



**Town of Hilton Head Island
Planning & Development Standards Committee
Regular Meeting
Wednesday, June 13, 2012 3:00p.m.
(Please note change in meeting date and time)
Benjamin M. Racusin Council Chambers
Agenda**

- 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 of May 23, 2012
- 4. Unfinished Business**
None
- 5. New Business**
ZMA120005: A request from Ernest Marchetti proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 120 and 118 Mathews Drive and 7 Shrimp Lane from the IL (Light Industrial) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 8, as Parcels 154, 162 and 111.
Presented by: Nicole Dixon
- 6. Committee Business**
- 7. Adjournment**

TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of the Wednesday, May 23, 2012 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

DRAFT

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

Committee Members Absent: None

Council Members Present: None

Town Staff Present: Shea Farrar, Senior Planner
Nicole Dixon, Senior Planner
Teri Lewis, LMO Official
Kathleen Carlin, Administrative Assistant

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 Town of Hilton Head Island requirements.

3. APPROVAL OF MINUTES

Mayor Pro Tem Heitzke made a motion to **approve** the minutes of the April 25, 2012 meeting as presented. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

4. UNFINISHED BUSINESS

None

5. NEW BUSINESS

Review and consider a recommendation on updates to the Population, Housing and Community Facilities Elements of the Comprehensive Plan.

Mrs. Jayme Lopko made the presentation on behalf of staff. Staff recommended that the Planning & Development Standards Committee forward the proposed changes to the Comprehensive Plan to Town Council with a recommendation of *approval*.

The Town has drafted updates to the Population, Housing, and Community Facilities Elements based on information obtained from the 2010 Census. The Population Element was not completely updated during the rewrite of the current Comprehensive Plan that was adopted in 2010 because the 2010 Census information was not available until 2011. The 2010 Census asked fewer questions than in the past, which caused most of the information to be based on three year estimates. Some of the census information was contained within the Housing and Community Facilities Elements so they have been updated as well.

The population of the Town of Hilton Head Island grew from 33,862 in 2000 to 37,099 in 2010, while Bluffton Township grew from 19,044 in 2000 to 52,777 in 2010. The other notable change was the continuing increase in the median age for the island from 46 in 2000 to 51 in 2010.

The committee discussed several issues including the demographic information for schools. Following staff's presentation, Chairman Ferguson requested comments from the public and none were received. Following final discussion by the committee, Chairman Ferguson requested that a motion be made.

Mr. Harkins made a **motion to forward** the updates to the Population, Housing and Community Facilities Elements of the Comprehensive Plan to Town Council as presented with a recommendation of **approval**. Mr. Heitzke **seconded** the motion and the motion **passed** with a vote of 3-0-0.

ZMA120002: The Town of Hilton Head Island has applied to amend the Official Zoning Map by amending the Palmetto Dunes Master Plan to change the land uses permitted on three parcels, located near the corner of William Hilton Parkway and Queen's Folly Road. A portion of one property is currently zoned OL, Office/Institutional, and will be incorporated into the PD-1 as part of the Palmetto Dunes Resort Master Plan. The remainder of properties are currently zoned PD-1 within the Palmetto Dunes Resort Master Plan and assigned land uses of "HHI Fire Station", "PDR Maintenance" and "Outdoor Entertainment Recreation." These designations will be changed to "Office", "Office/Maintenance" and "Government Facilities/Maintenance/Parks and Open Areas" with associated density. The properties are identified as parcels 19 and 347A on Beaufort County Tax Map 12 and parcel 2 on Beaufort County Tax Map 15.

Ms. Shea Farrar made the presentation on behalf of staff. Staff recommended that the Planning and Development Standards Committee forward application ZMA120002 to Town Council with a recommendation of *approval*.

Ms. Farrar stated that this application was first reviewed by the committee on March 28, 2012. Since that time the staff has identified the need to add maintenance to the uses associated with the property. This is the only change to the application since the committee's previous review. Ms. Farrar presented a review of the application for the record.

Fire Station 6 is located near the entrance to Palmetto Dunes Resort on Queen's Folly Road. This facility was identified for replacement in the Town's 2012 Capital Improvements Program based on recommendations from the Town's Fire and Rescue Master Plan. The existing property would not accommodate the design that the Town uses for new fire stations, so alternative scenarios were explored. This resulted in an agreement between the Town, Palmetto Dunes Property Owner's Association (PDPOA) and Greenwood Communities and Resorts (GCR) to sell the existing fire station property to PDPOA and acquire the access needed to another Town property, better suited for the fire station. This will benefit both Palmetto Dunes and the Town.

The Palmetto Dunes community will benefit by having its POA administration and security offices located at the entrance to the community, along with a new pass office. The Town will benefit by being able to relocate Fire Station 6 to a site that has better access and is of adequate size for the new fire station design. In order for the proposed uses to be permitted on the applicable properties, the Town is proposing to rezone all properties to PD-1 as part of the Palmetto Dunes Resort Master Plan and to assign the appropriate land use designations.

The density associated with the OL Zoning District will also be incorporated into the PD-1 Zoning District for use with the development of the new fire station. No other density changes are proposed. Following staff's presentation, Chairman Ferguson requested public comments and none were received. Following final discussion by the committee, Chairman Ferguson requested that a motion be made.

Mr. Harkins made a **motion** to forward Application for Zoning Map Amendment ZMA120002 to Town Council as presented with a recommendation of **approval**. Mr. Heitzke **seconded** the motion and the motion **passed** with a vote of 3-0-0.

