



**Town of Hilton Head Island**  
**Planning and Development Standards Committee**  
**Regular Meeting**  
**Wednesday, March 23, 2011 4:00p.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. 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.

**3. Approval of Minutes - Regular Meeting February 23, 2011**

**4. New Business**

**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*

**5. Committee Business**

**6. Adjournment**

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

**TOWN OF HILTON HEAD ISLAND**  
**Planning and Development Standards Committee**  
**Minutes of Wednesday, February 23, 2011 Meeting**  
**4:00pm – Benjamin M. Racusin Council Chambers**

**DRAFT**

Committee Members Present: Chairman Bill Ferguson, Mayor Pro Tem Ken Heitzke,  
Bill Harkins

Committee Members Absent: None

Council Members Present: Kim Likins, Alternate

Town Staff Present: Shea Farrar, Senior Planner  
Teri Lewis, LMO Official  
Heather Colin, Development Review Administrator  
Nicole Dixon, Senior Planner; Anne Cyran, Senior Planner  
Kathleen Carlin, Administrative Assistant

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**1) CALL TO ORDER**

Chairman Ferguson called the meeting to order at 4:00p.m.

**2) 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.

**3) APPROVAL OF MINUTES**

Mayor Pro Tem Heitzke made a **motion** to **approve** the minutes of the January 26, 2011 meeting as presented. Chairman Ferguson **seconded** the motion and the motion **passed** with a vote of 2-0-1. Councilman Harkins abstained from the vote due to his absence from the meeting.

**4) UNFINISHED BUSINESS**

None

**5) NEW BUSINESS**

**Annual Resolution proclaiming April Fair Housing Month**

Ms. Marcy Benson made the presentation on behalf of staff. The staff requested that the Committee forward the Annual Resolution proclaiming April Fair Housing Month to Town Council with a recommendation of approval.

In order for the Town of Hilton Head Island to be eligible to participate in any future Community Development Block/Economic Development Grants (CDBG) it is required to certify that it will undertake an action to affirmatively further fair housing. By approving and advertising this Resolution the Town will have satisfied this requirement.

The Annual Resolution is modeled on a recommended format provided by the Lowcountry Council of Governments and has been used previously by the Town. Following the staff's presentation and discussion by the Committee, Chairman Ferguson requested that a motion be made.

Mayor Pro Tem Heitzke made a **motion** to forward the Fair Housing Resolution proclaiming April Fair Housing Month to Town Council with a recommendation of **approval** as presented by the staff. Councilman Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

**Recommendation for Cell Tower height proposed for Fire Station # 7 site**

Ms. Shea Farrar made the presentation on behalf of staff. The staff recommended that Town Council permit a tower height of 140' for the cell tower proposed on the Fire Station # 7 site for the following reasons:

- a) Reducing the tower height from 140' to 120' will reduce the coverage area of the tower and the overall quality of service in the area.
- b) A 140' tower will provide the opportunity to co-locate up to 4 service providers, while a 120' tower would accommodate 2 co-locations. The Town's request to locate emergency management equipment on the tower would result in three remaining co-locations on the 140' tower and only one on the 120' tower. This could result the need for additional towers to meet the needs of other service providers.
- c) The lease rate for the site will be higher for a 140' tower than a 120' tower because it can accommodate 2 additional co-locations.

American Tower has requested to lease Town-owned land at the site of Fire Station 7 for the purpose of constructing the 140' communications tower on Marshland Road that will help improve service in the Indigo Run area. There have been discussions about limiting the height of the tower to 120'. The staff has researched the pros and cons of such a restriction and recommends that a tower height of 140' be permitted.

Town Council has identified the need to address the issue of telecommunication service on the Island, which is included as one of Town Council's goals for 2011. The quality of existing service and coverage on the Island varies among the different carriers and in many locations service is poor to nonexistent.

American Tower, a tower construction company, requested to lease Town-owned property in order to construct additional towers on the Island to improve cellular service. These towers provide the opportunity for cellular companies to add additional antenna to increase coverage as well as the quality of service in that area. Higher antennas typically have larger coverage areas.

American Tower is currently pursuing a Zoning Map Amendment to allow a tower on the site of Fire Station # 7 and the request includes a tower height of 140'. However, preliminary discussions outlining provisions to consider when drafting the lease agreement for this tower have included limiting the tower height to 120' to minimize adverse visual impacts. In addition, as a part of the agreement with American Tower, the Town would like to secure a space on the tower for placement of its emergency management equipment. Staff believes a tower height of 140' is more desirable for the reasons stated above. The staff further recommended that the tower be camouflaged like an evergreen tree in order to blend into the environment as much as possible.

The Committee questioned the revenue generation potential of a 140' tower as well as the fall distance of a 140' tower. The staff stated that the tower's fall zone is contained within Town owned property. The applicant has stated that, in the event of a fall, the tower is designed to fall into itself.

Following the staff's presentation and discussion by the Committee, Chairman Ferguson requested comments from the public regarding the height of the tower. Mr. Jim Collett, citizen, presented statements in support of the 140-ft. tower as presented today by staff. Following public comments, Chairman Ferguson requested that a motion be made on the recommendation for the height of the tower.

