



Town of Hilton Head Island
Regular Planning Commission Meeting
Wednesday, November 6, 2013
9:00 a.m. Benjamin M. Racusin Council Chambers
AGENDA

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

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
5. **Approval of Agenda**
6. **Approval of Minutes** – October 16, 2013 Meeting
7. **Appearance by Citizens on Items Unrelated to Today’s Agenda**
8. **Unfinished Business**
None
9. **New Business**
 - a) **ZMA130007**: A request from Chester C. Williams on behalf of HSSC, LLC proposing to amend the Official Zoning Map by changing the zoning designation of the property located at 1-16 and 20-70 Beach City Road from the RM-4 (Low Density Residential) Zoning District to the RM-8 (Residential Moderate Density) Zoning District. The properties are further identified on Beaufort County Tax Map 5, Parcels 8, 336 through 342, and 344 through 375. *Presented by: Jayme Lopko*
 - b) **LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise Section 16-4-1305 to remove the standard that auto sales are not permitted on sites within 1,500 feet of an existing residential use. *Presented by: Anne Cyran*
 - c) **CIP Presentation** *Presented by: Scott Liggett*
10. **Commission Business**
11. **Chairman’s Report**
12. **Committee Reports**

13. Staff Reports

14. 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 – November 20, 2013 at 3:00p.m.
- 2) Regular Planning Commission Meeting – December 4, 2013 at 9:00a.m.

** Please visit the Town's website for complete and up-to-date information on all Town meetings.*

1 **TOWN OF HILTON HEAD ISLAND**
2 **Planning Commission Meeting**
3 **Wednesday, October 16, 2013**
4 **3:00p.m – Benjamin M. Racusin Council Chambers**

DRAFT

5
6
7 Commissioners Present: Chairman Gail Quick, Vice Chairman David Bennett, Tom Lennox,
8 Alex Brown, Terry Ennis, Bryan Hughes, Barry Taylor, and Brian Witmer
9

10 Commissioners Absent: Judd Carstens

11
12 Town Council Present: None

13
14 Town Staff Present: Jayme Lopko, Senior Planner & Planning Commission Coordinator
15 Lavarn Lucas, Fire Chief
16 Suzanne Brown, Addressing Technician
17 Heather Colin, Development Review Administrator
18 Darrin Shoemaker, Traffic & Transportation Engineer
19 Kathleen Carlin, Secretary
20

21 **1. Call to Order**

22 **2. Pledge of Allegiance to the Flag**

23 **3. Roll Call**

24 **4. Freedom of Information Act Compliance**

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

27 **5. Chairman's Welcome and Introduction to Meeting Procedures**

28 **6. Approval of Agenda**

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

30 **7. Approval of Minutes**

31 The Planning Commission **approved** the minutes of the October 2, 2013 meeting as presented
32 by general consent.

33 **8. Appearance by Citizens on Items Unrelated to Today's Agenda**

34 None

35 **9. Unfinished Business**

36 None
37

38 **10. New Business**

39 **ZMA130006:** A request from Walter J. Nester, III on behalf of Main Street Inn, LLC
40 proposing to amend the Official Zoning Map by amending the Hilton Head Plantation Master
41 Plan to change the land uses permitted on property located at 2200 Main Street from Motel and
42 Restaurant to Medical and Behavioral Health Services. The property is further identified on
43 Beaufort County Tax Map 7B as Parcel 19. *Chairman Quick reported that review of this*
44 *application is postponed to November 20, 2013 at 3:00p.m at the applicant's request.*

1 **STRNM13006:** The Town of Hilton Head Island has applied to modify a portion of Shelter
2 Cove Lane. The proposed name is Shelter Cove Crossing. The properties affected are identified
3 as Parcels 1, 2, 3, 4, 5, 23 and 30 on Beaufort County Tax Map 12B & 12C. Chairman Quick
4 introduced the application and opened the public hearing. Chairman Quick then requested that
5 the staff make their presentation.
6

7 Chief Lavarn Lucas made the presentation on behalf of staff. The staff recommended that the
8 Planning Commission *approve* the Shelter Cove Crossing modified street name application
9 based on the review criterion outlined in the Land Management Ordinance and contained in the
10 staff's report.
11

12 Chief Lucas presented an in-depth overhead review of the application including a site map of
13 Shelter Cove Lane. Chief Lucas stated Shelter Cove Lane was named many years ago before the
14 911 legislation and the Town's current standards on street naming and addressing came into
15 existence. Chief Lucas stated Shelter Cove Lane is a non-compliant street according to the
16 Town's standards.
17

18 Currently Shelter Cove Lane runs from Harbourmaster to the Beaufort County Sheriff's Office.
19 With the re-development of the Shelter Cove Mall, portions of Shelter Cove Lane were realigned
20 causing the need to rename portions of the street. Shelter Cove Lane is an extremely long
21 street. The Town recommends renaming portions of Shelter Cove Lane to eliminate some of the
22 response problems currently being experienced by emergency response.
23

24 The goal is to eliminate confusion by providing a specific address range for each street with
25 Shelter Cove Lane having an address range of 1-29, Shelter Cove Boulevard having an address
26 range of 30-49, and Shelter Cove Crossing having an address range of 50-80.
27

28 Chief Lucas stated Fire & Rescue has worked with Shelter Cove Harbour Company on selecting
29 the proposed street names. The desire was to keep Shelter Cove in the name because it defines
30 the area. Fire & Rescue does not object to the similar names; the specific range of addresses for
31 each street section would be used to identify locations.
32

33 Chief Lucas stated the businesses located on Shelter Cove Lane are opposed to changing the
34 street name. Regardless of what the Planning Commission decides today, the numeric addresses
35 for these businesses will change. Redevelopment of the Mall will necessitate changing these
36 business addresses. Since the numeric addresses for these businesses will change, this is a
37 perfect time to correct the non-conforming street name as part of the process.
38

39 Following Chief Lucas' presentation, Chairman Quick requested public comments. The
40 following public comments were received:
41

42 (1) Ms. Laura Griffin, Jones Land LaSalle, property owner management company; (2) Ms.
43 Stephanie TeBrake, Jakes Shore Thing, business owner; and (3) Mr. Bob Prust, Wine & Spirit
44 Shop, business owner.
45

46 The public speakers stated they are opposed to the Town changing the street name and/or the
47 numeric addresses of these businesses because of concerns with customer confusion and lost
48 business. Changing the street name and/or numeric address will have a negative financial impact
49 on the businesses. At the completion of the public comments, Chairman Quick stated that the

1 public hearing for the application is closed. Chairman Quick invited discussion by the Planning
2 Commission.

3
4 Commissioner Ennis stated that regardless of whether or not the Planning Commission approves
5 the name change, the business addresses will change anyway. Chief Lucas stated that this is
6 correct. Even if the Planning Commission denies the request to change the Shelter Cove Lane
7 street name, the business addresses will change. The Planning Commission has no jurisdiction
8 over numeric addresses.

9
10 Commissioner Lennox and Chief Lucas discussed the Town's previous experience with
11 changing street names. Chief Lucas stated that Beaufort County needs to be notified of the
12 change of address and the postal service needs to be notified. Chief Lucas agreed that the change
13 in addressing has an obvious negative impact to businesses with regard to advertising.
14 Commissioner Lennox stated that many of the legal issues, such as lease agreements, will not be
15 affected by a change in address.

16
17 Vice Chairman Bennett and Chief Lucas discussed addresses for the buildings in the new
18 development as related to safety in emergency response. The Planning Commission discussed a
19 couple of addressing options for the area with Chief Lucas. Chief Lucas stated that multiple
20 buildings with the same numeric address will be very confusing and difficult for emergency
21 response. Commissioner Hughes and Chief Lucas discussed addresses for buildings that have not
22 been built yet. Chief Lucas stated the entry way is not a named street. The law requires that a
23 numeric address be assigned to each individual building or structure.

24
25 Chief Lucas stated that a decision by the Planning Commission should be reached today because
26 a couple of businesses (J. Banks and Kroger) are due to open shortly and would be negatively
27 affected by the delay. Chairman Quick stated the Planning Commission should have been
28 notified earlier by staff that this is a critical issue that must be addressed by the Planning
29 Commission today.

30
31 Ms. Roni Halliburton, representative of Shelter Cove Town Center, presented statements
32 regarding the street name change and numeric change. The Planning Commission discussed the
33 driveway entering off William Hilton Parkway. Several Planning Commissioners asked the staff
34 if the driveway could be given a name.

35
36 Ms. Heather Colin stated the new driveway is not an easement, street, or road. It is a driveway
37 that will be used to access the streets. The LMO does not require a driveway to have a street
38 name because it does not have the same requirements of a street. Commissioner Ennis and Chief
39 Lucas discussed the negatives associated with naming the small entry driveway.

40
41 Mr. Darrin Shoemaker stated that if the Planning Commission accepts the staff's
42 recommendation to rename these streets, it would seem that the existing numerical address points
43 for Shelter Cove Plaza (# 32 & # 70) could remain. If the Planning Commission turns down the
44 Chief's recommendation, and it all stays Shelter Cove Lane, it seems that it would be appropriate
45 to ask the stakeholders who are present today if they have to select between 32 Shelter Cove
46 Crossing and a new number with Shelter Cove Lane, which one of these would they prefer.

47
48 Chairman Quick stated that the street naming application is very confusing. Chairman Quick
49 requested additional time so that the questions put forth by the Planning Commission can be

1 fully answered by the staff. Additional time is needed to allow an opportunity for everyone
2 involved to come up with a solution that will resolve some of these issues. Chairman Quick
3 stated that she is uncomfortable voting on the application today because she is concerned with
4 the negative impact on existing business owners. Chairman Quick requested that Mrs. Jayme
5 Lopko respond on behalf of staff.
6

7 Mrs. Lopko stated that the Planning Commission has the option to remand the issue back to staff.
8 If the Planning Commission chooses this option, they will need to give the staff specific direction
9 as to what they are looking for that staff has not given them today. In order to remand the
10 application back to staff, the following items need to be done: (1) the Planning Commission
11 needs to give staff clear direction on what needs to be addressed; (2) the Planning Commission
12 needs to provide a date at which the application will be heard again.
13

14 Chairman Quick stated that the application does not address the concerns presented by the public
15 today. Chief Lucas stated that Jos. Banks and Kroger both need addresses for their permits soon
16 in order to open. The Planning Commission needs to take action today. If action is not taken
17 today, new addressing will take place on Shelter Cove Lane.
18

19 Chairman Quick stated concern that the application was not brought before the Planning
20 Commission in a timelier manner. The Planning Commission should have had an opportunity to
21 review this critical issue before having to make a decision on the application today.
22

23 Commissioner Brown and Chief Lucas discussed the numeric assignment of addresses on Shelter
24 Cove Lane. Commissioner Brown presented statements in support of safety and security issues.
25 Vice Chairman Bennett stated that we will not be resolving today's issues by sending the matter
26 back to the staff. The businesses will be affected regardless of how the Planning Commission
27 proceeds on the issue. Commissioner Taylor stated that his business has not physically moved,
28 but his address has changed several times over the years.
29

30 Commissioner Lennox stated that the path of least resistance seems to be to accept Chief Lucas'
31 recommendation to change the street name because the street numbers will change either way.
32 Public safety concerns should trump every other concern. Commissioner Lennox recommended
33 that the Planning Commission go with Chief Lucas' recommendation. The Planning
34 Commission does not make a decision on street numbers; they only have jurisdiction on street
35 names. The Planning Commission discussed the issue with Commissioner Lennox. At the
36 completion of the discussion, Chairman Quick requested that a motion be made.
37

38 Commissioner Lennox made a **motion** that STRM130006 be **approved** with the caveat that
39 Chief Lucas and the staff will do all they can to accommodate the numeric representations that
40 the Chief has made as pertains to Shelter Cove Blvd. and Shelter Cove Crossing. Commissioner
41 Taylor **seconded** the motion.
42

43 Prior to a vote being taken on the motion, Commissioner Hughes and the Planning Commission
44 discussed the option of possibly naming the driveway off William Hilton Parkway. Chairman
45 Quick asked Mrs. Lopko for a response on behalf of staff.
46

47 Mrs. Lopko stated that action by the Planning Commission on naming the driveway off William
48 Hilton Parkway cannot be considered today because it has not met the public notice

1 requirements. Chairman Quick asked if the issue could be advertised and the application placed
2 on a future agenda.

