufacturing, warehouse and freight movement and wholesale sales.
- 3. Parcel 8E is 1.6 acres and is currently undeveloped.
- 4. Parcel 410 is 0.6 acres and contains a single family house, which is not a permitted use in the IL Zoning District.

**Conclusions of Law**

- 1. Staff concludes that Parcel 8E is suitable for the existing uses permitted in the IL Zoning District as set forth in LMO Section 16-3-1505.D. The parcel is the average size of surrounding parcels zoned IL and could reasonably accommodate a large building or a large outdoor storage area required for many uses permitted in the IL

Zoning District

2. Staff concludes that Parcel 410 is not suitable for the existing uses permitted in the IL Zoning District as set forth in LMO Section 16-3-1505.D. The parcel is only 0.6 acres and could not reasonably accommodate the large buildings or large outdoor storage areas.

**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 16-3-1505.E)*

**Findings of Fact**

1. In the RM-4 Zoning District, Parcel 8E could be developed with several homes or one of several different kinds of institutional facilities that are not currently permitted uses in the IL Zoning District.
2. In the RM-4 Zoning District, the existing single family home Parcel 410 would become a conforming use.

**Conclusions of Law**

1. Staff concludes that the marketability of Parcel 8E may be improved as set forth in LMO Section 16-3-1505.E. Rezoning Parcel 8E will allow the development of residential uses, which may be more profitable than light industrial uses.
2. Staff concludes that the marketability of Parcel 410 may be improved as set forth in LMO Section 16-3-1505.E. The currently legally non-conforming single family use will become a conforming use and therefore the home can be expanded, rebuilt into a duplex or redeveloped with an institutional use.

**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 16-3-1505.F)*

**Findings of Fact**

1. Both parcels have an available sewer and water connection from the Hilton Head Island Public Service District.
2. Because Parcel 8E is undeveloped and Parcel 410 has one single family home, neither parcel currently has stormwater facilities.

**Conclusion of Law**

1. Staff concludes that these properties have available sewer and water facilities suitable and adequate for the proposed uses and that stormwater facilities shall be installed if required for the proposed uses as set forth in LMO Section 16-3-1505.F.

**LMO Official Determination**

**Determination:** Staff determines that this application is compatible with the Comprehensive Plan and serves 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*