LMO Amendments: The Town of Hilton Head Island is proposing to revise and amend Chapter 3, Article XVII and Chapter 4, Article XIII of the Land Management Ordinance (LMO). The proposed amendments will categorize a change in the land use designation of any non-single family residential use to allow a telecommunications facility as a minor amendment to a PUD master plan. The proposed amendments will base the size of a telecommunications tower setback on the tower's fall zone.

Ms. Anne Cyran made the presentation on behalf of staff. Staff recommended that the committee forward the proposed amendments to Town Council with a recommendation of *approval*.

Staff proposes to amend Chapter 3, Article XVII and Chapter 4, Article XIII of the Land Management Ordinance (LMO). The first amendment would allow Planned Unit Development (PUD) master plans to be amended via minor amendments – instead of via Zoning Map Amendments (ZMA) – to allow telecommunications facilities as permitted uses on non-single-family properties. The second amendment would reduce the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way. The third amendment would reduce the size of telecommunications tower setbacks from residential structures.

Ms. Cyran stated that the Planning Commission held a public hearing on the proposed amendments on May 16, 2012. The Planning Commission approved the amendments with the following revision: the setbacks in Chapter 4, Article XIII have been changed to be equal to a tower's fall zone plus 20 feet. This revision is reflected in today's presentation.

The amendments are supported by Town Council's Policy Agenda for 2011 which has *Technology Infrastructure: Evaluation and Direction of Town's Role* listed as a Top Priority. To address this Priority, the Telecommunications Taskforce was formed in March 2011 by the Greater Island Council at the request of Mayor Laughlin. The Taskforce was asked to examine the island's telecommunications problems and provide recommendations for how the Town can improve telecommunications service.

A memo outlining the Taskforce's recommendations was presented to Town Council on December 6, 2011, and Town Council voted 7-0-0 to accept the recommendations. One of the Taskforce's findings was that wireless carriers are deferring investments in new infrastructure because of the lengthy process to approve new facilities and because of the restrictions on the location of those facilities, namely setback requirements. The lack of infrastructure investment is particularly acute in the PUDs because the PUD master plans must typically be amended via a zoning map amendment to permit a telecommunications facility as an allowed use on a potential site.

To resolve these problems, the Taskforce recommended amending the LMO to expedite the review process for new telecommunications facilities and to reduce the restrictions on their locations. The Taskforce also recommended decoupling these amendments from the ongoing LMO rewrite process to

expedite the changes. The amendments are also supported by the Adopted 2010 Comprehensive Plan, Section 6.7 – Communications, Goal A is to have effective communication services that minimize interruptions on the Island and that support emergency management as well as economic development applications. Following staff’s presentation, Chairman Ferguson requested public comments and the following were received:

Mr. Jim Collett, Chairman of the Telecommunications Task Force, presented statements in support of the proposed amendments. Mr. Jonathon Yates and Mr. Jason Grossclose, appearing on behalf of American Tower, presented statements in support of the proposed amendments. Ms. Judy Shade, Palmetto Dunes Homeowner’s Association, presented statements in support of the proposed amendments. Mr. John Mitchell, with AT&T, presented statements in support of the proposed amendments. Chester C. Williams presented an opinion regarding the legality of the amendments. Ms. Cyran responded that the amendments have been reviewed by the Town’s legal staff. The legal staff is confident that the proposed amendments will stand up to judicial scrutiny. Today’s action is a stop-gap measure intended to facilitate the permitting process for telecommunications until such time that the LMO Rewrite Committee completes their work. Following final discussion by the committee, Chairman Ferguson requested that a motion be made.

Mr. Harkins made a **motion** to forward the proposed LMO Amendments to Town Council as presented with a recommendation of **approval**. Mr. Heitzke **seconded** the motion and the motion **passed** with a vote of 3-0-0.

6. COMMITTEE BUSINESS

None

7. ADJOURNMENT

The meeting was adjourned at 5:15pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Bill Ferguson
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Nicole Dixon, CFM, *Senior Planner*
CC: Charles Cousins, AICP, *Director of Community Development*
DATE: June 7, 2012
SUBJECT: Proposed Ordinance No. 2012-18
ZMA120005 – Mathews Drive & Shrimp Lane Rezoning

Recommendation: The Planning Commission met on June 6, 2012 to review the attached application for Zoning Map Amendment (ZMA120005) and after a public hearing voted 6-2-0 to recommend that Town Council approve the proposed application for rezoning.

Staff recommends that the Planning and Development Standards Committee forward the application for the proposed rezoning to Town Council with a recommendation for denial.

Summary: The purpose of this application is to amend the Official Zoning Map by changing the zoning designation of three properties located at 7 Shrimp Lane and 120 and 118 Mathews Drive, from the IL (Light Industrial) Zoning District to the CC (Commercial Center) Zoning District. The properties proposed to be rezoned contain two vacant buildings and an existing furniture store.

Background: The Town received this request from Ernest Marchetti, on behalf of the property owners, to rezone the three parcels from IL to CC. He has a client who is interested in occupying one of the vacant buildings with an auto parts sales business (classified as retail sales), which is currently not permitted in the IL Zoning District. Staff reviewed this request and determined that the application is inconsistent with the Comprehensive Plan and the Land Management Ordinance (LMO).

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2012-

PROPOSED ORDINANCE NO. 2012-18

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 PARCELS 154, 11I AND 162 ON BEAUFORT COUNTY TAX MAP 8, FROM IL (LIGHT INDUSTRIAL) 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 June 6, 2012, 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 6-2-0 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 June 13, 2012 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 *<MOTION>* the proposed zoning map amendment application; 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 *<MOTION>* 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 parcels 154, 11I and 162 on Beaufort County Tax Map 8, from IL to the CC Zoning District. The attached Vicinity Map shows the location of the subject property.