3
4 Vice Chairman Bennett stated concern that the Planning Commission still has not heard anything
5 that addresses the concerns of the tenants since the numeric addresses will change regardless.
6 Chief Lucas' proposal seems to be the best option that we have heard today in terms of safety
7 and emergency response.

8
9 Ms. Suzanne Brown presented additional statements on behalf of staff regarding the addressing
10 issue and the Town's addressing verification with SLED.

11
12 Commissioner Ennis stated his concern that the motion before the Planning Commission really
13 does not really address the problem. The numeric addresses will change regardless; this issue is
14 not addressed in the motion that is before the Planning Commission.

15
16 Following final comments by the Planning Commission, Chairman Quick requested that the
17 Planning Commission vote on the motion. The vote on the motion was **tied 4-4-0** and, therefore,
18 **failed**. Chairman Quick, Vice Chairman Bennett, Commissioner Hughes, and Commissioner
19 Ennis voted against the motion. Those opposed to the motion stated that they felt the motion did
20 not address the concerns expressed by the public today.

21
22 **STRNM13007**: The Town of Hilton Head Island has applied to modify a portion of Shelter
23 Cove Lane. The proposed name is Shelter Cove Boulevard. The properties affected are
24 identified as Parcels 23, 26, 30, & 69 on Beaufort County Tax Map 12B. Chairman Quick
25 introduced the application and opened the public hearing.

26
27 Mr. Stu Rodman, citizen, presented statements regarding the path forward. Perhaps another
28 Planning Commission meeting could be quickly scheduled to accommodate the public concerns
29 expressed today.

30
31 Chief Lucas stated that staff would like to *withdraw* the street name change application,
32 STRN130007.

33
34 Chester C. Williams, Esq., presented public comments regarding the criteria of the LMO. The
35 number of retail commercial uses affected by this street name change application should be
36 considered.

37
38 Ms. Hannah Horn, Director of Public Policy for the Chamber of Commerce, presented
39 statements in support of maintaining the current addressing for the benefit of existing retail
40 businesses on Hilton Head Island.

41
42 **Proposed Recommendations for 2014 Targets for Action suggested for Town Council**

43 Ms. Shea Farrar and Commissioner Ennis made the presentation. Commissioner Ennis presented
44 the recommended 2014 Targets of Action suggested for Town Council.

45
46 Commissioner Ennis thanked the staff and his fellow members of the Comp Plan Committee for
47 their assistance with the 2014 Targets of Action. Ms. Farrar and Commissioner Ennis presented
48 a Power Point presentation.

49

1 Chairman Quick thanked Commissioner Ennis for his presentation. Vice Chairman Bennett
2 stated his appreciation to Commissioner Ennis for his hard work and expertise. Chairman Quick
3 requested public comments on the item and none were received. Chairman Quick then requested
4 that Commissioner Ennis make a motion on the proposal.
5

6 Commissioner Ennis made a **motion** to forward the Proposed Recommendations for 2014
7 Targets for Action to Town Council with a recommendation of **approval**. Commissioner
8 Lennox **seconded** the motion and the motion **passed** with a vote of 8-0-0. This item will be
9 reviewed by Town Council in November.
10

11 Chairman Quick reported that a Town Council Workshop is scheduled for review of the Coligny
12 project on November 12, 2013 at 5:00p.m in Council Chambers.
13

14 **11. Commission Business**

- 15 a. Commissioner Lennox stated the CIP Committee met on September 23, 2013 and
16 October 14, 2013 for review of the projects in place for 2014 and the priorities for 2014.
17 The proposal's presentation date to Town Council has not yet been decided.
18
19 b. Commissioner Witmer stated the LMO Committee met on September 9, 2013 for review of
20 the LMO amendment to remove the separation requirements on auto sales. This item will
21 appear on the Planning Commission's November 6, 2013 agenda.
22

23 **12. Staff Reports**

24 None

25 **13. Adjournment**

26 The meeting was adjourned at 4:50p.m.
27

28 Submitted By:

Approved By:

29
30
31
32 _____
33 Kathleen Carlin
34 Secretary

30
31
32 _____
33 Gail Quick
34 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

Application Number	Name of Project	Public Hearing Date
ZMA130007	Beach City Place	November 6, 2013

Parcel Data or Location	Property Owner/ Applicant	Agent
<p><u>Existing Zoning District:</u> RM-4</p> <p><u>Proposed Zoning District:</u> RM-8</p> <p><u>Applicable Overlay District(s):</u> Corridor & Airport Overlays</p> <p><u>Parcel Affected:</u> Beaufort County Tax Map 5 Parcels 8, 336-342, & 344-375</p>	<p>HSSC, LLC 3685 Wheeler Road, Suite 201 Augusta, GA 30909</p>	<p>Chester C. Williams P.O. Box 6028 Hilton Head Island, SC 29938</p>

Application Summary:

A request from Chester C. Williams on behalf of HSSC, LLC proposing to amend the Official Zoning Map by changing the zoning designation of the property located at 1-16 and 20-70 Beach City Road from the RM-4 (Low Density Residential) Zoning District to the RM-8 (Residential Moderate Density) Zoning District. The properties are further identified on Beaufort County Tax Map 5, Parcels 8, 336 through 342, and 344 through 375.

The residential density would increase from 4 units per acre in the RM-4 district to 8 units per acre in the RM-8 zoning district. The number of permitted uses would decrease from the RM-4 to RM-8 district. See Attachment C, Use Table for a complete list of the change in permitted uses. Maximum impervious coverage and permitted commercial density will not change as a result of this rezoning. There are other requirements that will change as a result of this rezoning as well, such as minimum open space and maximum height.

Staff Recommendation:

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

Background:

The applicant is proposing to change the zoning designation of the subject property from RM-4 (Low Density Residential) to the RM-8 (Residential Moderate Density) zoning district.

The subject properties are currently platted as a 32 lot single family subdivision with only one lot that has been sold and developed. This lot has been excluded from this rezoning application.

The properties are located within the Airport Overlay Zone Approach Path and Outer Hazard Zone, which places additional restrictions for height and use of the properties. The height restrictions move outward from the end of the airport primary surface at a rate of one foot upward for every 34 linear feet. The use restrictions are based on the occupant load of proposed use. Residential uses do not have an occupant load that will fall into one of the categories that have use restrictions.

The existing subdivision was approved in June of 2009. Since that time one house has been completed within the subdivision. The subdivision has recently had an Order of Foreclosure issued against the owners of the properties. The applicant states that this rezoning application is an attempt to avoid foreclosure by redeveloping the property into a high density multi-family development.

These properties were the subject of previous rezoning application (ZMA130003) that was withdrawn by the applicant. The previous request was to rezone the properties from RM-4 to RM-12.

Applicant's Grounds for ZMA:

The applicant states in the narrative that the Beach City Place subdivision is a failed single family residential development. The properties have been in default for an extended period of time and an Order of Foreclosure has been rendered against the property owner by the lender. The applicant bought the property at the foreclosure sale on September 3, 2013.

The purpose of this application is to rezone the properties to support the successful redevelopment of the property. The applicant currently has the right to redevelop the property for multi-family residential at a density of 4 units per net acre; however, this scenario is not seen as any more economically viable than the failed single family residential development. The effect of this rezoning will increase the permitted density to 8 units per net acre and reduce the number of permitted uses on the property.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the Application was published in the Island Packet on September 29, 2013 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 November 6, 2013 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:

Housing

An Implication for the Comprehensive Plan

Although, an increase in the total number of housing units contributes to the economic tax base for the Town, it is important that both the quantity as well as quality of the housing stock is maintained to sustain current and future population and overall property values. As the amount of available land declines for new development, it will be very important to maintain a high quality housing stock on residential properties. In addition, the availability of various housing types is important for the housing market viability to accommodate the diverse needs of the Island’s population.

Goal 5.1 – Housing Units and Tenure

- The goal is to monitor availability of housing types and occupancy rates to meet housing demands.

Land Use

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 existing and future populations.

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 8.10 - Zoning Changes

- A. Review the appropriate locations of certain land uses in critical areas such as headlands, velocity zones, airport overlay, critical line for storm and the dune accretion zone.
- B. Consider focusing higher intensity land uses in areas with available sewer connections.

Transportation

Goal 9.6 – Air Transportation

- o The goal is to ensure that development surrounding the airport is designed and constructed to minimize the negative impacts of being located near the airport.

Implementation Strategy 9.6 – Air Transportation

- C. Continue to review development proposals within the Airport Hazard Overlay District to ensure the site is designed with the maximum safety possible for the occupants of the site.

1998 Ward One Master Land Use Plan

The Future Land Use Map contained in the 1998 Ward One Master Land Use Plan, an appendix to the Town’s Comprehensive Plan, identifies “Low-Moderate Residential Density Maximum Density 4-8 DU/AC” and “Density Transfer Within Airport Zone” as the desired development type for the subject property.

The Resident Desires in the 1998 Ward One Master Land Use Plan include: General preference to retain low-moderate residential densities, single family in character and Commercial, recreational, or high density residential or resort uses which increase traffic and conflict with low density character should be discouraged.

Conclusions of Law:

- o Staff concludes that this application is compatible with the Housing Element of the Town’s Comprehensive Plan; however, staff further concludes that this application is not compatible with the Land Use and Transportation Elements or 1998 Ward One

- Master Land Use Plan, an Appendix of, the Town's Comprehensive Plan.
- By increasing the permitted density on the property, the development could provide a variety of housing types and occupancies to meet demands.
 - The proposed rezoning to RM-8 would not result in a more appropriate mix of land uses because it would permit fewer uses with a higher residential density.
 - The proposed rezoning will result in an increased number of residential units and place more occupants on a site within the Airport Approach Path. This will increase the number of people affected by the negative impacts of being located near the airport and would not ensure the maximum safety possible for occupants of this site.
 - The proposed rezoning would not be consistent with the 1998 Ward One Master Land Use Plan because the RM-8 district would allow a moderate density residential development in an area that was designated for density to be transferred away from the Airport Approach Path.
 - The proposed rezoning would also impact the character of the neighborhood. The additional residential development would increase traffic and conflict with the low density, single family character of the existing neighborhood by permitting a higher density that would be more conducive to a multi-family development.