23 August 2011  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

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

24 August 2011  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

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

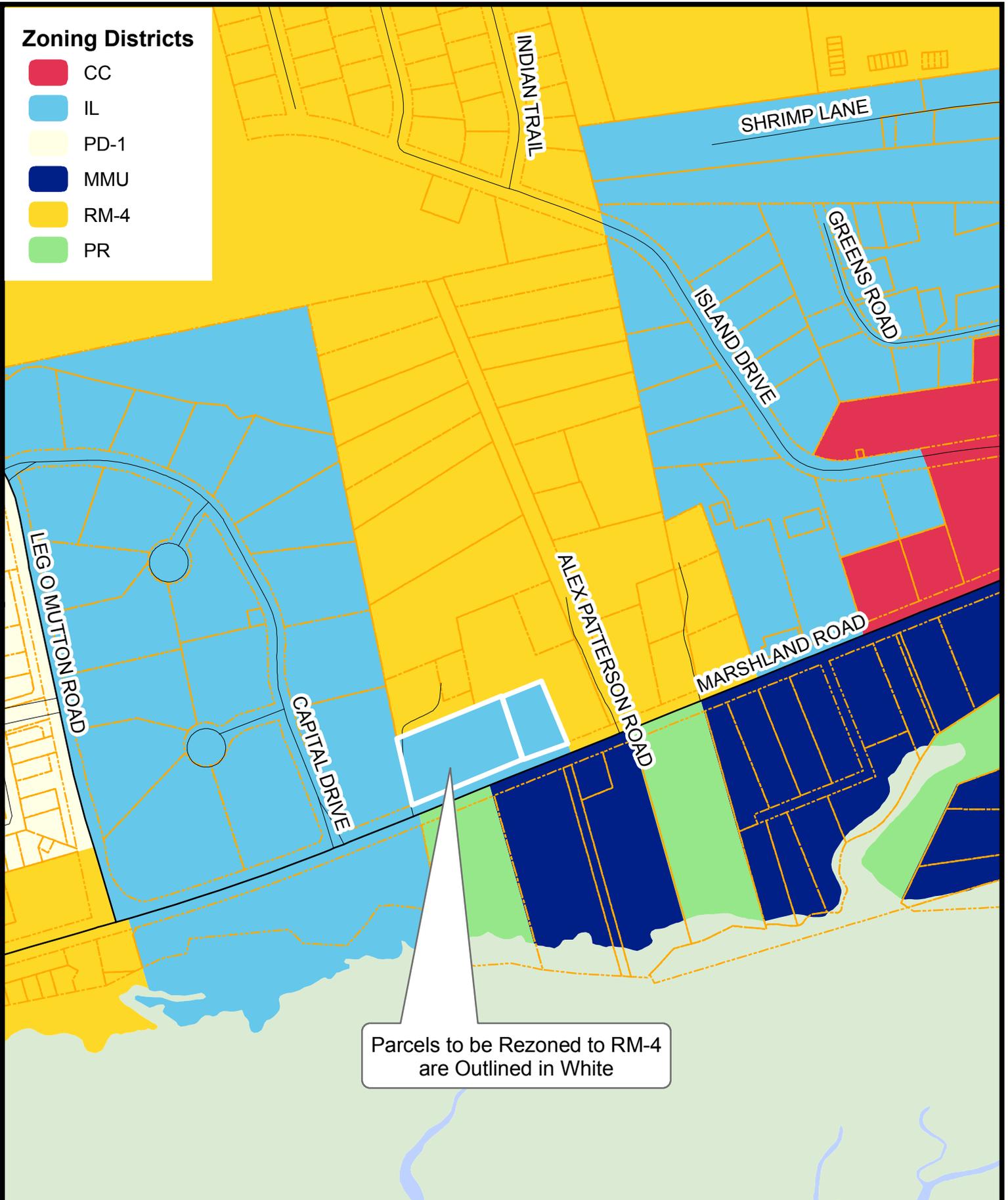
24 August 2011  
\_\_\_\_\_  
DATE

**ATTACHMENTS**

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

**Zoning Districts**

- CC
- IL
- PD-1
- MMU
- RM-4
- PR



Parcels to be Rezoned to RM-4 are Outlined in White



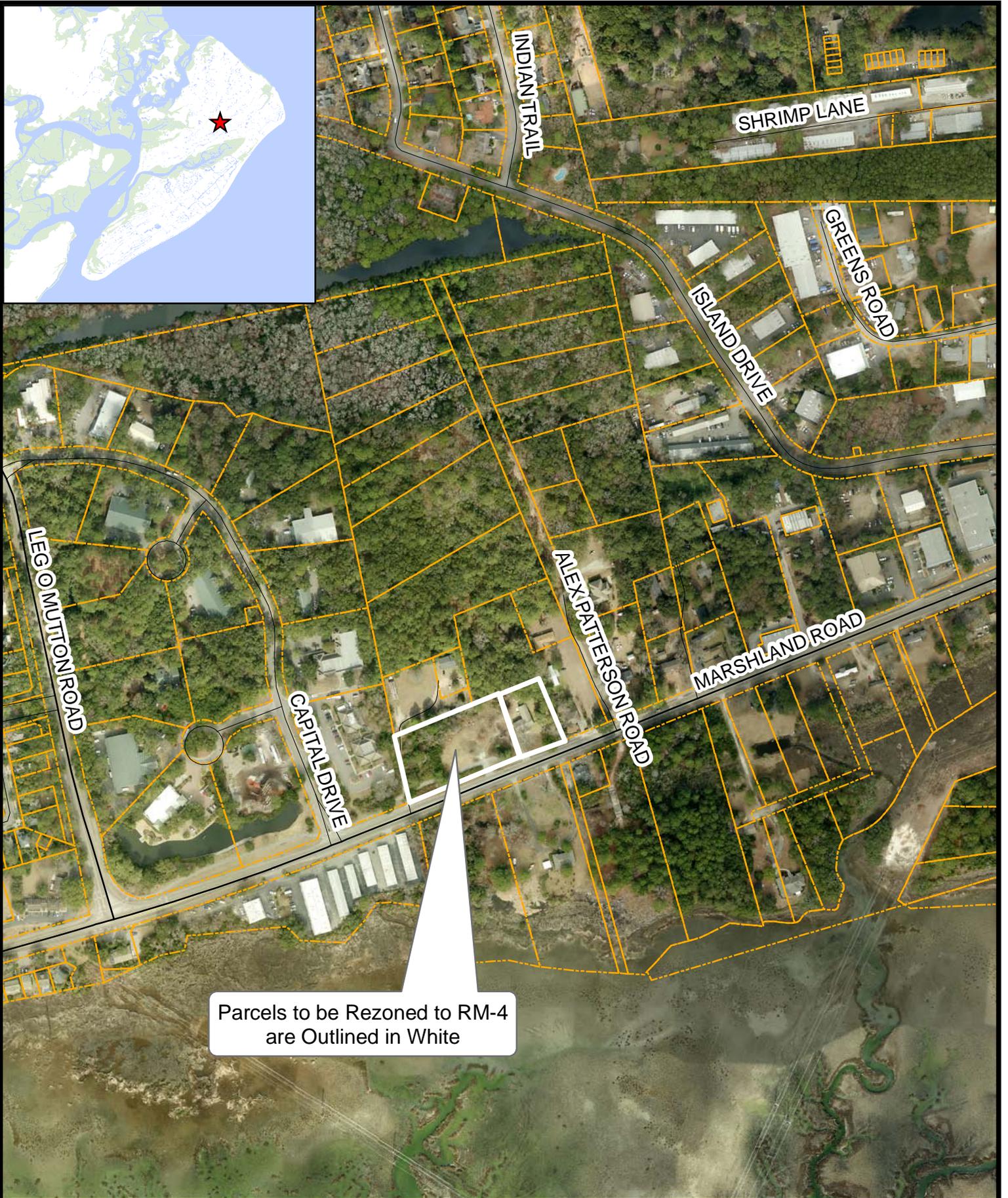
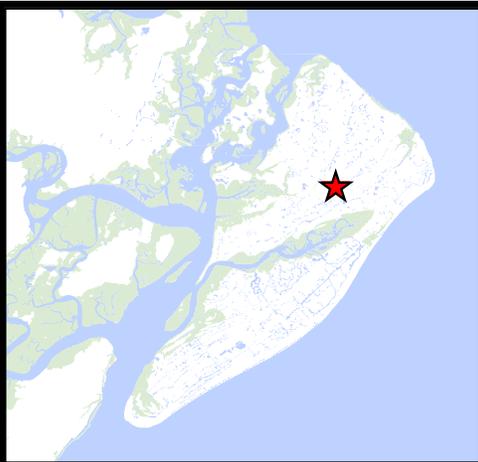
TOWN OF HILTON HEAD ISLAND  
 ONE TOWN CENTER COURT  
 HILTON HEAD ISLAND, S.C. 29928  
 PHONE (843) 341-6000

**ZMA110002 Marshland Road/Alex Patterson Road Area Rezoning**

**Zoning Map  
 Attachment A**



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.



Parcels to be Rezoned to RM-4 are Outlined in White



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

### ZMA110002 Marshland Road/Alex Patterson Road Area Rezoning

### Aerial Photo

### Attachment B



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.