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 _____, 2012.

Drew A. Laughlin, Mayor

ATTEST:

Cori Brock, Town Clerk

Public Hearing: June 6, 2012

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:
ZMA120005	Mathews Drive & Shrimp Lane	June 6, 2012

Parcel Data or Location:	Property Owners	Applicant/Agent
<u>Existing Zoning District:</u> IL (Light Industrial) <u>Proposed Zoning District:</u> CC (Commercial Center) <u>Applicable Overlay District(s):</u> Corridor Overlay <u>Parcels Affected:</u> Beaufort County Tax Map 8: Parcel 154 – .50 acres Parcel 11I – .25 acres Parcel 162 - .55 acres	Frances Marscher 23 Big Oak Street Hilton Head Island, SC 29926 (Parcels 154 & 11I) Mary Janet Hennesy 628 W. Branch Road Ridgeland, SC 29926 (Parcel 162)	Ernest Marchetti 1555 Fording Island Road Hilton Head Island, SC 29926

Application Summary:

Ernest Marchetti, on behalf of Frances Marscher and Mary Janet Hennesy, is proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 7 Shrimp Lane and 120 and 118 Mathews Drive from the IL (Light Industrial) 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. The impervious coverage requirements are the same for both IL and CC zoning, being 65% maximum impervious coverage.

Staff Recommendation:

Staff recommends that the Planning Commission find this application to be inconsistent with the Town’s Comprehensive Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background:

Staff received a zoning verification request for two adjoining properties located at 120 Mathews Drive and 7 Shrimp Lane. In the request, it was mentioned that there was someone interested in purchasing the properties to open an Auto Parts sales business. In the response letter back to the applicant, town staff informed them that an auto parts sales use, which is classified as retail sales, is not a permitted use in the IL zoning district. Mr. Marchetti, representing the interested buyer, came in to meet with town staff regarding their options. He was made aware that the use was in fact not permitted in the IL district. He decided to apply for a rezoning of the two properties, in addition to the property across Shrimp Lane at 118 Mathews Drive.

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

There are currently two vacant buildings at 120 Mathews Drive and 7 Shrimp Lane, which used to be a furniture store. The applicant wishes to tear down the building at 7 Shrimp Lane to use for parking and open an auto parts store at 120 Mathews Drive. There is currently a furniture store in operation at 118 Mathews Drive. One property is conforming and the other two are vacant but were previously conforming to the existing IL zoning district.

The area surrounding the properties subject to the rezoning contains a mix of uses: a vacant property to the south, warehouse type buildings to the west, shopping center and Palmetto Electric building across Mathews Drive to the east, and multi-family residential to the north.

When reviewing a rezoning request, one of the things staff looks at is why the applicant is making the request. There have been several rezoning requests within the last year where an applicant wishes to rezone, not because the zoning district isn't functioning properly in that area, but because they have a particular use they want for a particular property, even though it isn't currently zoned for that use. The only option they pursue is to request to rezone to a district that allows their proposed use. For example, the Verizon business and the adjacent vacant property were rezoned OL to CC in June 2011 because the applicant stated they had someone interested in purchasing the property for auto parts sales and a drive through restaurant. The vacant property is still vacant a year later.

Another example is the South Island Square rezoning from OL to CC that was approved in November 2011. The applicant stated they needed to rezone to allow a mattress store to occupy the vacant building in South Island Square, which was previously occupied by a doctor's office. The property was rezoned to CC, but the vacant building is now occupied by a doctors' office, a use which was permitted in Office/Institutional Low Intensity zoning district.

Town Council recently denied a rezoning request for someone wishing to occupy the old Hargray building with a mattress store; that is one more example of a business owner wishing to change the zoning of a property to fit a very specific use and tenant rather than trying to find available commercially zoned property.

Another problem staff foresees is that just because an applicant states they have someone interested in purchasing a property should it be rezoned, it doesn't mean it is necessarily going to happen, as we can see from the examples stated above. It is important to keep in mind that once rezoned from IL to CC, any use allowed in the CC zoning district is now available to those particular properties. Should the vacant furniture store not be occupied by an auto parts store, it is now open to any use in the CC district; some of these uses may not be appropriate in that area.

It needs to be stressed to these applicants that instead of trying to rezone properties to suit particular uses, they need to look for available properties within zoning districts where the requested use is permitted so that the Town doesn't establish a surplus of CC zoned property, or any other district for that matter, and too little IL zoned property.

While staff finds the application meets most of the criteria required for a rezoning, staff is recommending denial of this rezoning request for the reasons mentioned above. The Town should not continue to rezone properties for one particular business or use when there are other appropriately zoned properties available.

Applicant's Grounds for ZMA:

The applicant states in the narrative that the proposed application to rezone the subject properties from IL to the CC zoning district is more in character with the existing commercial uses on Mathews Drive. 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 states that the Land Use Element of the Comprehensive Plan provides that infill development of the commercial context should be the focus of future development, and that this rezoning request allows that to happen.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the Application was published in the Island Packet on May 6, 2012 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on June 6, 2012 as set forth in LMO 16-3-1504A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

Conclusion of Law:

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

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

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

An Implication for 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 8.9 – 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.

Conclusions of Law:

- Staff concludes that this application is not consistent with the Comprehensive Plan,

- as described in the Land Use Element as set forth in LMO Section 16-3-1505A.
- Although the proposed rezoning could increase the economic development potential of the property, there is no guarantee that just by rezoning the property that the vacant buildings will be occupied.
 - While redevelopment is a focus of the Comprehensive Plan, rezoning the property does not mean the buildings or property will be redeveloped.
 - The proposed rezoning would reduce the amount of IL zoned property and increase the amount of CC zoned property, which does not in effect maintain an appropriate balance of land uses as called for in the Comprehensive Plan. The Town could potentially end up with a surplus of CC zoned property and perhaps not enough IL zoned property to meet the needs of those uses.