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 16-4-206 describes the purpose of the existing RM-4 zoning district as: *"It is the intent of this residential district 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."*
- The subject properties are currently 31 vacant lots, the associated open space, and the infrastructure within a single family subdivision.
- The properties to the northwest and southwest are currently vacant. One of the properties to southwest is developed as single family residential, which is conforming in the RM-4 zoning district. The properties to the northeast are developed as both single family and multi-family residential uses, which are conforming in the RM-4 and WMU zoning districts.
- The property to the southwest is currently a light industrial use, a contractor's office with outdoor storage, which is legally nonconforming to the RM-4 zoning district.

Conclusion of Law:

Staff concludes that the properties subject to the rezoning application are compatible with the present zoning, the conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B because the properties are developed as a single family subdivision which is compatible with the surrounding residential character and uses.

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 16-4-218 describes the purpose of the proposed RM-8 zoning district as: *“It is the intent of this district to allow the development of residential uses up to eight dwelling units per net acre. This district is used to encourage a moderate density neighborhood providing a variety of residential opportunities for residents of the Town.”*
- LMO Section 16-4-401 describes the applicability and regulation of the Airport Overlay District (AZ) as: *“Development activity within this district is subject to regulation primarily to mitigate safety and noise problems; however, land uses within this district also shall be regulated to mitigate their incompatibility with airport operations.”*
 - There would be a smaller number of uses permitted under the RM-8 zoning than RM-4 zoning.
 - Residential uses in the RM-8 would be permitted at a higher density.

Conclusion of Law:

Staff concludes that the affected properties are not suitable for the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C because although the RM-8 district permits fewer uses than the RM-4 district, the RM-8 district would permit a higher density of residential units. The increase in residential units is not suitable or compatible for properties within the Airport Overlay District.

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 RM-4 zoning district as: *“It is the intent of this residential district 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.”*
- LMO Section 16-4-401 describes the applicability of the Airport Overlay District (AZ) as: *“Development activity within this district is subject to regulation primarily to mitigate safety and noise problems; however, land uses within this district also shall be regulated to mitigate their incompatibility with airport operations.”*
- The subject properties are currently 31 vacant lots, the associated open space, and the infrastructure within a single family subdivision.

Conclusion of Law:

Staff concludes that the affected properties are suitable for the uses permitted by the RM-4 zoning district as set forth in LMO Section 16-3-1505D because the properties have been subdivided for single family residential development which is permitted in the RM-4 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):

Findings of Fact:

- If the property is rezoned to RM-8, the number of permitted uses will decrease.
- If the property is rezoned to RM-8, the permitted residential density will increase from 4 to 8 units per acre.

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 subject properties are currently served with water and sewer services by Hilton Head Public Service District.
- The subject properties currently have stormwater facilities adequate for the 32 lot single family subdivision.
- A Development Plan Review (DPR) application will be required for any development on the site and water, sewer and stormwater facilities will be addressed at that time.

Conclusion of Law:

Staff concludes that the properties have available water, sewer and stormwater services suitable for the proposed use 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:

JL

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

October 17, 2013

DATE

REVIEWED BY:

TBL

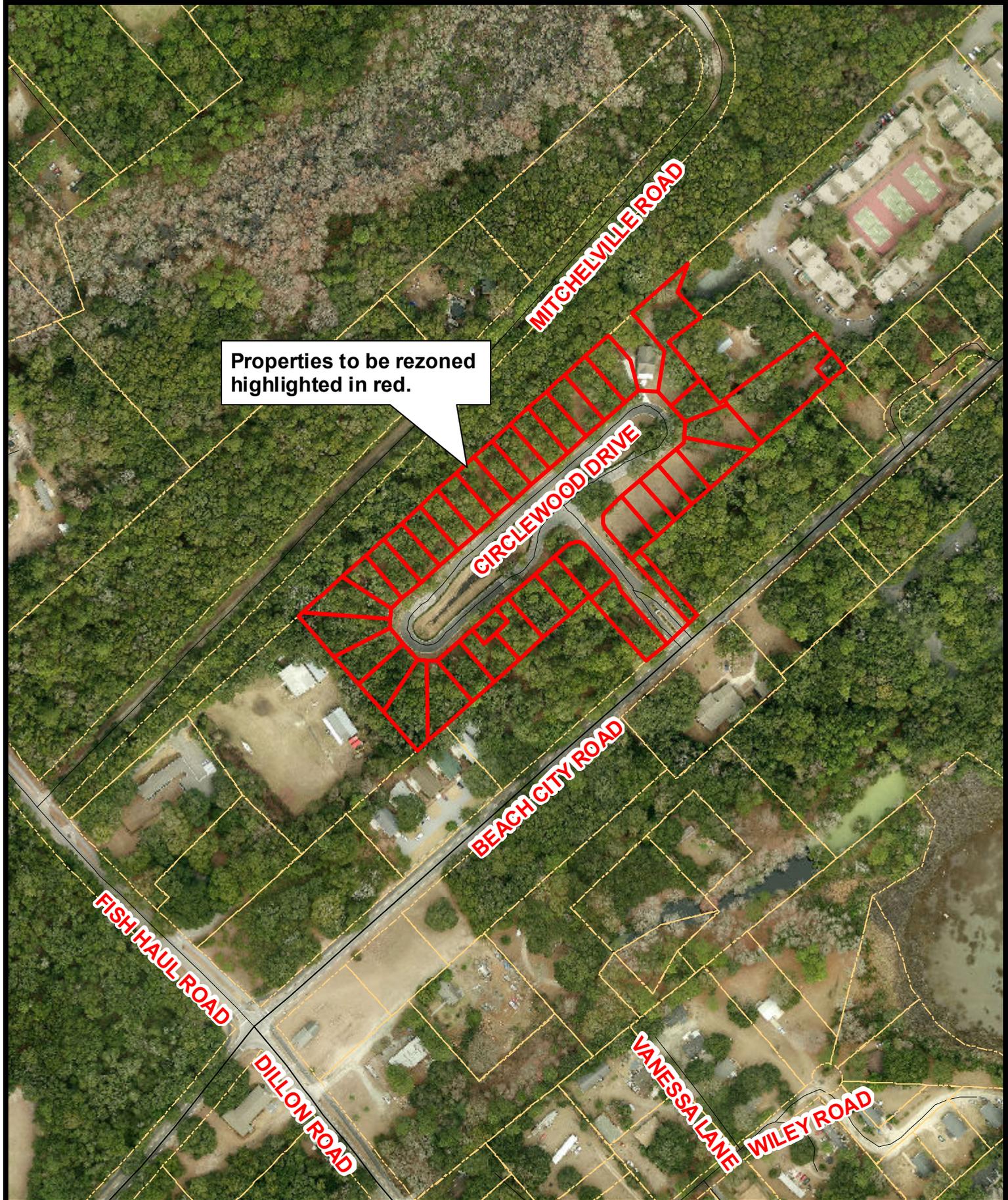
Teri B. Lewis, AICP
LMO Official

October 17, 2013

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Zoning Map
- C) Use Table
- D) Applicant's Narrative
- E) Public Comment Letters



Properties to be rezoned highlighted in red.

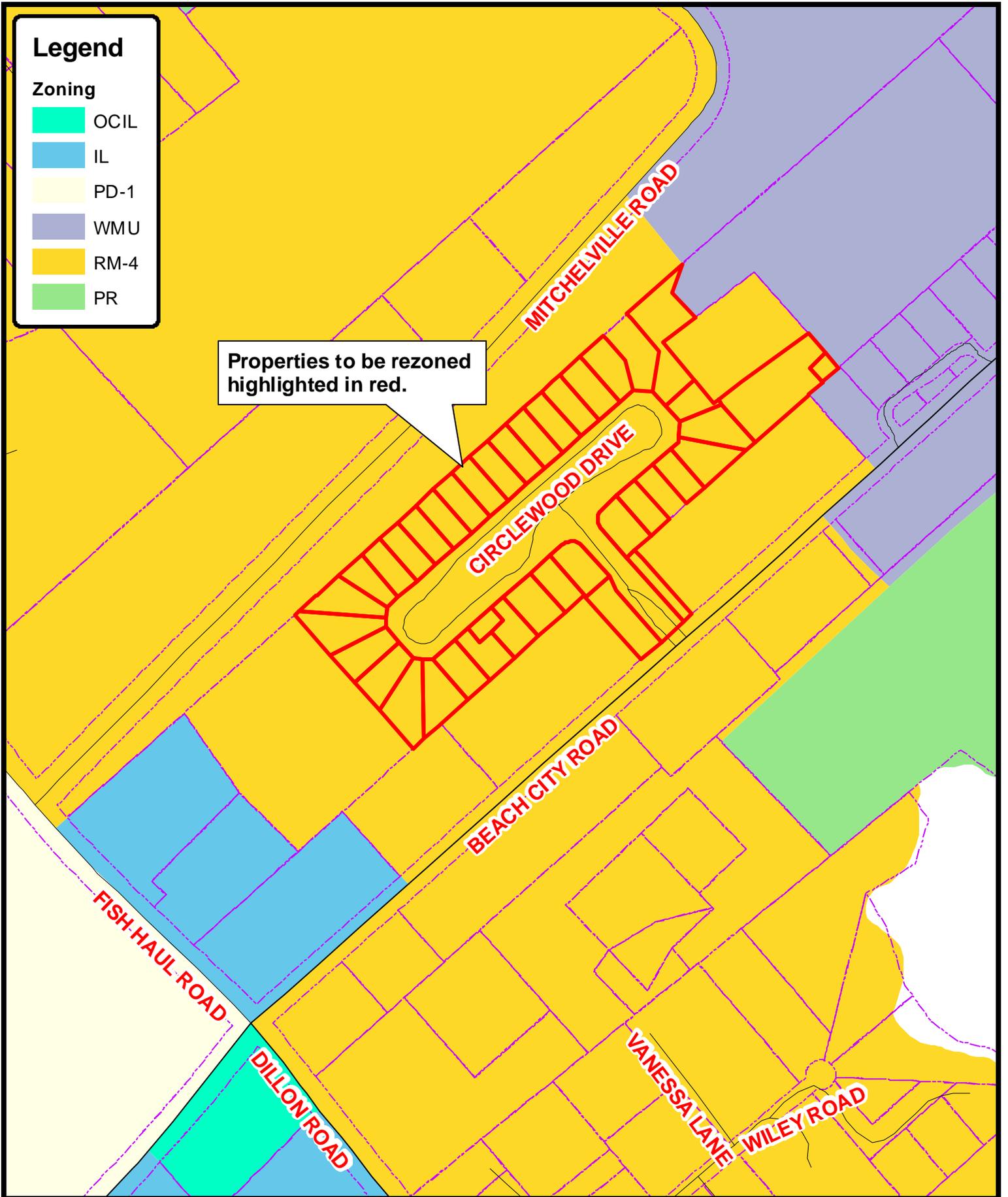


Legend

Zoning

- OCIL
- IL
- PD-1
- WMU
- RM-4
- PR

Properties to be rezoned 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 ZMA130003 - Zoning Map 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 date of completion.