## ZMA110002 Marshland Road Rezoning Use Table

Specific Use	IL	RM-4
P = Permitted by Right PC = Permitted with Conditions SE = Special Exception		
<b>Residential Uses</b>		
Group Living		PC
Household Living		
Single Family		P
Multi-Family Residential		P
Manufactured Housing Park		PC
<b>Public and Civic Uses</b>		
Aviation/Surface Passenger Terminal	SE	
Community Service		P
Day Care		PC
Educational Facilities		
Schools, Public or Private		SE
Government Facilities	P	PC
Institutions		
Religious Institutions	PC	PC
Other Institutions		SE
Parks and Open Areas		
Cemetery		P
Park, Community		SE
Park, Linear		P
Park, Mini		P
Park, Neighborhood		P
Park, Special Use		P
Utilities		
Major Utility	P	SE
Minor Utility	P	P
Telecommunications Facility	PC	PC
Waste Treatment Plant	SE	SE
<b>Commercial Uses</b>		
Eating Establishments		
With Seating, High Turnover	PC	
Without Seating	P	
Resort Accommodation		
Bed and Breakfast Inn		SE
Inn		SE
Retail Sales & Service		
Community Theater	PC	
Dance Studio	PC	
Funeral Home	P	
Furniture Store	P	

<b>Specific Use</b>	<b>IL</b>	<b>RM-4</b>
P = Permitted by Right PC = Permitted with Conditions SE = Special Exception		
<b>Commercial Uses</b>		
Retail Sales & Service (cont.)		
Hardware, Paint, Glass, Wallpaper or Flooring Store	P	
Kennel, Boarding	P	
Landscape Nursery	P	
Veterinary Hospital	P	
Watercraft Sales, Rental or Service	P	
Vehicle Sales & Service		
Auto Rental	P	
Auto Repair	P	
Auto Sales	PC	
Car Wash	P	
Taxicab Service	P	
Towing Service	P	
Truck or Trailer Rental	PC	
<b>Industrial Services</b>		
Aviation Services	PC	
Light Industrial Services		
Contractor's Office	P	
Other Light Industrial Service	P	
Manufacturing and Production		
Other Manufacturing and Production	P	
Warehouse and Freight Movement		
Moving and Storage	P	
Self-Service Storage	P	
Warehousing	P	
Waste Related Service	P	
Wholesale Sales		
Contractor's Materials	P	
Wholesale Business	P	
Wholesale Business with Accessory Retail Outlet	PC	
<b>Other Uses</b>		
Agriculture		P



**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**

<b>Case #:</b>	<b>Name of Project:</b>	<b>Public Hearing Date:</b>
<b>ZMA110003</b>	South Island Square	September 7, 2011

<b>Parcel Data or Location:</b>	<b>Property Owners</b>	<b>Applicant/Agent</b>
<u>Existing Zoning District:</u> OL (Office Institutional Low Intensity)  <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 25, 25B and 25C	Wayne Johnson 2 Marshland Road Hilton Head Island, SC 29926  Southcoast Community Bank 534 Johnnie Dodds Blvd. Mt. Pleasant, SC 29464  South Island Square LLC PO Box 6958 Hilton Head Island, SC 29938	Dale Johnson The Johnson Partnership 32 Office Park Road #104 Hilton Head Island, SC 29928

**Application Summary:**

Dale Johnson, on behalf of Wayne Johnson, Southcoast Community Bank and South Island Square LLC, is proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 841, 843 and 845 William Hilton Parkway from the OL (Office Institutional Low Intensity) Zoning District to the CC (Commercial Center) Zoning District.

For a complete list of changes in use that will result from the proposed rezoning, see Attachment C, Use Table.

**Staff Recommendation:**

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

**Background:**

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

There is a shopping center on one of the lots proposed to be rezoned, a vacant building on the second property and a building with office uses on the third property.

The subject properties are surrounded on three sides by Palmetto Dunes, with a mix of uses across William Hilton Parkway: a hotel, a gas station/convenience store, a restaurant, and a bank.

**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:**

- o Notice of the Application was published in the Island Packet on July 31, 2011 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 September 7, 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 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:

**Economic Development Element:**

**Section 7.5 – Potential Risks for Future Economy with Comprehensive Plan Implications**

“Flexibility” (where reasonable people may disagree but must find a solution) in the application of historic regulation and ordinance was called for to improve existing nonconformities and future redevelopment.

**Section 7.6 – Potential Strategies with Implication for Comprehensive Plan**

Identify and prioritize areas in need of redevelopment, including any obsolete or run down commercial buildings. Incentivize the development of flexibility of streamlining in regulation of density caps, setbacks (and other controls) that enable a qualitative, principle based, asset revitalization that enhances the Island’s positive legacies.

**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.

**An Implication for Building Permit Trends**

Redevelopment of our existing built environment and infill development should be a focus for the future development of our community, while the Town has entered a more mature level of development.

**Goal 8.1 – Existing Land Use**

A. The goal is to have an appropriate mix of land uses to meet the needs of 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 the 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 8.9 – Age of Structures**

B. The goal is to encourage redevelopment of properties with aging structures or that no longer meet current market demands.

**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 8.6 – Build-out**

A. Consider flexibility within the Land Management Ordinance to address future development and redevelopment needs.

**Conclusions of Law:**

- o Staff concludes that this application is consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1505A. The proposed rezoning will increase the potential of redevelopment by making non-conforming uses conforming and by approving commercially oriented uses for the property that are compatible with those existing.
- o The proposed 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 as well as help to improve the marketability of the properties and meet current market demands by permitting uses that are already developed on the properties and uses that are common in this vicinity.

**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:**

- o 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.”*
- o There are three properties subject to the proposed rezoning; one which contains a vacant building and one which contains a building with several office use tenants, both of which are conforming to the OL zoning district. The third property contains a shopping center which is not a permitted use in the OL zoning district.
- o The conforming uses of nearby property are the bank and the restaurant.
- o As currently zoned, one of the existing structures has remained vacant for years.