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

- LMO Section 16-4-218 describes the purpose of the existing IL zoning district as being: *“established 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.”*
- There are three properties subject to the proposed rezoning; two of which contain vacant buildings and one that is a furniture store, which is permitted in the IL zoning district.
- The conforming uses of nearby property are the warehouse buildings to the west, which are conforming to the IL zoning district, the commercial uses to the east, which are conforming to their CC zoning district, and the residential use to the north which is conforming to its RM-4 zoning district.

Conclusions of Law:

- Staff concludes that the properties subject to the rezoning application are compatible with the present zoning, some conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B because the developed property contains a use that is currently permitted in the IL district and the vacant buildings were and can be developed with a use that is permitted in the IL district.
- The furniture store and the vacant buildings are compatible with the surrounding conforming nearby uses such as the shopping center and warehouses.
- The current zoning of light industrial is not necessarily compatible with the adjacent residentially zoned property to the north because light industrial uses could create negative impacts to neighboring properties; however any use adjacent to a residential use may not be considered ideal.

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.”*
- There are three properties subject to the proposed rezoning; two of which contain vacant buildings and one that is a furniture store, which is also permitted in the CC zoning district.
- There are areas on the Island that have been designated as high intensity commercial development and redevelopment areas, and the Mathews Drive area is one of them because the infrastructure was put in place to support such impacts.
- The properties across Mathews Drive and several other areas along Mathews Drive are currently zoned CC.

Conclusions of Law:

- Staff concludes that the affected properties are suitable for some of the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C because the subject properties are and have been developed as furniture stores, which is also a permitted use in the CC zoning district.
- The CC zoning already exists across Mathews Drive and in the vicinity because that part of the Island was intended to be a commercial district according to the Zoning Map.

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 IL zoning district as being: *“established 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.”*
- There are three properties subject to the proposed rezoning; two of which contain vacant buildings and one that is a furniture store, which is permitted in the IL zoning district.
- Light industrial uses typically require larger pieces of land to support the larger buildings, outdoor storage areas, etc needed for such uses.

Conclusion of Law:

- Staff concludes that the affected properties are not suitable for all of the uses permitted by the IL zoning district as set forth in LMO Section 16-3-1505D because the properties are located adjacent to residential property and are fairly small in size.

Summary of Facts and Conclusions of Law:

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

Finding of Fact:

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

Conclusion of Law:

- Staff concludes that the marketability of the properties may change as set forth in LMO Section 16-3-1505E.

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

- The affected properties already have water, sewer and stormwater services available to them.
- Any changes to the site that would require changes to the utilities for the site will be addressed during review of a Development Plan Review (DPR) application.

Conclusion of Law:

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

LMO Official Determination

Determination: Staff determines that this application is inconsistent with the Comprehensive Plan and does not serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY: _____

N.D.

Nicole Dixon, CFM
Senior Planner

May 16, 2012

DATE

REVIEWED BY:

TBL

Teri B. Lewis, AICP
LMO Official

DATE

REVIEWED BY:

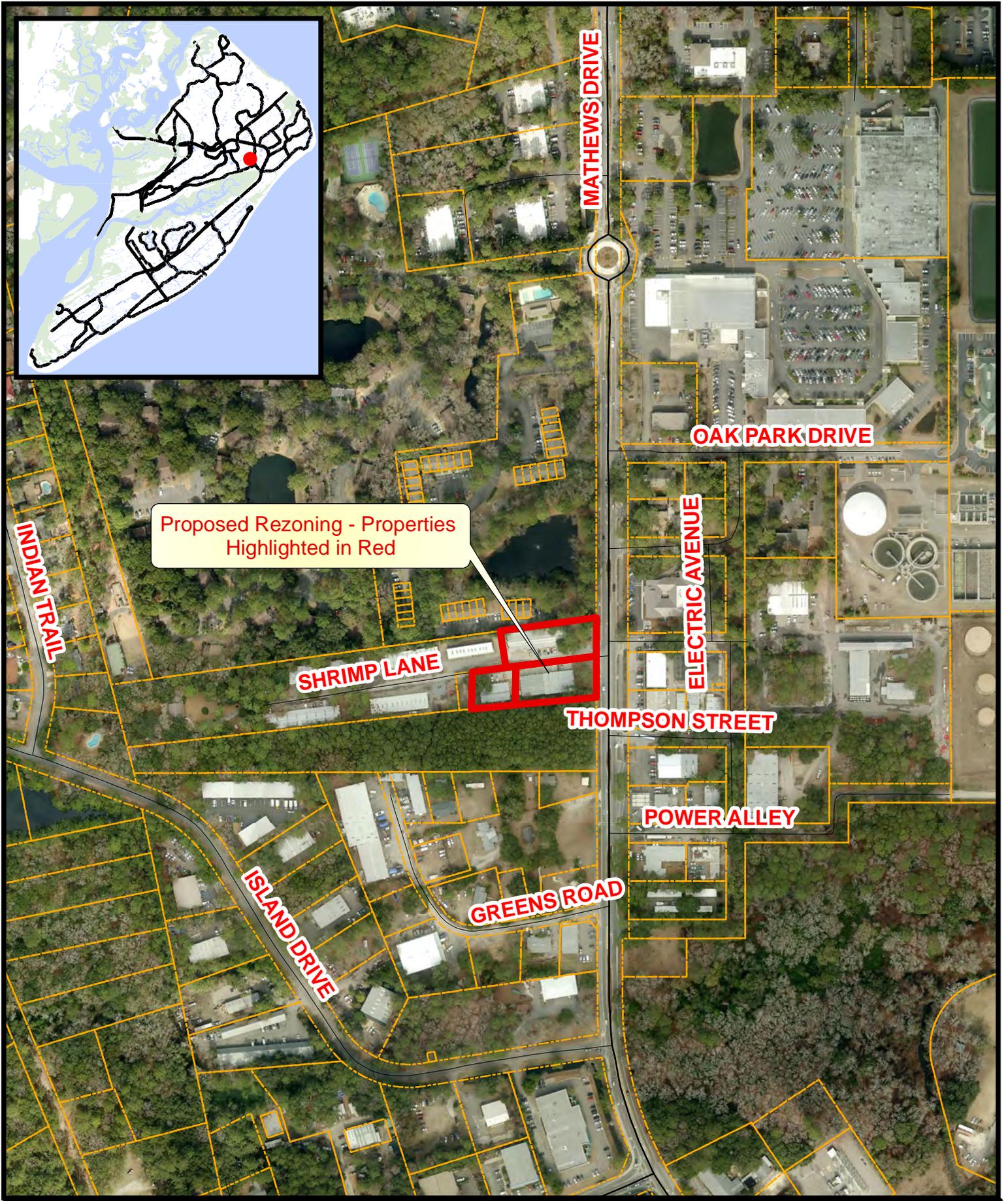
JL

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

DATE

ATTACHMENTS:

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



Proposed Rezoning - Properties Highlighted in Red

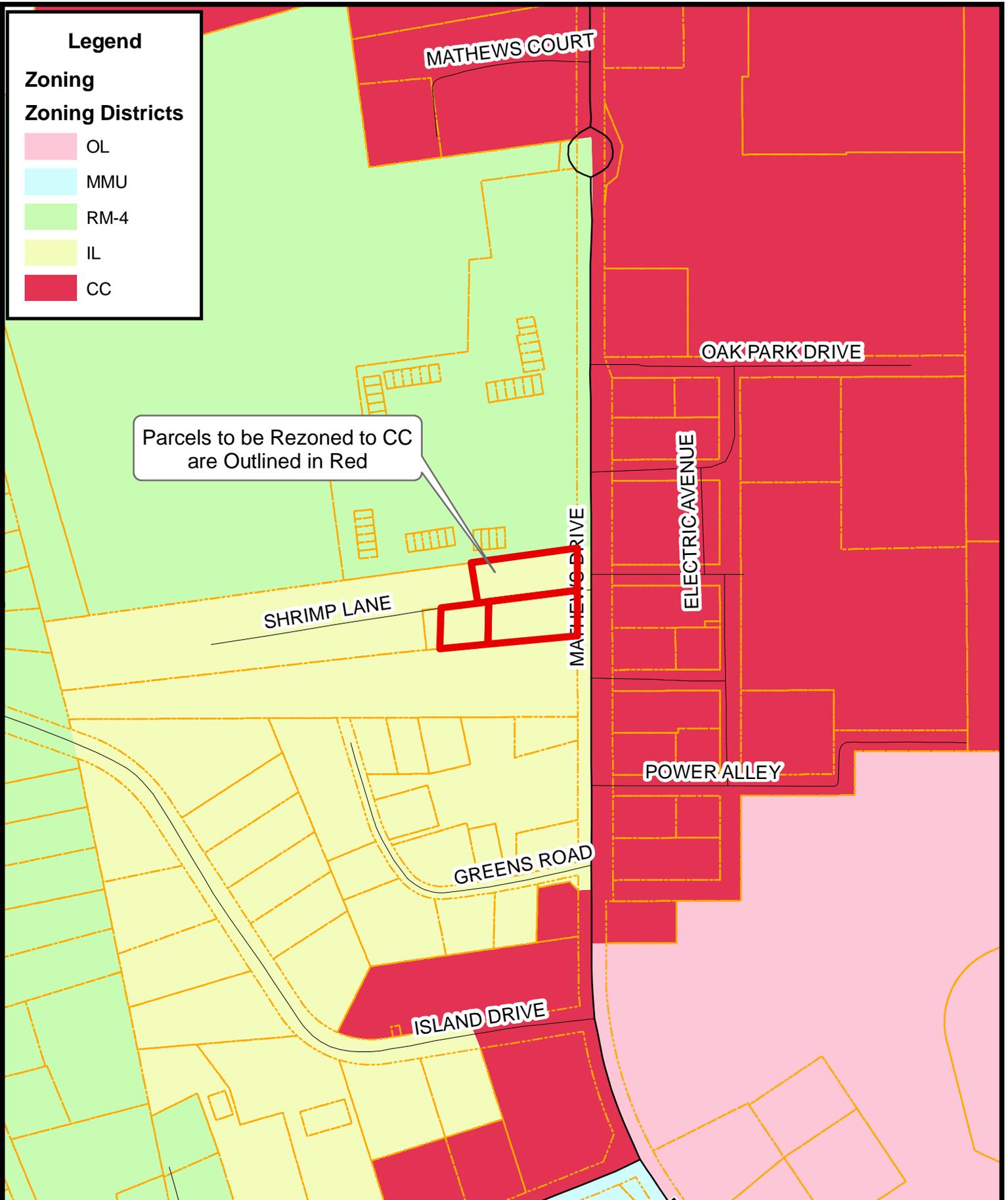


Legend

Zoning

Zoning Districts

- OL
- MMU
- RM-4
- IL
- CC



ATTACHMENT C

P = Permitted By Right PC = Permitted With Conditions SE = Special Exception

Specific Use	IL	CC
Group Living		
Single Family		P
Multifamily Residential		PC
Mixed Use		PC
Manufactured Housing Park		
Aviation/Surface Passenger Terminal	SE	
Community Service		P
Day Care		PC
Colleges		P
Schools, Public or Private		P
Government Facilities	P	P
Hospitals		
Religious Institutions	PC	P
Other Institutions		SE
Cemetery		
Park, Community		SE
Park, Linear		
Park, Mini		P
Park, Neighborhood		
Park, Regional		
Park, Special Use		P
Major Utility	P	SE
Minor Utility	P	P
Telecommunications Facility	PC	PC
Waste Treatment Plant	SE	SE
Restaurant With Drive-thru		SE
Restaurant With Seating, High Turnover	PC	P
Restaurant With Seating, Low Turnover		P
Restaurant Without Seating	P	P
Indoor Recreation		SE
Indoor Entertainment		SE
Outdoor Recreation		

ATTACHMENT C

P = Permitted By Right PC = Permitted With Conditions SE = Special Exception

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

ATTACHMENT C

P = Permitted By Right PC = Permitted With Conditions SE = Special Exception

Tattoo Facility		PC
Veterinary Hospital	P	PC
Watercraft Sales, Rental or Service	P	
Other Retail Sales or Service		P
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	
Aviation Services	PC	
Contractor's Office	P	PC
Other Light Industrial Service	P	SE
Seafood Processing		
Other Manufacturing and Production	P	
Limited Manufacturing		
Moving and Storage	P	
Self-Service Storage	P	SE
Warehousing	P	
Waste Related Service	P	
Contractor's Materials	P	
Wholesale Business	P	SE
Wholesale Business with Accessory Retail Outlet	PC	SE
Agriculture		
Docking Facility and Boat Ramp		
Marina		
Other Water Oriented Uses		

ATTACHMENT D

April 20, 2012

Community Development Department
One Town Center Court
Hilton Head Island SC29928

This is a request for rezoning three lots with improvements located at 118 and 120 Mathews Drive and 7 Shrimp lane Hilton Head Island SC, shown on the plat attached. The current zoning is IL Light Industrial Commercial Distribution. The request is to change to CC (Commercial Center)

A. Consistency with the Comprehensive Plan. This request for a zoning change to CC is consistent with the Comprehensive Plan and is more in keeping with the commercial uses on Matthews Drive. The CC use fits the Comprehensive Plan's objective of having commercial property situated where it serves the Island residence and guest in a safe and efficient manner. The zoning change would allow 118 and 120 Mathews Drive and 7 Shrimp Lane as a retail store. The building on 7 Shrimp lane would be taken down for additional parking. The past use for 120 Mathews was a furniture store which is somewhat retail but not excluded in the IL zoning. The current use for 118 Mathews is a furniture store. At present we have a contract on 120 Mathews, with Advanced Auto for a parts store which needs a CC zoning to conform to the LMO.

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

B. Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood. Surrounding properties include a furniture store, The Palmetto Electric Office a retail strip center, a gas convenience store, an apartment complex, self storage units and vacant land. Rezoning the subject parcel to CC would be in total compliance with the neighborhood.

C. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment.

The property has recently been a furniture store which is an allowable use under CC and would be suitable and consistent with the adjacent furniture store.

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.

ATTACHMENT D

The property at 120 Mathews Drive is a 6,000 + square foot building that was a furniture store.

The property on 7 Shrimp Lane is a 3000 Square foot building that will be taken down to make room for parking. And reduce congestion on Shrimp Lane.

The property on 18 Mathews Drive is a 6,000 + square foot furniture store.

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 contract with a major auto parts store which would keep this from becoming another dark building on Hilton Head. In addition to being a benefit to the population on the Island it would improve property values and employ some 16 new employees.

F. Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use.

Documentation attached from Hilton Head Public Service District. The area has been developed for a number of years and storm water drainage is in and adequate. Water and sewer are available to the site

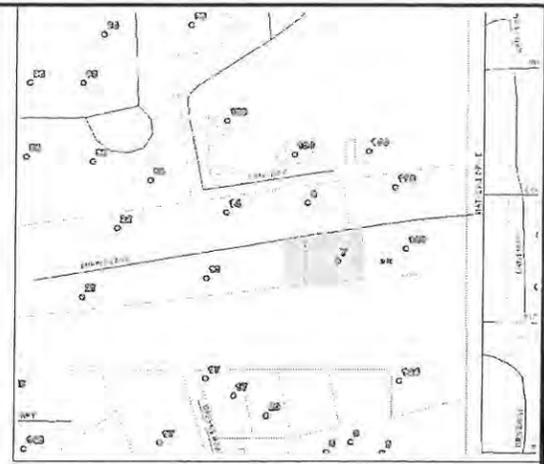
See attached.