ATTACHMENT C

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

Specific Use	RM-4	RM-8
Group Living	PC	PC
Single Family	P	P
Multifamily Residential	P	P
Mixed Use		
Manufactured Housing Park	PC	PC
Aviation/Surface Passenger Terminal		
Community Service	P	
Day Care	PC	
Colleges		
Schools, Public or Private	SE	
Government Facilities	PC	PC
Hospitals		
Religious Institutions	PC	PC
Other Institutions	SE	SE
Cemetery	P	SE
Park, Community	SE	
Park, Linear	P	P
Park, Mini	P	P
Park, Neighborhood	P	P
Park, Regional		
Park, Special Use	P	P
Major Utility	SE	
Minor Utility	P	SE
Telecommunications Facility	PC	
Waste Treatment Plant	SE	
Restaurant With Drive-thru		
Restaurant With Seating, High Turnover		
Restaurant With Seating, Low Turnover		
Restaurant Without Seating		
Indoor Recreation		
Indoor Entertainment		
Outdoor Recreation		

ATTACHMENT C

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

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

ATTACHMENT C

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

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

STATE OF SOUTH CAROLINA) BEFORE THE PLANNING COMMISSION
) OF THE
) TOWN OF HILTON HEAD ISLAND, SC
COUNTY OF BEAUFORT) ZMA 13000__

ATTACHMENT 1
TO
THE ZONING MAP AMENDMENT APPLICATION
OF
HSSC, LLC
REGARDING
8.56 ACRES, BEACH CITY ROAD

This Attachment 1 is part of the Zoning Map Amendment Application (this “Application”) of HSSC, LLC (the “Applicant”), and is submitted by the Applicant to the Planning Commission of the Town of Hilton Head Island (the “Town”) to address the zoning map amendment criteria set forth in Section 16-3-1505 of the Town’s Land Management Ordinance (the “LMO”). This Application seeks approval to amend the Official Zoning Map¹ of the Town by changing the base zoning district applicable to an 8.56 acre tract (the “Property”) located on Beach City Road in the Town of Hilton Head Island, from the currently applicable RM-4 – Low Density Residential District (the “RM-4 District”) to the RM-8 – Residential Moderate Density District (the “RM-8 District”).

I. NARRATIVE – INTRODUCTION

The Applicant is the owner of the Property located at 217 Beach City Road. The Property is comprised of forty (40) separate tax parcels, designated in the Beaufort County property tax records as TMS District 510, Map 5,

¹ See LMO Section 16-4-102.



Parcels 0008, 0336 through 0342, and 0344 through 0375.² The Applicant acquired the Property through foreclosure by way of a deed from the Beaufort County Master in Equity.³

The Property is part of the largely underdeveloped residential area on Beach City Road west of Dillon Road and generally north of the Hilton Head Island Airport. The Applicant is now seeking to amend the Town's Official Zoning Map to move the Property from the RM-4 District to the RM-8 District.

II. NARRATIVE – BACKGROUND

A. THE PROPERTY

The Property is the site of a failed single family residential development known as Beach City Place, which was permitted by the Town and developed as a community of thirty-two (32) small lots to be utilized for single family residences.⁴ One of the lots in Beach City Place was sold for use as a model home prior to the failure of the development, and is the site of an existing single family home.⁵ The Property has a paved entrance road providing access to Beach City Road, a paved oval shaped road known as Circlewood Drive providing access to the individual lots in the development, and completed infrastructure for water, electrical, cable television, and sanitary sewer utilities, and on-site storm water retention.

² The Beach City Place subdivision, shown on the survey included with this Application, contains a total of 8.75 acres. One of the 32 single family lots in the subdivision was previously conveyed out by the prior owner of the Property, and is not included in this Application.

³ As of the time of filing of this Application the Master's Deed conveying the property to the Applicant has been prepared and sent to the Beaufort County Master in Equity for execution and recording. A copy of the recorded Master's Deed will be included in the record of this Application upon receipt.

⁴ See the Town's records on Subdivision Application SUB070008.

⁵ The owner of this single family home constructed a garage which sits, in part, on the Property owned by the Applicant, without the consent of the Applicant or the prior owner of the Property.



The mortgage securing the loan that provided the capital for development of Beach City Place on the Property has been foreclosed, and the Property was sold to the Applicant at a foreclosure sale held on September 3, 2013.⁶ The Applicant is seeking the requested rezoning in order to allow for the redevelopment of the failed single family subdivision as an eight (8) unit per acre residential housing development.

The Property is currently located in the RM-4 District, the COR – Corridor Overlay District, and the AZ – Airport Overlay District (the “Airport Overlay District”). The current base zoning restrictions applicable to the Property under the RM-4 District clearly have not supported successful development of the Property. The purpose of this Application is to rezone the Property to support successful redevelopment of the Property.

B. THE REQUESTED REZONING

The Applicant is requesting that the Official Zoning Map be amended to change the base zoning district of the Property from currently applicable RM-4 District to the RM-8 District.

III. NARRATIVE – CURRENT AND PROPOSED PERMITTED USE AND DENSITY

The base zoning district currently applicable to the Property is the RM-4 District. By-right permitted uses in the RM-4 District are restricted to single family and multifamily residential, community services, cemeteries, certain parks, minor utilities, and agriculture. Conditional and special exception uses in the RM-4 District include group living, manufactured housing park, day care, schools, government facilities, institutions, community park, certain utilities, bed and breakfast, and inn.⁷ The maximum permitted residential density in the RM-4 District is four (4) density units per net acre, non-

⁶ See the records of that certain actions styled *HSSC, LLC as Successor in Interest to Bank of North Carolina v. 217 Beach City Road, LLC, et al.*, Case No. 2010-CP-07-6059 and Case No. 2010-CP-07-6060 in the Court of Common Pleas for the Fourteenth Judicial Circuit.

⁷ See Use Table at LMO Section 16-4-1204.



residential development is limited to 6,000 square feet per net acre, and bed and breakfast and inn accommodations are limited to ten (10) rooms per net acre.⁸ The maximum impervious coverage in the RM-4 District is 35%, and the minimum open space requirements are 55% for non-residential development, 16% for major residential subdivisions, and 65% for other residential development.⁹ The maximum height of structures in the RM-4 District is limited to thirty-five (35') feet.¹⁰

Curiously, the by-right, conditional, and special exception uses allowed in the RM-8 District are more restrictive than the uses allowed in the RM-4 District. Specifically, community services, day care, schools, community park, certain utilities, bed and breakfast, inn, and agricultural uses, all allowed in the RM-4 District, are prohibited in the RM-8 District.¹¹ The maximum permitted residential density in the RM-8 District is eight (8) density units per net acre, and non-residential development is limited to 6,000 square feet per net acre.¹² The maximum impervious coverage in the RM-8 District is identical to that allowed in the RM-4 District, and the minimum open space requirements are 14% for major residential subdivisions, and 55% for other development.¹³ The maximum height of structures in the RM-8 District is limited to forty-five (45') feet.¹⁴

⁸ See the Density Standards Table at LMO Section 16-4-1601.

⁹ See the Maximum Impervious Coverage and Minimum Open Space Table at LMO Section 16-4-1606. Note, also that the minimum open space requirements for the RM-4 District also refer to residential development at over 4 units per net acre; however, this provision seems to be a no longer applicable provision from times past when bonus densities were available in the RM-4 District.

¹⁰ See the Maximum Structure Height Table at LMO Section 16-4-1701.

¹¹ Again, see the Use Table at LMO Section 16-4-1204.

¹² Again, see the Density Standards Table at LMO Section 16-4-1601.

¹³ Again, see the Maximum Impervious Coverage and Minimum Open Space Table at LMO Section 16-4-1606.

¹⁴ Again, see the Maximum Structure Height Table at LMO Section 16-4-1701.



The Property is contiguous to a portion of The Spa on Port Royal Sound, an existing multifamily residential development that is located in the WMU District.

Given the RM-4 District limitations, the Applicant currently has the right to redevelop the Property for multifamily residential use, but only at a density of 4 units per net acre; however, as a practical matter, the Applicant sees that redevelopment scenario as no more economically viable than the failed single family development on the Property.¹⁵ Therefore, the Applicant is proposing to amend the Official Zoning Map to rezone the Property to the RM-8 District. The effect of this zoning change will be to reduce the permitted uses on the Property, increase the permitted density on the Property, and change the open space and height requirements applicable to the Property.

IV. NARRATIVE – REZONING CRITERIA

LMO Section 16-3-1505 sets forth the criteria which the Planning Commission is to address in making a recommendation to the Town Council on this rezoning request, as follows:

A. Consistency (or lack thereof) with the Comprehensive Plan.

The **Natural Resources Vision** of the Comprehensive Plan directs the Town to protect Hilton Head Island’s diverse natural resources, which are pivotal to the economic well-being of the community and the high quality of life on the Island.¹⁶ The Applicant is seeking to amend the Official Zoning Map in a manner that will continue the permitted

¹⁵ The only economically viable use of the Property under the existing RM-4 District restrictions that the Applicant can see is to act on the Manufacture Home Placement Approvals issued by the Town on July 12, 2013 to the prior owner of the Property (and assigned to the Applicant), which will allow for the by-right placement of one manufactured home on each of the 31 lots in Beach City Place Subdivision owned by the Applicant.

¹⁶ See the May 4, 2010 Hilton Head Island Comprehensive Plan (the “Comprehensive Plan”), at Page 19.



residential uses on the Property, while restricting non-residential uses.¹⁷ In fact, if the Applicant were to redevelop the Property for multifamily residential use in the RM-8 District, the rezoning will result in an increase of minimum open space from the current 16% to 55%, a three-fold increase in required open space. The Applicant's proposed amendment of the Official Zoning Map will not negatively impact the Town's Natural Resources Vision since the development permitting process mandated by the LMO will fully address any natural resource issues that may arise.

The **Population Vision** of the Comprehensive Plan is to maintain a diverse population in the Town, which is given the opportunity to be well educated, financially secure, and enjoy a high quality of life.¹⁸ The Comprehensive Plan recognizes that the Town will continue to experience significant population growth. Goal 4.2 of the Population Vision of the Comprehensive Plan seeks to create a community that is less dependent on workforce residing on the mainland.¹⁹ Achieving Goal 4.2 will require additional housing for permanent residents of the Town, and approval of this Application will specifically support Goal 4.2 by permitting additional density, and therefore housing units, in a location appropriate for such redevelopment. Implementation Strategy 4.3(D) of the Population Vision of the Comprehensive Plan calls for creating "... incentives for redevelopment that opt for a planned community approach with goals of diversity in housing cost ...".²⁰

The **Housing Vision** of the Comprehensive Plan seeks to promote entrepreneurial housing initiatives that will result in the development of

¹⁷ Again, see the Use Table at LMO Section 16-4-1204.