**Conclusions of Law:**

- Staff concludes that one of the three properties subject to the rezoning application is 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 property contains a use that is currently permitted in the OL district and is compatible with the conforming bank and restaurant nearby and with the character of the neighborhood.
- The property that contains a shopping center is not compatible with the OL zoning district because it is not a permitted use in that district and it would benefit from the proposed rezoning to the CC zoning district because it would be made conforming.
- The property that contains the vacant building could also benefit from the proposed rezoning. Although the previous use of the building was a medical office, which is permitted in the OL zoning district, once that use was vacated, the building has remained unoccupied for years. The rezoning would allow the property owner to redevelop or lease the building with new commercial use opportunities.

**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.”
- One of the properties proposed to be rezoned contains a shopping center, which is currently not permitted in the OL zoning district, but is permitted in the CC zoning district.
- The two other properties proposed to be rezoned contain a vacant building and a building with several office uses, both of which will remain conforming if rezoned to the CC zoning district.
- There are currently several 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, but throughout the years, these uses were not eliminated and there is currently a higher demand for commercial uses in this vicinity.
- Town Council recently rezoned two properties a little further down William Hilton Parkway at 2 and 4 Marina Side Drive, from the OL zoning district to the CC zoning district because the OL zoning district in this area isn’t functioning as an OL district and is essentially a mix of existing commercial uses.
- The CC zoning is intended for moderate to high intensity commercial development, especially office and retail development, which currently already exists in this vicinity.

**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 16-3-1505C because one of the properties would be made conforming by the proposed rezoning and the remaining two parcels would remain conforming and/or could redevelop with other commercial opportunities.

**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.*”
- One of the properties proposed to be rezoned contains a shopping center, which is currently not permitted in the OL zoning district.
- The two other properties proposed to be rezoned contain a vacant building and a building with several office uses, both of which are permitted in the OL zoning district.

**Conclusion of Law:**

- Staff concludes that two of the three properties proposed to be rezoned are suitable for the uses permitted by the OL zoning district as set forth in LMO Section 16-3-1505D because they are both developed with office uses which are permitted uses in the OL zoning district.

**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 owners to develop or redevelop should the properties 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 owners will have more uses available to market the properties to buyers or leasers.

**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):*

**Finding of Fact:**

- The affected properties already have existing water, sewer and stormwater facilities serving the development.

**Conclusion of Law:**

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

**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:**

ND  
Nicole Dixon, CFM  
*Senior Planner*

August 23, 2011  
DATE

**REVIEWED BY:**

TBL  
Teri B. Lewis, AICP  
*LMO Official*

August 23, 2011  
DATE

**REVIEWED BY:**

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

August 23, 2011  
DATE

**ATTACHMENTS:**

- A) Vicinity Map
- B) Zoning Map
- C) Use Table Comparison
- D) Applicant’s Narrative
- E) Boundary Survey



Proposed Rezoning - Properties Highlighted in Red



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

Town of Hilton Head Island  
ZMA110003 - ATTACHMENT A

Vicinity Map



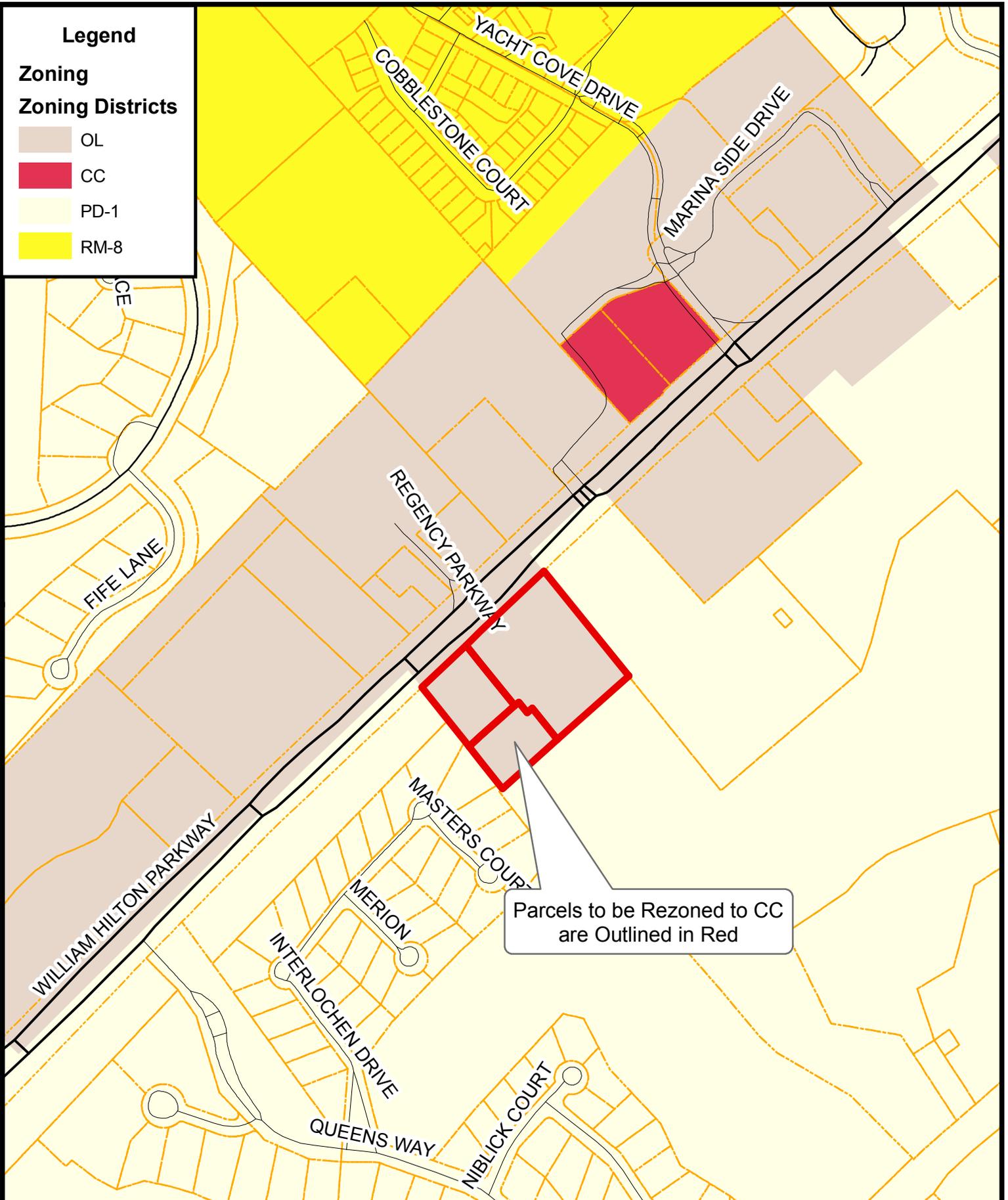
This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