Councilman Harkins made a **motion to forward** staff's recommendation for a 140-ft. high Cell Tower camouflaged as an Evergreen tree proposed for Fire Station 7 site as presented today by staff to Town Council with a recommendation of **approval**. Mayor Pro Tem Heitzke **seconded** the motion and the motion **passed** with a vote of 3-0-0.

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

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Planning & Development Standards Committee forward Zoning Map Amendment ZMA100008, for the proposed Indigo Run Telecommunications Facility, to Town Council with a recommendation for approval.

The Planning Commission met on January 19, 2011 to review this application and after a public hearing voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

Mr. Jay Sanders, with American Tower Corporation, is proposing to amend the Official Zoning Map by amending the Indigo Run Master Plan to add "Telecommunications Facility" as a permitted land use on Parcel B-1. The property is currently zoned PD-1 within the Indigo Run Master Plan and assigned land uses of "Residential" and "Private & Semi-Private Recreation". Fire Station #7 is currently located on the subject property. This application is supported by Town Council's Policy Agenda for 2011 which has the evaluation of Technology Infrastructure listed as a top priority. Following the staff's presentation, Chairman Ferguson requested that the applicant make his presentation.

Mr. Jay Sanders, representing American Tower Company and AT&T Mobility, presented statements in support of the application. The Committee and the applicant discussed several issues including the height of the tower and the quality of service. At the completion of the discussion, Chairman Ferguson requested public comments and none were received. Chairman Ferguson then requested that a motion.

Mayor Pro Tem Heitzke made a **motion to forward** Zoning Map Amendment ZMA100008 to Town Council with a recommendation of **approval**. Councilman Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0. Councilman Harkins stated that this is a step in the right direction for public service.

**6. ADJOURNMENT**

The meeting was adjourned at 4:30pm.

Submitted By:

Approved By:

\_\_\_\_\_  
Kathleen Carlin  
Administrative Assistant

\_\_\_\_\_  
Bill Ferguson  
Chairman

DRAFT



# TOWN OF HILTON HEAD ISLAND

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## *Community Development Department*

**TO:** Planning & Development Standards Committee  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**FROM:** Anne Cyran, AICP, *Senior Planner*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**DATE:** March 15, 2011  
**SUBJECT:** Proposed Ordinance No. 2011-05  
ZMA100009 – Mathews Drive/Marshland Road Area Rezoning

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**Recommendation:** Staff recommends that the Planning & Development Standards Committee forward the attached application for Zoning Map Amendment (ZMA100009) for the proposed Mathews Drive/Marshland Road Area Rezoning to Town Council with a recommendation for approval.

The Planning Commission met on February 16, 2011 to review this application and after a public hearing voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

**Summary:** The purpose of the application is to change the zoning designation of five properties in the area of the Mathews Drive/Marshland Road intersection from IL (Light Industrial) and OL (Office/Institutional Low Density) to CC (Commercial Center) in order to bring the properties into greater compliance with the Land Management Ordinance (LMO) without creating new nonconformities and to formalize the existing commercial nature of these properties.

**Background:** The Town received a request from a property owner to rezone his property 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 CC Zoning District.

The subject parcels are older, developed sites, all of which 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 for a light industrial use. 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.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2011-**

**PROPOSED ORDINANCE NO. 2011-05**

**AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP WITH RESPECT TO THOSE CERTAIN PARCELS IDENTIFIED AS PARCEL 11H AND PARCEL 217 ON BEAUFORT COUNTY TAX MAP 8 AND PARCEL 104, PARCEL 106 AND PARCEL 108 ON BEAUFORT COUNTY TAX MAP 8A FROM THE OL (OFFICE/INSTITUTIONAL LOW DENSITY) AND IL (LIGHT INDUSTRIAL) ZONING DISTRICTS, TO THE CC (COMMERCIAL CENTER) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance ("LMO"); and

**WHEREAS**, the Planning Commission held a public hearing on said zoning map amendment application on February 16, 2011, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

**WHEREAS**, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO; and

**WHEREAS**, the Planning and Development Standards Committee held a public meeting on March 23, 2011 to review said zoning map amendment application, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

**WHEREAS**, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted to recommend that Town Council \_\_\_\_\_ the proposed amendment; and

**WHEREAS**, after due consideration of said zoning map amendment application and the recommendations of the Planning Commission and the Planning and Development Standards Committee, the Town Council, upon further review, finds it is in the public interest to \_\_\_\_\_ the proposed application.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**Section 1. Amendment.** That the Official Zoning Map of the Town of Hilton Head Island, as referred to in Section 16-4-102 of the LMO, be hereby amended to modify the zoning designation of those certain parcels identified as parcel 11H and parcel 217 on Beaufort County Tax Map 8 and parcel 104, parcel 106 and parcel 108 on Beaufort County Tax Map 8A, from the OL (Office/Institutional Low Density) and IL (Light Industrial) zoning districts to the CC (Commercial Center) zoning district. The attached Vicinity Map shows the location of the subject properties.