¹⁸ See the Comprehensive Plan, at Page 32.

¹⁹ See the Comprehensive Plan, at Page 47. According to a study commissioned by the prior owner of the Property and completed earlier this year, over sixty (60%) percent of the people who work on Hilton Head Island do not live on Hilton Head Island, in large measure because they cannot afford the cost of housing on Hilton Head Island

²⁰ See the Comprehensive Plan, at Page 48.



diverse housing types for all income levels, and to support affordable housing initiatives in the region to supplement housing on the Island.²¹ The Comprehensive Plan recognizes that "... the availability of various housing types is important for the housing market viability to accommodate the diverse needs of the Island's population."²²

More specifically, the Comprehensive Plan recognizes the long-term requirements for workforce and affordable housing. The Comprehensive Plan also recognizes the

lack of development incentives, such as increased density, decreased parking, increased height standards, etc., which allow the developer to build more than otherwise allowed by Town regulations and requirements do not exist in current codes and may, when coupled with other barriers, also become a barrier in itself to the construction or availability of affordable housing.²³

This Application will provide flexibility for the redevelopment of the Property and support the Housing Vision of the Comprehensive Plan by providing an opportunity for housing diversity in the Town, without requiring any further incentive for such development activity such as that recognized by the Comprehensive Plan.

Goal 5.1(A) of the Housing Vision of the Comprehensive Plan states, "The goal is to encourage redevelopment of multifamily residential structures to meet market demands and new trends."²⁴ Likewise, Goal 5.2(A) of the Housing Vision of the Comprehensive Plan supports projects that encourage affordable and workforce housing.²⁵ This Application

²¹ See the Comprehensive Plan, at Page 49

²² See the Comprehensive Plan, at Page 53.

²³ See the Comprehensive Plan, at Page 56.

²⁴ See the Comprehensive Plan, at Page 57.

²⁵ See the Comprehensive Plan, also at Page 57.



specifically supports Goals 5.1(A) and 5.2(A) of the Housing Vision of the Comprehensive Plan. The Beach City Place single family development was a financial failure. The Applicant submits that flexibility in zoning to permit additional density will support meeting the market demand for housing variety on Hilton Head Island.

The **Community Facilities Vision** of the Comprehensive Plan is for the Town to provide facilities for the residents and visitors of Hilton Head Island which are maintained at the highest levels of service and efficiency consistent with facilities of a world class community.²⁶ The approval of this Application will not negatively impact the Town's Community Facilities, but rather will provide additional use of the Town's parks located in the Beach City Road and Mitchelville areas by the residents of the Property's development. The basic infrastructure required for redevelopment of the Property, including water and sewer, storm water retention, electric, telephone, and cable television services, and roadways, is already in place, and additional work by the Applicant will be required only to modify the existing infrastructure on the Property for more dense residential use.

The **Economic Development Vision** of the Comprehensive Plan looks to define, foster, and enhance the economic environment that sustains Hilton Head Island's unique way of life.²⁷ In particular, the Comprehensive Plan recognizes that "A sustainable workforce will become essential to the future economic potential of the Island and is essential to support the social economic population mixing that is vital for a vibrant and sustainable economy."²⁸ A sustainable workforce requires housing diversity, and housing diversity involves various levels of density in housing opportunities. As discussed below, the current mix of housing opportunities in the Town is heavily weighted towards the less

²⁶ See the Comprehensive Plan, at Page 59.

²⁷ See the Comprehensive Plan, at Page 88.

²⁸ See the Comprehensive Plan, at Page 91.



dense zoning districts. Approval of this Application will provide a small step in addressing that imbalance and provide additional multifamily housing opportunities for Island residents.

The Applicant's desire to protect and enhance its investment in the Property is a primary reason for this Application. Clearly, putting the Applicant in the best possible position to maintain a successful and attractive residential development is consistent with the Economic Development Vision of the Comprehensive Plan, and is in the best interests of the Town.

The **Transportation Element** of the Comprehensive Plan merits analysis with regard to this Application because the Property is located in the Airport Overlay District, north of the Hilton Head Airport (the "Airport"). The Airport is referred to in several places in the Town's Comprehensive Plan, including the following:

1. Sections 7.5 and 7.6 of the Economic Development Element acknowledge that the Airport is limited in capacity (around 4% of visitors to the Town historically arrive by air), and that the expansion capability of the Airport is limited.²⁹ Figures 7.3 and 7.4 in the Economic Development Element show that both monthly tower operations at the Airport and total passenger arrivals at the Airport seem to have peaked in 2007, and were declining in 2008 and 2009.³⁰
2. Implementation Strategy 8.10(A) in the Land Use Element calls for a review of the appropriate locations of certain land uses in areas such as the Airport Overlay District.³¹

²⁹ See the Comprehensive Plan, at Pages 90 and 91.

³⁰ See the Comprehensive Plan, at Pages 97 and 98.

³¹ See the Comprehensive Plan, at Page 110.



3. Section 9.6 of the Transportation Element discusses the Airport and air transportation. Goal 9.6 of the Transportation Element is to ensure that Airport operations remain safe while providing air travel to the Town, and to ensure that development surrounding the Airport is designed and constructed to minimize the negative impacts of being located near the Airport.³² Goal 9.6 is clearly focused on lands in the vicinity of the Airport, not on the Airport itself. Moreover, Goal 9.6 does not discourage development near the Airport; instead, it seeks to “minimize the negative impacts” on the properties in the vicinity of the Airport. The redevelopment of the Property contemplated by the Application will indeed minimize the negative impacts of the location of the Property.
4. Implementation Strategy 9.6(C) of the Transportation Element calls for review of development proposals within the Airport Overlay District to ensure the site is designed with the maximum safety possible for the occupants of the site.³³ As discussed at length in this Application, increasing density does not decrease safety. Property in the Outer Hazard Zone, or, for that matter, in any part of the Airport Overlay District, is either safe, or it is not safe. If the Outer Hazard Zone is safe, increased density simply means that more people are located in a safe area. If the Outer Hazard Zone is not safe, then in order to be consistent with the Comprehensive Plan and ensure “maximum safety”, no development whatsoever should be permitted in the unsafe areas.³⁴

³² See the Comprehensive Plan, at Page 134.

³³ See the Comprehensive Plan, at Page 138.

³⁴ If “maximum safety” is the Implementation Strategy, and the reader agrees that more density is less safe, one wonders why the existing 32 lot single family residential subdivision development on the Property was permitted in 2009.



The Applicant readily acknowledges that any redevelopment of the Property under the RM-8 District, if the Application is approved, must be undertaken in a manner that will fully and completely comply with the requirements of the Airport Overlay District, thereby assuring compliance with the provisions of the Comprehensive Plan relating to the Airport.

The **Land Use Element** of the Comprehensive Plan seeks a high quality of life by planning for population growth, public and private development and redevelopment, and the proper distribution, location, and intensity of land uses with adequate levels of services while maintaining and protecting the natural resources, residential neighborhoods and overall character of the Town.³⁵ The sustainable workforce identified by the Economic Development Vision of the Comprehensive Plan requires substantial diversity in housing opportunities. In this regard, Table 8.3 of the Land Use Vision of the Comprehensive Plan informs us that just 235.3 acres of the Island's total 19,925.3 acres, less than 1.2%, are in the RM-8 District. Of the 235.3 acres currently dedicated to the RM-8 District on Hilton Head Island, 169.1 acres, or 0.85% of the Island's total acreage, are classified as "Residential".³⁶ This very small percentage of the total acreage of the Town dedicated to moderate density housing explains, in part, the continuing issue of housing unavailability for the Island workforce, except for those in the very high income segments. Approval of this Application will address this imbalance in housing diversity opportunities in a very direct way.

Implementation Strategy 8.4(A) of the Land Use Vision of the Comprehensive Plan is to "Determine if there is an adequate amount and location of current zoning districts through review of existing zoning district classifications."³⁷ This Application will directly address the

³⁵ See the Comprehensive Plan, at Page 100.

³⁶ See the Comprehensive Plan, at Page 104.

³⁷ See the Comprehensive Plan, at Page 110.



paucity of RM-8 District residential acreage in the Town. In addition, Implementation Strategy 8.10(B) of the Economic Development Vision of the Comprehensive Plan is to “Focus higher intensity land uses in areas with available sewer connections.”³⁸ Sanitary sewer service through Hilton Head Public Service District is currently available to Property.

The Applicant notes that both the RM-4 District and the RM-8 District were added to the LMO specifically as a result of the 1998 Ward One Master Land Use Plan (the “Ward One Plan”). The primary reason for the difference between the maximum densities allowed in the RM-4 District as opposed to the RM-8 District, or the RM-12 District, is the availability of adequate infrastructure necessary to support higher density development.³⁹ The Ward One Plan acknowledged that the lower density of the RM-4 District was intended to address the general lack of sanitary sewer service in the Ward One area fifteen years ago, and that bonus densities were to be available if sanitary sewer service was available for tracts of greater than three acres.

Given the history of the Property, the existing infrastructure facilities already serving the Property, and the current imbalance of more dense residential and multifamily housing opportunities on the Island, the requested rezoning will not have an adverse effect on the natural resources, community facilities, or existing development in the area of the Property, and will encourage the orderly redevelopment of the Property, all in accordance with the Comprehensive Plan.

B. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

The current use on the Property is a failed single family residential development, with only one of 32 lots being built out (albeit with an

³⁸ See the Comprehensive Plan, at Page 111.

³⁹ See the purpose statements of the RM-4 District, the RM-8 District, and the RM-12 District in LMO Sections 16-4-206, 16-4-207, and 16-4-208, respectively.



illegally constructed garage) some four years after the subdivision of the Property was approved. The nearby properties to the northeast along Beach City Road include The Spa on Port Royal Sound, a multifamily development established some thirty years ago, another failed single family residential development (Trail Beach Manor), several undeveloped parcels, a single family dwelling,⁴⁰ and Fish Haul Creek Park. Undeveloped parcels front on Beach City Road on both sides of the Property's entrance. Directly across Beach City Road from the Property are an undeveloped parcel, a single family dwelling, a two (2) acre undeveloped parcel, and another single family dwelling. The Golf Cottages at Mitchellville, five single family dwellings now used as dormitory housing for the Junior Players Golf Academy, is located to the southwest of the Property on Beach City Road nearer to the Airport. Also to the southwest of the Property, and adjacent to it, are a veterinary hospital, a kennel, and a former contractor's storage yard, all with access to Fish Haul Road.⁴¹ The Property is bordered on the north by undeveloped parcels fronting on unpaved Mitchellville Road. The existing uses on these nearby properties are a mix of residential and commercial, with one large multifamily development directly to the northeast of the Property.

Given the existing predominately multifamily residential and commercial uses on the various properties in the vicinity of the Property, the Applicant believes the use of the Property for low density single family residential use is less compatible with the present zoning and conforming uses of those nearby properties, and with the character of the neighborhood, than a higher density residential use on the Property would be.