**Legend**

**Zoning**

**Zoning Districts**

- OL
- CC
- PD-1
- RM-8



Parcels to be Rezoned to CC are Outlined in Red



ATTACHMENT C

Specific Use	OL	CC
<b>Residential Uses</b>		
Group Living		
<b>Household Living</b>		
Single Family	P	P
Multifamily Residential	PC	PC
Mixed Use	PC	PC
Manufactured Housing Park		
<b>Public and Civic Uses</b>		
Aviation/Surface Passenger Terminal		
Community Service		P
Day Care	P	PC
<b>Educational Facilities</b>		
Colleges		P
Schools, Public or Private		P
Government Facilities	P	P
Hospitals		
<b>Institutions</b>		
Religious Institutions	P	P
Other Institutions	SE	SE
<b>Parks and Open Areas</b>		
Cemetery		
Park, Community	SE	SE
Park, Linear	P	
Park, Mini	P	P
Park, Neighborhood		
Park, Regional		
Park, Special Use		P
<b>Utilities</b>		
Major Utility	SE	SE
Minor Utility	P	P
Telecommunications Facility	PC	PC
Waste Treatment Plant		SE
<b>Commercial Uses</b>		
<b>Eating Establishments</b>		
With Drive-thru		SE
With Seating, High Turnover	PC	P
With Seating, Low Turnover	PC	P
Without Seating	PC	P
<b>Indoor Recreation/Entertainment</b>		
Indoor Recreation		SE
Indoor Entertainment		SE
<b>Outdoor Recreation/Entertainment</b>		
Outdoor Recreation		

ATTACHMENT C

<b>Outdoor Entertainment</b>		
<b>Water Parks</b>		
<b>Office</b>		
<b>Health Services Except Hospitals</b>	<b>P</b>	<b>P</b>
<b>Real Estate Sales/Rental</b>	<b>P</b>	<b>P</b>
<b>Other Offices</b>	<b>P</b>	<b>P</b>
<b>Parking, Commercial</b>		<b>SE</b>
<b>Resort Accommodation</b>		
<b>Bed and Breakfast Inn</b>		
<b>Central Reception or Check-in Facility</b>		
<b>Divisible Dwelling Unit</b>		
<b>Hotel or Motel</b>		
<b>Inn</b>		
<b>Interval Occupancy</b>		
<b>RV Park</b>		<b>SE</b>
<b>Retail Sales and Service</b>		
<b>Adult Entertainment</b>		<b>SE</b>
<b>Bank or Financial Institution</b>	<b>PC</b>	<b>P</b>
<b>Bicycle Shop (with outdoor storage)</b>		<b>PC</b>
<b>Community Theater</b>		<b>PC</b>
<b>Dance Studio</b>		<b>PC</b>
<b>Convenience Store</b>		<b>PC</b>
<b>Department or Discount Store</b>		<b>PC</b>
<b>Funeral Home</b>		<b>P</b>
<b>Furniture Store</b>		<b>P</b>
<b>Hardware, Paint, Glass, Wallpaper or Flooring Store</b>		<b>P</b>
<b>Health Club or Spa</b>		<b>P</b>
<b>Kennel, Boarding</b>		<b>SE</b>
<b>Landscape Nursery</b>		
<b>Liquor Store</b>		<b>SE</b>
<b>Nightclub or Bar</b>		<b>PC</b>
<b>Open Air Sales</b>		
<b>Pet Store</b>		
<b>Shopping Center</b>		<b>PC</b>
<b>Souvenir or T-Shirt Store</b>		<b>PC</b>
<b>Supermarket</b>		<b>PC</b>
<b>Tattoo Facility</b>		<b>PC</b>
<b>Veterinary Hospital</b>		<b>PC</b>
<b>Watercraft Sales, Rental or Service</b>		
<b>Other Retail Sales or Service</b>	<b>SE</b>	<b>P</b>
<b>Vehicle Sales and Services</b>		
<b>Auto Rental</b>		<b>PC</b>
<b>Auto Repair</b>		<b>SE</b>
<b>Auto Sales</b>		<b>PC</b>

ATTACHMENT C

Car Wash		<b>P</b>
Gas Sales		<b>SE</b>
Taxicab Service		<b>SE</b>
Towing Service		<b>SE</b>
Truck or Trailer Rental		
<b>Industrial Uses</b>		
Aviation Services		
<b>Light Industrial Services</b>		
Contractor's Office		<b>PC</b>
Other Light Industrial Service		<b>SE</b>
<b>Manufacturing and Production</b>		
Seafood Processing		
Other Manufacturing and Production		
Limited Manufacturing		
<b>Warehouse and Freight Movement</b>		
Moving and Storage		
Self-Service Storage		<b>SE</b>
Warehousing		
Waste Related Service		
<b>Wholesale Sales</b>		
Contractor's Materials		
Wholesale Business		<b>SE</b>
Wholesale Business with Accessory Retail Outlet		<b>SE</b>
<b>Other Uses</b>		
Agriculture	<b>P</b>	
<b>Water Oriented Facilities</b>		
Docking Facility and Boat Ramp		
Marina		
Other Water Oriented Uses		

# ATTACHMENT D

## NARRATIVE IN SUPPORT OF REZONING OF SOUTH ISLAND SQUARE COMPLEX

July 22, 2011

Community Development Department

One Town Center Court

Hilton Head Island, SC 29928

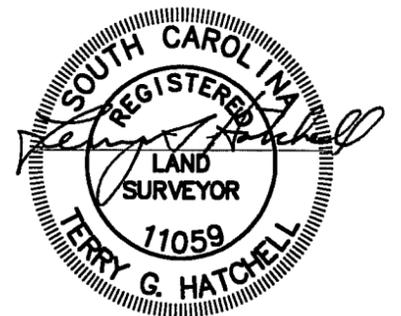
This is a request for rezoning of three properties shown on the attached plat. Current zoning is OL. The request is to change to CC.