**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy R. Mosteller, CMC, Town Clerk**

**Public Hearing:** February 16, 2011

**First Reading:**

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_



**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<br>Area Rezoning | February 16, 2011   |

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

**Application Summary**

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.

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.

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 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.

**Other Commission or Committee Recommendations**

- On February 16, 2011 the Planning Commission held a public hearing to discuss the application and voted unanimously to find the application consistent with the Comprehensive Plan and carries out the purposes of the LMO.

**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**

- 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.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing was held on February 16, 2011 as set forth in LMO 16-3-1504A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

**Conclusion of Law**

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

- o Staff concludes that this application is consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1505.A.
- o 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:**

- The subject properties are all developed with adequate stormwater facilities.
- 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.
- 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:**

- 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

15 March 2011

DATE

**REVIEWED BY:**

TBL

Teri B. Lewis, AICP  
LMO Official

3/15/11

DATE

**REVIEWED BY:**

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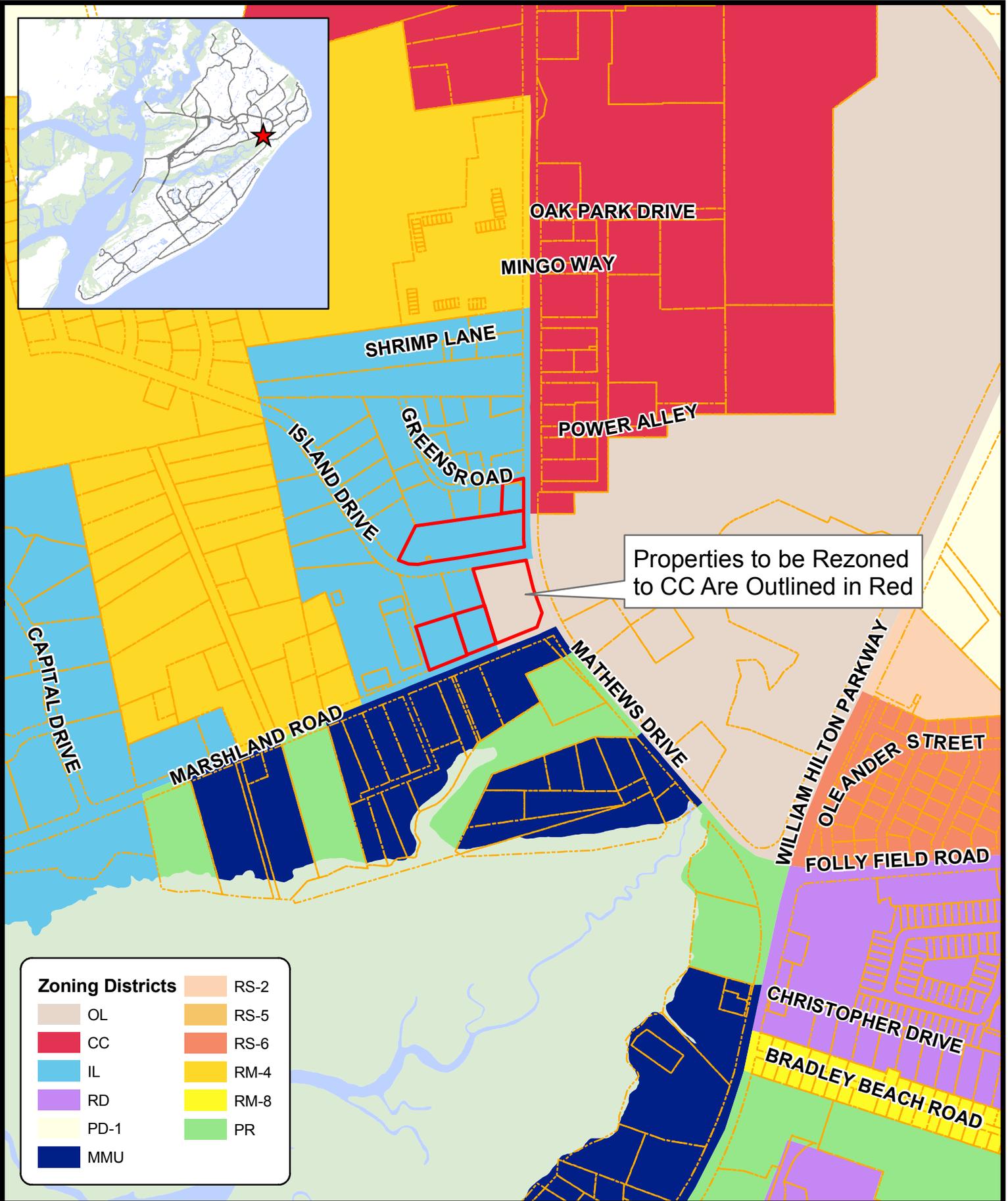
Jayne Lopko, AICP  
*Senior Planner & Planning Commission Board  
Coordinator*

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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



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

### ZMA10009 Mathews & Marshland 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.

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<br>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         |           |           |