⁴⁰ Most of the properties on Beach City Road to the northeast of the Property are located in the WMU District, which allows residential development at up to twelve (12) density units per acre. The Applicant estimates that the existing density on The Spa property is in excess of twenty (20) units per acre.

⁴¹ The veterinary hospital and the kennel are in the IL – Light Industrial District, and the former contractor's storage yard is in the RM-4 District.



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 which is the subject of this rezoning request is uniquely suitable for the use permitted by the proposed RM-8 District. The Property is located in a largely underdeveloped area. More specifically, the Property is adjacent to a large multifamily development directly to the northeast in the WMU District, and commercial development directly to the southwest in the IL District. The Property is to the north of the Hilton Head Island Airport, in an area that is more conducive to more dense residential development. The failure of Beach City Place development is a testament to the general unsuitability of the area for low density single family residential development.

The Property has electrical, water, sewer, and storm water retention facilities in place. The Property fronts on Beach City Road, a minor arterial road with good road connections to William Hilton Parkway via Beach City Road or Dillon Road. Nearby properties include only three (3) single family residential uses, one of which is part of the failed development on the Property.

1. The Airport Overlay District

As noted above, the Property is located in the Airport Overlay District, which provides for land use controls and restrictions on properties in the vicinity of the Airport. The Airport Overlay District regulations are in Chapter 4, Article IV of the LMO.

The Airport Overlay District⁴² includes five sub-districts, namely, the Discretionary Noise Level (also referred to as the LDN 60 area), the Significant Noise Level (also referred to as the LDN 65

⁴² See the November 3, 1999 Airport Overlay District Map, which is part of the Town's Official Zoning Map.



area), the Approach Path, the Inner Hazard Zone, and the Outer Hazard Zone. The Property is located wholly within the LDN 60 area and the Approach Path, and partly within the Outer Hazard Zone.⁴³

As explained below, there is nothing in the Airport Overlay District restrictions that prohibits, or even discourages, residential development on the Property at heights up to, and even exceeding, the 45 feet maximum height allowed in the RM-8 District.

2. The Airport Overlay District – LDN 60 Area.

The LDN 60 area includes the entire area within the Airport Overlay District.⁴⁴ The only Airport Overlay District restrictions on lands in the LDN 60 area are that no use of any land or water be made in a manner as (a) to create electrical interference with navigational signals or radio communication between the airport and aircraft, (b) to make it difficult for pilots to distinguish between airport lights and other lights (*i. e.*, colors and patterns), (c) to result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, (d) to create bird strike hazards, or (e) to otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the Airport.⁴⁵

Note there is no prohibition on residential development in the LDN 60 area (indeed, the currently permitted single family residential subdivision on the Property is in the LDN 60 area), though noise mitigation measures are encouraged for all proposed residential development.

⁴³ See the marked up excerpt from the Airport Overlay District Map, which shows the outline of the Property in red, attached to this Attachment 1 as Exhibit A.

⁴⁴ See LMO Section 16-4-402(A)(1). The other four sub-districts in the Airport Overlay District are “subsections of the Discretionary Noise Level.”

⁴⁵ See LMO Section 16-4-403(A).



Note, also, there are no restrictions on height for any proposed development, residential or otherwise, in the LDN 60 area regulations.

3. The Airport Overlay District – The Approach Path.

The Approach Path sub-district of the Airport Overlay District, which generally includes the areas extending out from the north and south ends of the Airport runway, was established to insure that development near the Airport will not pose safety problems due to vertical protrusions. Its main focus is a height limitation that increases as the linear distances from the runway ends increase. Within the Approach Path, no building, structure, utility pole or protrusion of any kind thereof shall be permitted to extend to a height measured from the mean elevation of the airport runway that exceeds the limits established in LMO Section 16-4-402(C)(a). With respect to the north end of the Airport runway, the maximum permitted height increases by a ratio of 1:34 (*i. e.*, for every 34 feet one moves away from the end of the runway, the maximum height increases by 1 foot).

As the more veteran Planning Commissioners will recall, this height limitation has over the last several years been the topic of much discussion as it relates to Beaufort County's tree trimming and removal activities on and in the vicinity of the Airport. As part of one of its tree trimming and removal permit applications to the Town, Beaufort County commissioned the preparation of very detailed plans showing the height limitations of the Approach Path area. Those plans show that by the time one reaches the Property, the height limitations of the Approach Path allow for construction and development on the Property at a height exceeding 80 feet.⁴⁶

⁴⁶ See the Construction Plans for Runway 21 Offsite Tree Obstruction Removal Project at Hilton Head Island Airport (HXD) prepared by Wilbur Smith Associates, Charles F. Stearns, PE, dated June 28, 2011 (the "Wilbur Smith Plans"). A reduced size copy of Page 4 of the Wilbur Smith Plans is attached to this Attachment 1 as Exhibit B. Note the Property is not actually



4. The Airport Overlay District – The Outer Hazard Zone.

The Outer Hazard Zone is an area that demonstrates a higher statistical probability of aircraft accidents occurring.⁴⁷ Restrictions on development in the Outer Hazard Zone are limited to required construction techniques and occupancy loads, and include a prohibition on uses designed to serve children or those with low effective mobility, such as day care centers, hospitals, assisted living facilities, and nursing homes.

There is nothing in the Outer Hazard Zone restriction that prohibits, or even discourages, residential use. Further, as evidenced by the existing single family residential subdivision on the Property, there is nothing in the Outer Hazard Zone restriction that leads one to believe that residential use on the property is incompatible with the operations of the Airport.

5. The South Carolina Airports Act.

Originally enacted in 1962 and amended in 2012, the South Carolina Airports Act is set out in SC Code Section 55-9-10, *et seq.* (the “Airports Act”). Section 55-9-260 of the Airports Act specifically empowers a municipality that has an airport hazard area within its territorial limits to adopt, administer, and enforce, consistent with the Airports Act, zoning regulations for the airport hazard area, including specifying land uses permitted, and regulating and restricting, for the purpose of preventing airport hazards, the heights of structures and trees. SC Code Section 55-9-330 addresses the permitted contents of airport zoning regulations. More particularly, SC Code Section 55-9-330(A) provides

shown on Page 4 of the Wilbur Smith Plans, as it is located further north of the Airport, outside the scope of Page 4 of the Wilbur Smith Plans.

⁴⁷ See LMO Section 16-4-402(A)(5).



All airport zoning regulations adopted pursuant to this chapter shall be reasonable and none shall impose any requirement or restriction which is not necessary to effectuate the purposes of this chapter. [Emphasis added.]

The Airport Act requires that all airport zoning regulations be reasonable, and not impose any requirement or restriction on land uses which is not necessary. The Applicant submits that the Airport Overlay District regulations do exactly that.

At the end of the day, the area past the north end of Airport Runway 21 is either “safe”, or it is “unsafe”. With regard to any land in the vicinity of any airport, safety is not a matter of degree. If the Property is “safe” for single family and multifamily residential development in the RM-4 District, adding additional density cannot make it “unsafe”. The area is either “safe” for residential uses, or it is not.

The fact is, the Property has been zoned for essentially only residential use for almost 14 years, ever since the October 5, 1999 adoption by the Town Council of the amendments to the LMO that implemented the Ward One Plan. Further, the fact is, substantial parcels in the immediate vicinity of the Property have been zoned for up to 12 residential density units per acre for at almost 14 years, again ever since the 1999 implementation of the Ward One Plan.

The Applicant believes that the Property is suitable for the more dense residential uses that would be permitted for the parcel under the RM-8 District if this Application is approved.

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.

While the RM-4 District allows for a broader spectrum of permitted uses than does the RM-8 District, all of the uses allowed in the RM-8 District are currently allowed on the Property under the RM-4 District



regulations. However, as evidenced by the failed single family residential development currently on the Property, and possibly as a result of the proximity of the Airport, the Applicant in all likelihood would have a difficult time successfully redeveloping the Property for any use at the low density permitted in the RM-4 District. Accordingly, the Applicant believes that the Property is generally unsuitable for the uses permitted under, and more specifically for the density allowed by, the RM-4 District.

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.

The failure of the Beach City Place development on the Property, and the failure of Trail Beach Manor just northeast of the Property are clear evidence that the marketability of the Property is, at best, challenged by its current classification in the RM-4 District.⁴⁸ In the current Hilton Head Island real estate market, the availability of affordable single family and multifamily rental housing options, particularly in an area where there are not very many single family dwellings, but with existing utilities and transportation access, will likely be very marketable and attractive. In particular, such housing options will be attractive to the Island workforce, and encourage those workers to live on Hilton Head Island, instead of having to drive across the bridges to the mainland every day.

The Applicant believes that the failure of the existing single family residential subdivision on the Property is, at its core, a result of a misplaced belief by the original developer of the Property that they could market the lots in Beach City Place for owner-occupied single family residential development, as opposed to pursuing a rental market strategy.

⁴⁸ As mentioned above, the only practical, economically viable use of the Property under the current RM-4 District regulations, and, by extension, the best way to increase the marketability of the Property under the current RM-4 District regulations, is for the Applicant to act on the 31 Manufactured Home Placement Approvals for the Beach City Place lots issued by the Town on July 12, 2013.

There is clearly a big difference between trying to sell lots located in the Approach Path of the Airport to a purchaser for the construction of a home in which they will live for an extended period of time, as opposed to developing rental units, either single family or multifamily, on the Property which will be occupied by tenants who, if they do not like the location, can move somewhere else at the end of the term of a lease.

The Applicant believes the approval of this Application allow for the redevelopment of the Property in a manner that will facilitate rental units on the Property, and will undoubtedly increase the marketability of the Property. In addition, the Applicant believes that the approval of this Application will not have an adverse effect on the marketability of other properties in the vicinity. Indeed, if the other properties in the area can be made available for more dense development, those properties will very likely dramatically increase in marketability.

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

Because the Property was originally permitted and developed as the Beach City Place development, basic sewer, water, and on-site storm water retention facilities serving the Property are in place. Depending upon final design and approval of the redevelopment of the Property for more dense residential use, modifications to the existing sewer, water, and storm water retention facilities may be necessary.

Hilton Head Public Service District currently provides potable water and sanitary sewer service to the Property, and will continue to do so if this Application is approved.

The storm drainage retention system on the Property was approved by the Town as part of the major subdivision approval for the now failed Beach City Place development. Any redevelopment of the Property for more dense residential use will likewise require approval by the Town of the storm water facilities serving the Property.