- A. Consistency with the Comprehensive Plan. This request for a zoning change to CC is consistent with the Comprehensive Plan. CC zoning is more in keeping with the commercial uses in the surrounding William Hilton Parkway area. CC use fits the Comprehensive Plan's objective of having commercial property situated where it serves the Island residents and guests in a safe and efficient manner.
- B. Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood. Nearby properties include gas station-convenience store, bakery, hotel, restaurant, bank and utility company. Rezoning the subject parcels to CC would be in compliance with the neighborhood.  
All three lots lend themselves to CC zoning which is more consistent with that of nearby 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 assisting 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. Uses of nearby properties are all consistent with CC zoning.
- 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. Subject property is currently a shopping center with mixed use occupancies.
- 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 commercial space on the island and rents have decreased in this economic climate. Expanding occupancy opportunities through rezoning will increase marketability.
- F. Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use. Sewer, water and storm water facilities currently exist on the properties.

# ATTACHMENT E

BOUNDARY SURVEY OF  
**PHASE I & II**  
 OF  
**SOUTH ISLAND**  
**SQUARE &**  
**PARKWAY MEDICAL**  
**PARCEL**  
**U.S. HIGHWAY 278**

HILTON HEAD ISLAND  
 BEAUFORT COUNTY  
 SOUTH CAROLINA



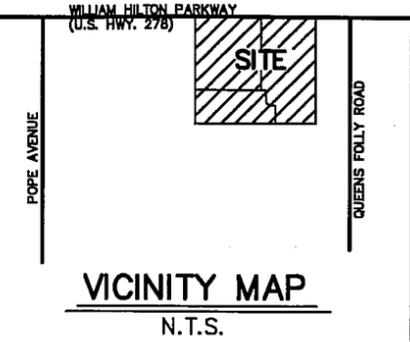
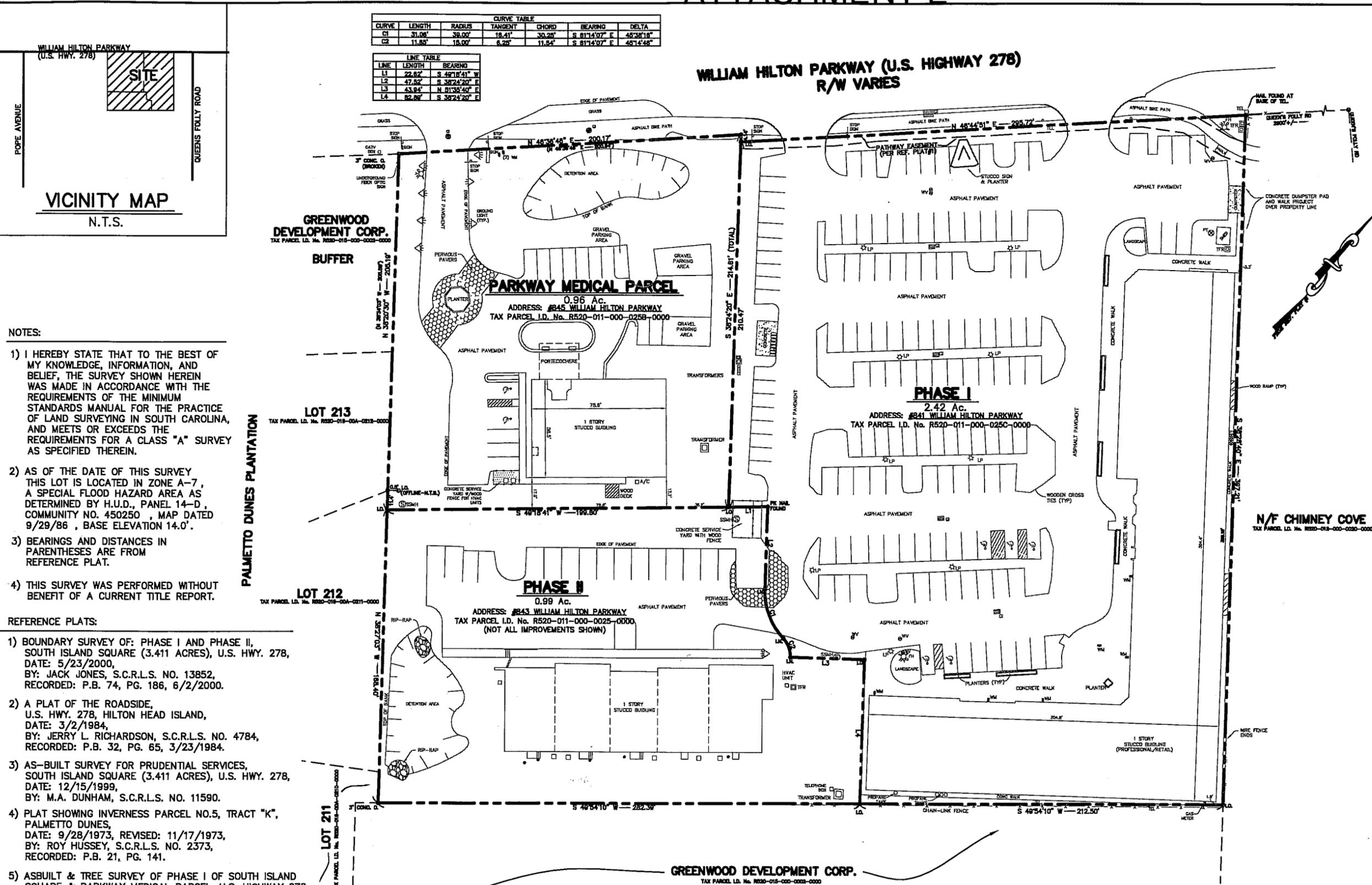
**SURVEYING CONSULTANTS**