ATTACHMENT E

First American Title Insurance Company
 SCHEDULE B - SECTION II
 EXCLUSIONS
 Issuing Office File No. 12-042-29
 Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

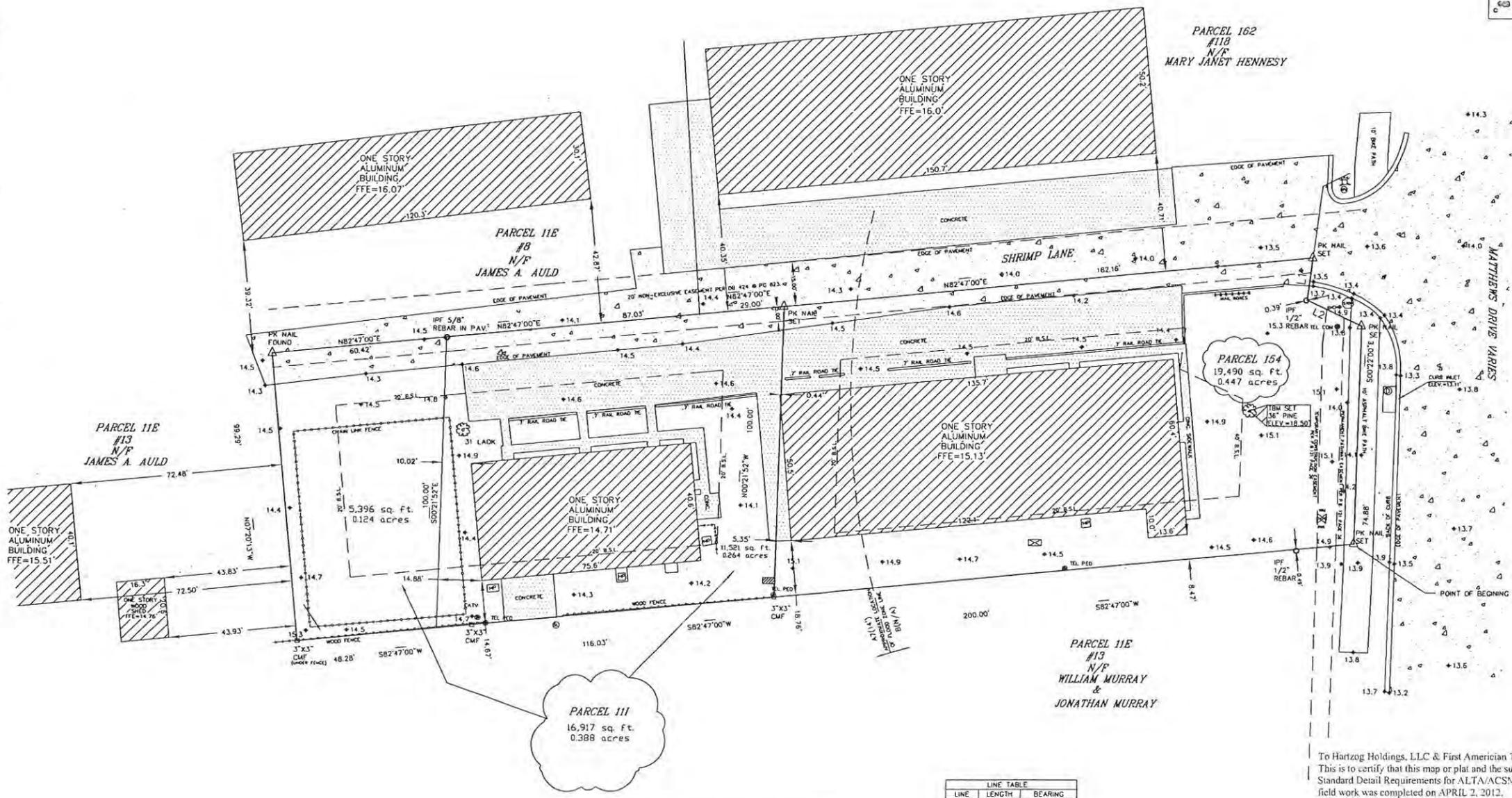
7. Terms and conditions of any existing unexpired policies and all rights of lessors and any parties claiming thereon in the interest of said parcels.
8. Subsequent to and between Adrienne K. and William F. Marcher, John L. Allen and James A. Auld, as recorded in Book 424 at Page 523 (PLATTED) and in Book 424 at Page 578 (LATTED), Office of the Register of Deeds for Beaufort County.
9. Easements to James A. Auld as recorded in Book 479 at Page 621 (DUBLED PLR QUIT CL 12117 ED 124 AT 825), Book 424 at Page 531 (PLATTED) and in Book 424 at Page 578 (LATTED), Office of the Register of Deeds for Beaufort County.
10. Quit Claim Deed to and all interests or rights of improvement as recorded in Book 424 at Page 517, Office of the Register of Deeds for Beaufort County.
11. Easement agreement between John L. Allen and William F. and Adrienne K. Marcher as recorded in Book 424 at Page 532 (PLATTED), Office of the Register of Deeds for Beaufort County.
12. Consent to Purchase Electric Property, Inc. as recorded in Book 249 at Page 204 (UNDERGROUND UTILITY NOT PLATTED), Office of the Register of Deeds for Beaufort County.
13. Easement Agreement between William F. Marcher II, Thomas and Frances H. Marcher, Trust of the Marcher II Trust and the Town of Hilton Head, as recorded in Book 424 at Page 532 (PLATTED), Office of the Register of Deeds for Beaufort County. NOTE: This matter applies to 120 Malibu Drive only.
14. Possible photo of Rose Supply Corporation under certain Easement as recorded in Book 410 at Page 131, Office of the Register of Deeds for Beaufort County. NOTE: This matter applies to 120 Malibu Drive only.
15. Consent by James A. Auld regarding construction of warehouses as recorded in Book 283 at Page 176, Office of the Register of Deeds for Beaufort County. NOTE: This matter applies to 7 Shrimp Lane only.