V. NARRATIVE – CONCLUSION

The Applicant believes the foregoing narrative demonstrates that this Application is in conformance with the LMO and the Town's Comprehensive Plan, and meets the criteria set forth in LMO Section 16-3-1505. Accordingly, the Applicant respectfully requests that the Planning Commission (a) consider this Application and the testimony and supporting documentation which will be entered into the record; (b) find:

1. That this Application and the supporting testimony and documentation establish that the requested zoning map amendment is consistent with the Town's Comprehensive Plan; and

2. That this Application and the supporting testimony and documentation establish that while the current use on the Property is consistent with the present zoning, that current use has failed economically, and the proposed rezoning is also consistent with conforming uses of nearby properties and with the character of the neighborhood around the Property; and

3. That this Application and the supporting testimony and documentation establish that the Property is suitable for the uses permitted by the zoning district that would be made applicable to the Property by the requested zoning map amendment; and

4. That this Application and the supporting testimony and documentation establish that the Property is not economically suitable for the uses permitted by the zoning district that is currently applicable to the Property; and

5. That this Application and the supporting testimony and documentation establish that the marketability of the Property for uses permitted by the zoning district that is currently applicable to the Property will be increased by the approval of the requested zoning map amendment; and

6. That this Application and the supporting testimony and documentation establish that there will be no material change in the



Property's requirements for sewer, water and storm water facilities, and that such services generally suitable and adequate for the existing use of the Property under the requested zoning map amendment are available to the Property; and

(c) Recommend to the Town Council that they approve this Application and the rezoning of the Property to the RM-8 District.

Respectfully submitted on behalf of the Applicant this 20th day of September, 2013.



This signature is an electronic reproduction.

Chester C. Williams, Esquire
Law Office of Chester C. Williams, LLC
17 Executive Park Road, Suite 2
Post Office Box 6028
Hilton Head Island, SC 29938-6028
843-842-5411
843-842-5412 (fax)
Firm@CCWLaw.net



Exhibit A to Attachment 1 (1 Page)



ZMA Application Attachment 2



LAW OFFICE OF
CHESTER C. WILLIAMS, LLC

17 Executive Park Road, Suite 2
Post Office Box 6028
Hilton Head Island, SC 29938-6028
Telephone (843) 842-5411
Telefax (843) 842-5412
Email Firm@CCWLaw.net

Chester C. Williams
ALSO MEMBER LOUISIANA BAR

Thomas A. Gasparini
ALSO MEMBER CALIFORNIA BAR
(Inactive)
ALSO MEMBER OHIO BAR
(Inactive)

_____, 2013

Name
Address
City, State, Zip Code

RE: Zoning Map Amendment Application of HSSC, LLC for 8.56 Acres, Beach City Road – Our File No. 01687-001

Dear Sir or Madam:

As required by Sections 16-3-110 and 16-3-111(C)(1) of the Land Management Ordinance of the Town of Hilton Head Island, you are notified that there will be a public hearing before the Town's Planning Commission on 06 November 2013 at 9:00 A.M. in Town Council Chambers at Town Hall, One Town Center Court, Hilton Head Island, South Carolina on the zoning map amendment application filed by HSSC, LLC for property located on Beach City Road. The property is also known as Beaufort County Tax District 510, Map 5, Parcels 008, 336 through 342, and 344 through 375. The proposed zoning map amendment seeks to rezone the property from the RM-4 – Low Density Residential District to either the RM-8 – Residential Moderate Density District. A copy of a survey showing the property is enclosed. The property is currently located in the RM-4 – Low Density Residential District. Any interested party may appear at the public hearing.

If you require additional information regarding this application, please contact the undersigned at the telephone number on the letterhead above, or contact the Town of Hilton Head Island Planning Staff at (843) 341-4601.

With best regards, we are

Very Truly Yours,

LAW OFFICE OF CHESTER C. WILLIAMS, LLC

Chester C. Williams

CCW/
Enclosure

cc: Dr. Harinderjit Singh
Rand E. Hanna, III, Esq.
Teri B. Lewis, AICP

Public Comments – ZMA130007 Beach City Place

Thank you for sharing this new development regarding the Beach City Place property. While the new rezoning application indicates a lower density (RM-8) than the previous one (RM-12), it is still too dense to be considered compatible with Hilton Head Island Airport, based on SC Aeronautics' current land use compatibility standards. This assumes that each unit will have a maximum permitted occupancy of at least 3 to 4 persons. Any residential land use on that property that permits an occupancy of 25 or more persons per acre will be considered incompatible with the Airport by the SC Aeronautics Commission.

Please recall that this property sits directly under the runway approach, and just outside the current FAA-designated Runway Protection Zone, and very near to the future Runway Protection Zone should the runway be fully extended as per the 2011 Airport Layout Plan. Therefore, the e-mail I had sent Mr. Kubic on March 29, 2013 regarding the RM-12 rezoning application is still relevant to this new proposal. I have attached that e-mail for your reference.

If you have further questions or comments regarding compatible land use around the Airport, I would be happy to discuss them with you.

Also, please note that the FAA project manager for Hilton Head is no longer Parks Preston, but Rusty Nealis. He is cc:ed on this message.

Regards,
Mihir Shah

Mihir P. Shah, PE, AICP
Lead Aviation Planner
South Carolina Aeronautics Commission

March 29, 2013 Email:

Dear Mr. Kubic:

The Federal Aviation Administration has forwarded to us a message from Ms. Teri B. Lewis, LMO Official for the Town of Hilton Head Island, regarding a rezoning application for the property located at Circlewood Drive (also known as Beach Place Subdivision), and located approximately 3,000 feet north of Runway End 21 at Hilton Head Island Airport. The message states that the applicant proposes to rezone the property from the current RM-4 (Low Density Residential) to either RM-12 (Moderate to High Density Residential) or WMU (Waterfront Mixed Use). The SC Aeronautics Commission emphasizes and promotes compatible land use and development around publicly-owned airports in the state, as per our as per new airport-related land use provisions in our agency's revised enabling legislation (Title 55 of the South

Carolina Code of Laws). Ensuring compatible land use around the Airport will protect the investments made and anticipated to be made in the facility.

The proposed rezoning to higher residential densities would be considered by SC Aeronautics to be a land use that is **incompatible** with Hilton Head Island Airport, for the following reasons:

- The proposed rezoning is located just outside the Airport's existing Runway Protection Zone (RPZ) for Runway End 21. As per current FAA guidance, industry research, and typical airport zoning ordinances which regulate land uses outside the RPZ, residential land uses, especially higher-density ones, are to be strongly discouraged in the inner approach area. Concentrations of people in this area pose a major safety and quality of life (noise) risk because of aircraft flying in low proximity to the ground.
- The proposed rezoning would be located at the very edge of the Airport's future Runway End 21 RPZ based on the FAA-approved Airport Layout Plan updated in 2011, which depicts Runway End 21 being extended in the direction of the subject property. Allowing denser residential development would seriously impact the viability of any planned future extension due to incompatible land uses, and could potentially affect grant funding related to that extension.
- SC Aeronautics is currently drafting statewide airport land use policies, specifically airport-compatible land use standards to guide local governments, and land use notification and procedures as required by Section 55-13-5 of the revised Title 55 enabling legislation. Both the land use standards and notification and review procedures will almost certainly consider dense residential developments such as the Circlewood Drive proposal as incompatible.

In summary, SC Aeronautics encourages Beaufort County and the Town of Hilton Head Island to appropriately manage land use around Hilton Head Island Airport, especially considering its recent Airport Layout Plan update showing a planned lengthening of the runway. Moreover, the Airport has and will likely continue to receive FAA and state grant money; as such, the County and the Town are expected to use zoning, building permits, and other land use techniques to protect the public investment in the facility.

Should you have any questions or comments regarding the Airport, please do not hesitate to contact me.

Regards,
Mihir Shah

To: The planning board and Hilton Head city council,
As an Owner of a condo at the SPA at the Port Royal Sound as well as a retired Realtor/Broker I would request that you turn down the rezoning request of going to R 8 from a R 4. My basis of my request is on the Hilton Head charter of your LOM and the past actions of the last LLC owned by the same major investor. It is not the Job of the city to bail out a bad investment or the repurchase of the same property by increasing the density level of the area which you reduced by buying up the land attached to the Mitchellville park explaining that this was to reduce density not increase density.
Moving the zoning to R 8 would double the size of the planned PUD of R 4 for that area. The rezoning causes stress on the city/FAA/County and police force by increasing the density of a Mitchellville park/SPA Beach City Rd area.

Concerned Owner

Shelby & Dorothy Baker
1330 Villa
239 Beach City Rd, 29926

Dear Ms. Lopko,

I am writing in response to a notice I received describing a proposal to change the zoning of a residential area adjacent to Beach City Road. I am always concerned when someone requests a zoning change for the express purpose of suiting his or her own personal interests rather than for the benefit of the town or surrounding community. Nothing in the notice I received indicated a benefit to anyone other than the developer requesting the zoning change. I also did see an explanation of why a development project conforming to the present code was not feasible.

I recommend resisting changing the zoning for the land along Beach City Road unless adequate justification for why this is a necessity and in the best interest of the town is provided. Otherwise there is no point in having a zoning in the first place.

Respectfully,

Robert M. Tyler
239 Beach City Road
Unit #1207

Robbie Marshall
46 S. Main Street
Essex, CT 06426

October 21, 2013

Jayne Lopko, Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

Re: **Zoning Map Amendment Application #ZMA130007 of HSSC, LLC for 8.56 Acres, Beach City Rd**

Dear Ms. Lopko and Planning Commission Members,

We received a letter from Attorney Williams regarding the re-zoning of Beach City Road, and as owners at The Spa on Port Royal Sound, are very concerned.

First, (as a former Planning Commissioner and author of the 2000 Plan of Conservation and Development for Old Saybrook, CT), I admire the way Hilton Head Island (HHI) manages its development. HHI accommodates a large, fluctuating population, and incorporates "big box" stores within the natural environment without detracting from the landscape, as they are "hidden" by trees and there are no internally lit signs.

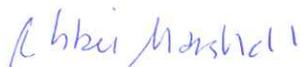
That being said, I believe there is only so much development the island can absorb before it is irrevocably compromised. Please consider the following impacts from re-zoning, increased density, and additional housing units on Beach City Road and Port Royal Sound.

- **Unique character and environmental balance.** The heel of the island's allure is that it is one of the lower density areas; enjoyed for its peaceful, sanctuary atmosphere as opposed to shopping and entertainment. HHI should not lose this alternative setting.
- **Services and taxes.** Housing requires more services and tends to be a *draw* on the general tax fund, unlike businesses and their revenue. There are the annual education costs per student as well as safety and emergency services for example.
- **Quality of life: Traffic, noise, dust.** How do we enjoy the beauty and serenity of Port Royal Sound if there is construction on Beach City Road for an indeterminate amount of time? Construction of new housing is *extremely* disruptive for surrounding residents.
- **Finances.** Construction jeopardizes rental income. The Spa owners have been investing and renovating for vacation rentals and retirement while increasing the property values.
- **Proximity to HHI Airport.** Adding more traffic and structures around the airport may interfere with its safe operation and is not conducive to comfortable living for the intended new housing.
- **Conservation and wildlife:** HHI is in the process of forming a nature preserve south of Beach City Road. Constructing more housing nearby seems inconsistent with this land use purpose and could have negative impacts.

Hilton Head Island has the unique appeal of many modern facilities while still retaining much of a natural setting. I urge you to continue to protect this amazing place and preserve it for our children and grandchildren when you make your recommendation on this application to the Town Council.

Thank you for your considered attention.