17 Sherington Drive, Suite C  
 Bluffton, SC 29910  
 SC TELEPHONE: (843) 815-3304  
 FAX: (843) 815-3305  
 GA TELEPHONE: (912) 826-2775

SCALE: 1" = 60'  
 DATE: 7/18/2011  
 JOB NO: SC07123B

CREW: MP/CP  
 CAD: RGL/AJ

COPYRIGHT © BY SURVEYING CONSULTANTS



**NOTES:**

- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.
- AS OF THE DATE OF THIS SURVEY THIS LOT IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D., PANEL 14-D, COMMUNITY NO. 450250, MAP DATED 9/29/86, BASE ELEVATION 14.0'.
- BEARINGS AND DISTANCES IN PARENTHESES ARE FROM REFERENCE PLAT.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT.

**REFERENCE PLATS:**

- BOUNDARY SURVEY OF: PHASE I AND PHASE II, SOUTH ISLAND SQUARE (3.411 ACRES), U.S. HWY. 278, DATE: 5/23/2000, BY: JACK JONES, S.C.R.L.S. NO. 13852, RECORDED: P.B. 74, PG. 186, 6/2/2000.
- A PLAT OF THE ROADSIDE, U.S. HWY. 278, HILTON HEAD ISLAND, DATE: 3/2/1984, BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784, RECORDED: P.B. 32, PG. 65, 3/23/1984.
- AS-BUILT SURVEY FOR PRUDENTIAL SERVICES, SOUTH ISLAND SQUARE (3.411 ACRES), U.S. HWY. 278, DATE: 12/15/1999, BY: M.A. DUNHAM, S.C.R.L.S. NO. 11590.
- PLAT SHOWING INVERNESS PARCEL NO.5, TRACT "K", PALMETTO DUNES, DATE: 9/28/1973, REVISED: 11/17/1973, BY: ROY HUSSEY, S.C.R.L.S. NO. 2373, RECORDED: P.B. 21, PG. 141.
- ASBUILT & TREE SURVEY OF PHASE I OF SOUTH ISLAND SQUARE & PARKWAY MEDICAL PARCEL, U.S. HIGHWAY 278, DATE: 8/27/2007, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059.
- BOUNDARY & ASBUILT SURVEY OF 0.96 ACRE, PARKWAY MEDICAL CENTER, WILLIAM HILTON PARKWAY, DATE: 10/30/2007, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, RECORDED: P.B. 123, PG. 51, 12/18/2007.

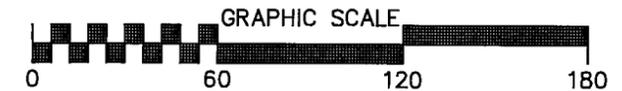
CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	31.06'	39.00'	18.41'	30.28'	S 81°14'07" E	48°38'18"
C2	11.85'	18.00'	6.26'	11.84'	S 81°14'07" E	48°14'48"

LINE TABLE		
LINE	LENGTH	BEARING
L1	22.82'	S 49°18'41" W
L2	47.35'	S 38°24'20" E
L3	43.84'	N 81°35'40" E
L4	82.86'	S 38°24'20" E

AREA TABLE	
PHASE I	= 2.42 Ac.
PHASE II	= 0.99 Ac.
PARKWAY MEDICAL PARCEL	= 0.96 Ac.
<b>TOTAL AREA</b>	<b>= 4.37 ACRES</b>

ADDRESS: #841 & #845 WILLIAM HILTON PARKWAY  
 TAX PARCEL I.D. NO. R520-011-000-025B&025C-0000





**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
PPR110002	Leg O'Mutton, Gardener and Pembroke Pathways	September 7, 2011

Parcel Data and Location	Applicant
Alongside Pembroke Drive, Leg O'Mutton Road and Gardner Drive.	Brian McIlwee Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928

**Application Summary**

Application for Public Project Review from the Town of Hilton Head Island to construct 12,000 linear feet of multi-purpose pathway alongside of Pembroke Drive, Gardner Drive and Leg O'Mutton Road.

**Staff Recommendation**

Staff recommends that 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:**

The Town of Hilton Head Island has identified the need for an additional multi-purpose pathway connection between Marshland Road and US 278 in the Indigo Run area. Pathways along Leg O'Mutton Road, Gardner Drive and Pembroke Drive are programmed for construction next year as part of the Town's Capital Improvement Program. The pathways will provide the opportunity to walk and bike from commercial to residential areas.

**Description of Project:**

The pathways will be designed to match the existing asphalt multi-purpose pathways

used by 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 July 31, 2011 as set forth in LMO 16-3-110 and 16-3-111.
- Notice of the Public Project Application was posted and mailed as set forth in LMO 16-3-110 and 16-3-111.
- A public hearing is being held on September 7, 2011 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 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:**

**Findings of Facts.**

The adopted Comprehensive Plan addresses *the location, character and extent* of this 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 safe and efficient infrastructure to connect residential and tourist areas to school, 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. 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 pathways will result in a 12,000 linear foot expansion of the Town's pathway system. It will also increase pathway links to Marshland Road and US 278.
- The pathways will be located in existing transportation corridors and will provide the opportunity for alternative transportation.