PROPERTY DESCRIPTION
 ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN THE TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, STATE OF SOUTH CAROLINA, BEING LOCATED ON THE WESTERN RIGHT OF WAY OF MATTHEWS DRIVE, KNOWN AS PARCELS 134 AND 111 AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:
 BEGINNING AT A PK NAIL SET ON THE WESTERN RIGHT OF WAY OF MATTHEWS DRIVE, AND NOTED AS POINT OF BEGINNING, BEING THE COMMON CORNER OF PARCELS 154 AND 111; THENCE, RUNNING IN A WESTERLY DIRECTION S82°47'33"W FOR A DISTANCE OF 200' TO A 3" X 3" CONCRETE MONUMENT; THENCE, S83°47'00"W FOR A DISTANCE OF 116.03' TO A POINT; THENCE, S82°47'00"W FOR A DISTANCE OF 48.28' TO A 3" X 3" CONCRETE MONUMENT; THENCE, N07°20'15"W FOR A DISTANCE OF 99.29' TO A PK NAIL FOUND; THENCE, N02°47'00"E FOR A DISTANCE OF 60.42' TO A 5/8" REBAR FOUND; THENCE, N02°47'00"E FOR A DISTANCE OF 57.03' TO A POINT; THENCE, N82°47'00"E FOR A DISTANCE OF 24.00' TO A PK NAIL SET; THENCE, N82°47'00"E FOR A DISTANCE OF 182.16' TO A PK NAIL SET; THENCE, S05°17'19"W FOR A DISTANCE OF 14.65' TO A 1/2" REBAR; THENCE, S66°38'43"E FOR A DISTANCE OF 20.92' TO A PK NAIL SET; THENCE, S00°22'00"E FOR A DISTANCE OF 74.8' TO A PK NAIL SET BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.785 ACRES. THE PROPERTY DESCRIBED IS SUBJECT TO A 20' NON-EXCLUSIVE EASEMENT ON THE NORTHERN MOST PROPERTY LINE, AND A PERMANENT PATHWAY EASEMENT ON THE EASTERN MOST PROPERTY LINE.



- LEGEND**
- CONCRETE MONUMENT SET
 - CONCRETE MONUMENT FOUND
 - PK NAIL SET
 - IRON PIN FOUND
 - MONUMENT STREET ADDRESS
 - TEMPORARY BENCH MARK
 - BUILDING SETBACK LINE
 - TELEPHONE PEDESTAL/COMMERCIAL/UTILITY
 - SEWER LATERAL
 - SANITARY SEWER MANHOLE
 - ELECTRIC BOX
 - SPOT ELEVATION SHOTS
 - HYDRA - TRANSFORMER
 - WATER VALVE
 - WATER METER
 - HEAT PUMP
 - FIRE HYDRANT
 - DRAIN ALLEY
 - POWER POLE
 - OVER HEAD POWER LINE
 - DIRT LINE
 - LIGHT POLE
 - STORM DRAIN MANHOLE
 - FIBEROPTICS MANHOLE
 - STREET SIGN
 - STOP SIGN

- TREE LEGEND**
- WHOK - WHITE OAK
 - LAK - LAUREL OAK
 - LK - LIVE OAK
 - WOK - WATER OAK
 - ROK - RED OAK
 - PCAN - PECAN
 - MAG - MAGNOLIA
 - HIC - HICKORY
 - MPL - MAPLE
 - PLM - PALMETTO
 - CHY - CHERRY
 - HLY - HOLLY
 - CDR - CEDAR
 - RDB - RED BUD
 - SAS - SASSAFRAS
 - DOC - DOGWOOD
 - SB - SUGARBERRY
 - P - PINE
 - G - GUM
 - B - BAY



LINE	LENGTH	BEARING
L1	14.65	S05°17'19"W
L2	20.92	S66°38'43"E

NOTE: PARCELS 111 & 154 ARE ZONED IL - LIGHT INDUSTRIAL PER THE TOWN OF HILTON HEAD PLANNING DEPARTMENT & THE SETBACKS SHOWN ARE PER THE TOWN OF HILTON HEAD PLANNING DEPARTMENT.

To Hartzog Holdings, LLC & First American Title Insurance Company:
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS. The field work was completed on APRIL 2, 2012.
 Date of plat: APRIL 4, 2012

WILLIAM J. SMITH, PLS # 26960



T-SQUARE GROUP, INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. Drawer 330
 139 Burnt Church Road
 Bluffton, S.C. 29910
 tsquare@earthlink.net
 Phone 843-757-2650 Fax 843-757-5758
 JOB No. 12-042ALTA

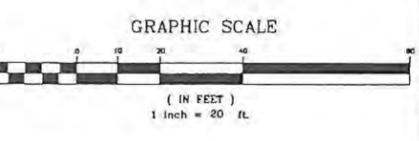
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE INDICATED.

WILLIAM J. SMITH, PLS # 26960



THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF
HARTZOG HOLDINGS, LLC
 AN ALTA/ACSM LAND TITLE SURVEY OF PARCELS 111 & 154 MATTHEWS DRIVE, TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.
 DIST 511, MAP 008, PARCEL 111
 DIST 511, MAP 008, PARCEL 154

NOTES:
 1. According to FEMA Flood Insurance Rate Map # 450025 0000D This Lot Appears To Lie In A Federal Flood Plain Zone A7 & B, Minimum Required Elevation 14.0' & 14.0' NGVD89
 2. This Survey Was Performed Without The Benefit Of A Vetland Delineation
 3. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction
 Reference Plat(s)
 1. PLAT BOOK 33 AT PAGE 57
 2. PLAT BOOK 121 AT PAGE 36
 3. PLAT BOOK 23 AT PAGE 25
 4. A PLAT BY SEA ISLAND ENGINEERING, PREPARED FOR WILLIAM F. & ADRIENNE K. MARCHER.



DRAWN BY: W.J.S.
 APPROVED BY: F.F.B.
 PARTY CHIEF: B.S.
 DATE: APRIL 4, 2012