### **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 pathways are compatible with the residential and commercial land uses.
- The pathways will meander along side of the roadway consistent with the character of existing paths. They 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 pathways will connect existing pathways along US 278 and Marshland Road along Pembroke Drive and Leg O'Mutton Road. It will also

connect Leg O'Mutton to US 278 along Gardner Drive. These connections will increase the recreational capacity of the Town's pathway system, improve pedestrian safety, and provide for an alternative transportation route into both residential and commercial areas within the Town.

**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:**

\_\_\_\_\_  
Shea Farrar  
*Senior Planner*

\_\_\_\_\_  
DATE

**REVIEWED BY:**

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

\_\_\_\_\_  
DATE

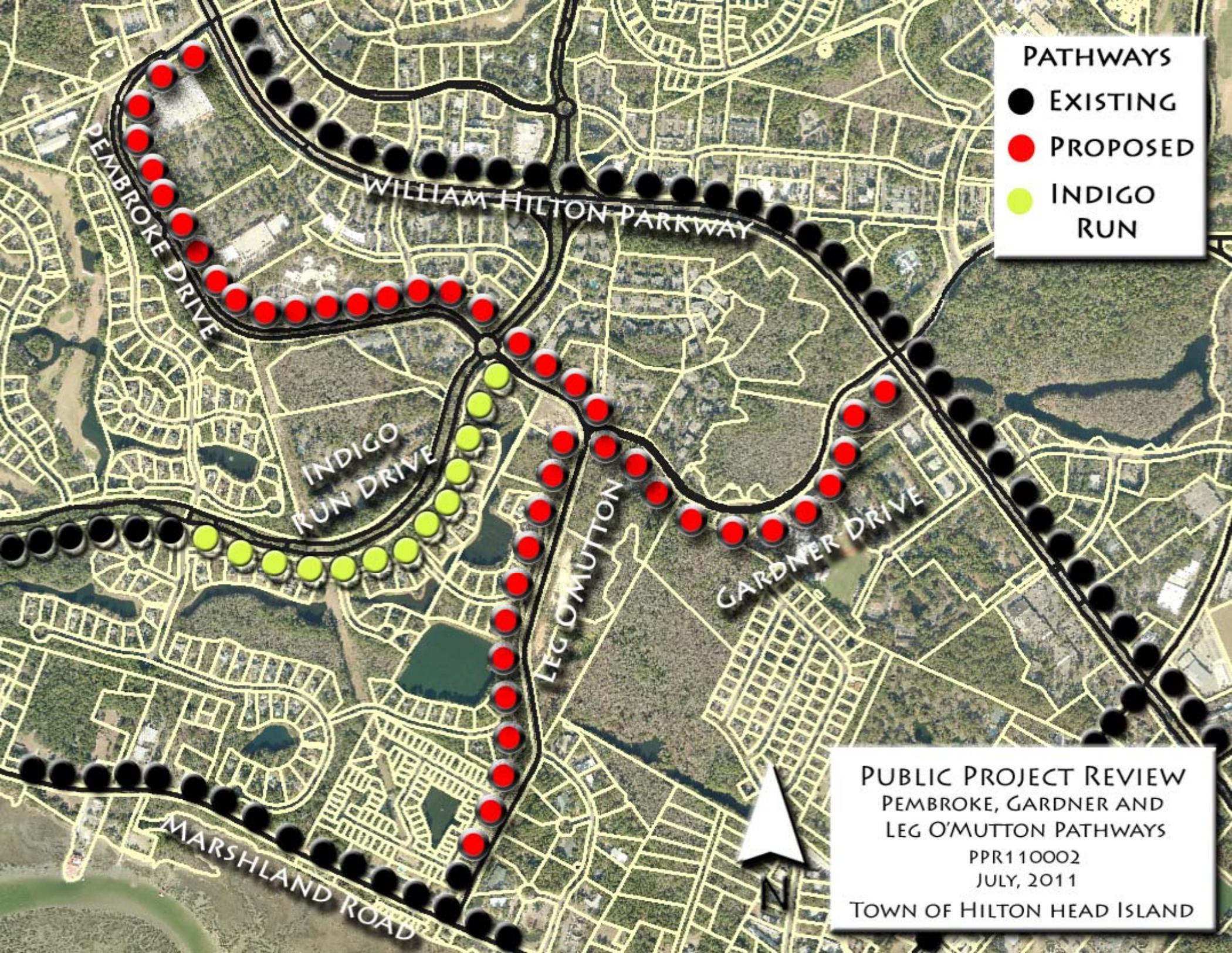
**REVIEWED BY:**

\_\_\_\_\_  
Jayme Lopko, AICP  
*Senior Planner and PC Coordinator*

\_\_\_\_\_  
DATE

**ATTACHMENTS:**

- A) Vicinity Map
- B) Applicant's Narrative



**PATHWAYS**

- EXISTING
- PROPOSED
- INDIGO RUN

**PUBLIC PROJECT REVIEW**  
PEMBROKE, GARDNER AND  
LEG O'MUTTON PATHWAYS  
PPR110002  
JULY, 2011  
TOWN OF HILTON HEAD ISLAND



# PPR 110002 Narrative

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## Multi-use Pathways – Leg O’Mutton Road, Pembroke Drive and Gardner Drive

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The Town of Hilton Head Island is proposing to build a new multi-use pathway along Leg O’Mutton Road, Pembroke Drive, and Gardner Drive. The new pathways will provide a connection between the existing pathway at Leg O’Mutton Road and Marshland Road and connect to Indigo Run, Jarvis Park, and the intersection of William Hilton Parkway and Gardner Drive.

The proposed pathway will provide an approximate 12,000 linear feet of 8’-10’ wide pathway to the existing pathway network. The pathway surface will mostly consist of asphalt but may have some concrete to minimize the root damage to existing trees and wooden bridges may be necessary if wetlands are encountered during the design phase. Tree impact will be kept to a minimum. Crosswalks, which include the ADA Detectable Warning Surface, will be used at all road crossings.

When the project is completed, the area around the pathway will be landscaped to provide a pleasing esthetic to the area. The pathway will serve area residents a safer access to area shopping and dining.