Sincerely,



Robbie Marshall



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Jayme Lopko, AICP, *Senior Planner*
FROM: Teri B. Lewis, AICP, *LMO Official*
DATE: October 23, 2013
SUBJECT: Proposed LMO Amendment – Auto Sales Standards

Recommendation

At their meeting on September 9th, 2013 the LMO Committee recommended 2-1 to forward the attached amendment to the Planning Commission with a recommendation of approval.

Staff recommends that the Planning Commission forward the attached amendment to Town Council with a recommendation of approval.

Summary

Staff recommends amending LMO Section 16-4-1305, Auto Sales, to remove the standard that sites where vehicles are sold cannot be located within 1,500 feet of an existing residential use. This amendment will allow new development and redevelopment of sites in the Commercial Center (CC) and Light Industrial (IL) Zoning Districts for a relatively benign retail use.

Background

On August 6, 2013, Town Council approved Resolution #2013-15 (attached) which directed staff to pursue an amendment to the LMO to eliminate the distance requirements between an auto sales site and an existing residential use.

This amendment was prompted by a discussion with a property owner whose tenant, an auto repair shop, wants to also sell vehicles but cannot due to the site's proximity to Hilton Head Plantation. The property owner brought to our attention that auto repair and auto sales uses are complementary uses that are frequently offered by the same business. It makes sense to allow some flexibility in Auto Sales use standards so that Auto Sales can be offered along with Auto Repair on appropriate sites.

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DIRECTING STAFF TO PURSUE AN AMENDMENT TO THE LAND MANAGEMENT ORDINANCE (LMO) TO ELIMINATE THE DISTANCE REQUIREMENTS BETWEEN AN AUTO SALES SITE AND AN EXISTING RESIDENTIAL USE.

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, at that time the Town Council determined that a separation requirement of 1,500 feet between a proposed auto sales use and an existing residential use was appropriate; and

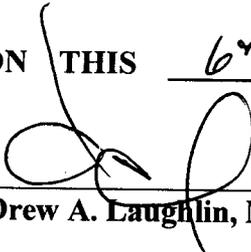
WHEREAS, Town Council has revisited this separation requirement and finds that it is onerous to auto sales businesses and in conflict with Town Council's desire to keep some auto sales uses on Hilton Head Island; and

WHEREAS, the Town Council adopted a Destination 2028 Guiding Principle that states that the Town should, 'sustain community prosperity through a diversified, strong local economy based upon resort, retirement, and non-hospitality businesses'; and

WHEREAS, one of the Town Council goals for 2018 is to provide a positive climate for business investment.

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DIRECTS STAFF TO PURSUE AN AMENDMENT TO THE LAND MANAGEMENT ORDINANCE (LMO) TO ELIMINATE LMO SECTION 16-4-1305.C, THE SEPARATION REQUIREMENT BETWEEN AUTO SALES AND EXISTING RESIDENTIAL USES.

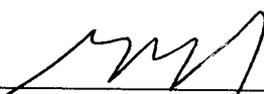
MOVED, APPROVED, AND ADOPTED ON THIS 6th DAY OF AUGUST, 2013.


Drew A. Laughlin, Mayor

ATTEST:


Estlier Coulson, Town Clerk

Approved as to form:


Gregory M. Alford, Town Attorney

Introduced by Council Member: GEORGE W. WILLIAMS, JR



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, CM, *Town Manager*
VIA: Teri Lewis, AICP, *LMO Official* *TL*
CC: Charles Cousins, AICP, *Director of Community Development*
FROM: Heather Colin, AICP, *Development Review Administrator* *HC*
DATE: July 12, 2013
SUBJECT: Proposed Resolution
Eliminate the distance requirements between an auto sales site and an existing residential use.

Recommendation:

The Planning and Development Standards Committee considered the proposed resolution on June 26, 2013 and voted 3-0-0 to forward the resolution to Town Council with a recommendation of approval.

Staff recommends that Town Council approve the proposed resolution.

Summary:

The conditions associated with uses in the LMO (Land Management Ordinance) were discussed at the LMO Rewrite Committee on February 2013. The Committee agreed with staff's recommendation to eliminate the existing conditions in the LMO. A citizen has requested that this move more quickly than the entire LMO rewrite process and an amendment to the current LMO to be ultimately approved by Town Council. The only condition that is proposed to be deleted as part of this process is the distance requirement between an auto sales use and an existing residential use.

Background:

Currently the LMO allows auto sales uses with conditions in the CC (Commercial Center) and IL (Light Industrial) districts. The conditions are:

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503.
- C. The site is not located within 1,500 feet of an existing residential use.
- D. The site is not located within 1,500 feet of an existing auto sales site.

The condition that requires 1,500 feet between an auto sales site and an existing residential use eliminates numerous properties that may otherwise comply and operate an auto sales business. Staff does not believe that the elimination of this condition would create incompatibility between the two uses. Therefore, this condition is requested to be deleted.

Staff Explanation

Staff recommends amending LMO Section 16-4-1305, Auto Sales, by removing the standard that sites where vehicles are sold cannot be located within 1,500 feet of an existing residential use. This amendment will allow new development and redevelopment of sites in the CC and IL Zoning Districts for a relatively benign retail use.

LMO Section 16-4-1204, Use Table, limits auto sales to parcels in the Commercial Center (CC) and Light Industrial (IL) Zoning Districts. The other standards for auto sales in LMO Section 16-4-1305 require that sites where vehicles are sold must have direct access to a major or minor arterial and cannot be located within 1,500 feet of an existing auto sales use, which limit the number of sites that meet these standards. The removal of the distance requirement will have a negligible effect on the few residential uses along major and minor arterials that abut parcels in the CC and IL Zoning Districts.

The perceived negative impacts of auto sales are the outdoor storage of merchandise and advertising. The LMO restrictions on site design reduce the visibility of outdoor storage areas, and the LMO restrictions on signs strictly limit outdoor advertising. These restrictions will minimize the negative externalities of auto sales uses.

Sec. 16-4-1305. – Auto Sales

Auto sales are permitted subject to the following standards.

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503.
- ~~C. The site is not located within 1,500 feet of an existing residential use.~~
- D. The site is not located within 1,500 feet of an existing auto sales site.

memo

TO: Planning Commission
FROM: Thomas W. Lennox, Chairman CIP Committee
DATE: October 22, 2013
SUBJECT: CIP Committee Meeting Report

The Capital Improvements Program (CIP) Committee met on September 23, 2013 and October 14, 2013 to review the proposed Fiscal Year 2015 Capital Improvement Program. The attached documents reflect the recommendations of the Committee.

In general, the program follows through with Fiscal Year (FY) 2015 projects as they were proposed, planned, and scheduled in previous editions of the CIP. The Committee does however, recommend these specific changes to FY 2015:

- **William Hilton Parkway Intersection Improvements at Squire Pope Road –westbound third lane Road** – add as a new project.
- **Stoney Secondary Road – South** – recommend project deferral
- **Shelter Cove Community Park** – add as a new project per the terms of developer agreement

Finally, and as a summary of our recommendations, you will find a draft of the *Fiscal Year 2015 – Proposed Priority Projects* which is derived from the contents of the spreadsheet. Of these priority projects, ten (10) have been identified as “top priority” for FY 2015 and are in **bold** type.

As previously indicated to the Commission, Town Council will conduct their annual workshop in late November. During the workshop, Council will determine their Action Agenda and priorities for FY 2015. I propose and request that this committee’s CIP recommendations be presented to the November 6, 2013 Planning Commission. Anticipating no significant changes, and with the support of Scott Liggett in the presentation, the CIP, once approved, would then go the Town Council before their workshop and would allow them to review in advance.

cc: Town Council
Stephen G. Riley, CM, Town Manager
Scott Liggett, Director of Public Projects & Facilities
Susan Simmons, Director of Finance
Charles Cousins, Director of Community Development
Chief Lavarn Lucas, Fire & Rescue Department
Jeff Buckalew, Town Engineer
Shawn Colin, Comprehensive Planning Manager

Fiscal Year 2015 – Proposed Priority Projects (top priority projects shown in bold)

A. Pathways

- Pathway Rehabilitation
- **US 278 – B (William Hilton Parkway) Fresh Market Shoppes to Shelter Cove/Chaplin – construction**
- **US 278 – B (William Hilton Parkway) Shelter Cove/Chaplin to Mathews Drive-north – FY 14 funding for design permitting, legal**
- **US 278-B (Gardner Drive to Jarvis Park / Honey Horn) – FY 14 funding for design, permitting, legal**
- US 278 (westbound between Gum Tree Road to Squire Pope Road) - legal
- US 278-B (Village at Wexford to Arrow Road) – construction
- US 278-B (Jarvis Park/Honey Horn to Graves Bridge) – design, legal

B. Roadway Improvements

- Traffic Signal Mast Arms
 - WHP @ Spanish Wells Road
- Private Dirt Roads Acquisition
- **Mathews Drive / Marshland Road Roundabout**
- **Mathews Drive / Chaplin Area Connectivity**
- **Wm. Hilton Parkway Intersection Improvements at Squire Pope Road**
- Lemoyne Road Reconstruction and Extension

C. Park Development

- Town Parks Upgrades
 - Driessen Beach Park – small picnic shelter
 - Veteran’s Memorial Park – benches, pergolas, site furnishings
 - Crossings Park – picnic shelters (meadow area)
- **Shelter Cove Community Park**
- Island Recreation Center Enhancements – TBD, pending direction from Council
- Yacht Cove Community Park
- Ford Shell Ring Park

D. Existing Facilities & Infrastructure

- Rehabilitation and Renovation of Fixed Capital Assets
- Clean-up, safety and demolition of structures on Town Property /Unsafe structures ordinance demolition
- Town Hall Office Space Reconfiguration
- **Fire Station #2 Replacement**
- Fire/Rescue Training Center Enhancements

E. New Facilities

- **Coligny Area Improvements**
- Sewer Service Projects

F. Beach Maintenance

- Beach Management and Monitoring
- **Island-wide Beach Renourishment**

CAPITAL IMPROVEMENTS PROGRAM
FISCAL YEARS 2014- 2023
CIP FY 14
(Proposed CIP Budget Workshop)

FY- 15_proposal for budget		ACCEL	In Bid or Obligated	SLIDE or CNAP?	New	Change	TIF
PROJECT		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020-2024
A PATHWAYS							
1	PATHWAY REHABILITATION	200	210	220	230	240	1300
2	US 278-B (Fresh Market Shoppes to Shelter Cove / Chaplin) (up to 1/2 Traffic Impact Fees, Hosp Tax)						
	a. design						
	b. r/w acquisition						
	c. legal						
	d. construction	1,320					
3	US 278-B (Shelter Cove / Chaplin to Mathews North) (up to 1/2 Traffic Impact Fees, Hosp Tax)						
	a. design						
	b. r/w acquisition	TBD					
	c. legal	FY14					
	d. construction		1,170				
4	US 278-B (Gardner Drive to Jarvis Park / Honey Horn) (up to 1/2 Traffic Impact Fees, Hosp Tax)						
	a. design	FY14					
	b. r/w acquisition	TBD					
	c. legal	FY14					
	d. construction		930				
5	US 278 (GUM TREE ROAD TO SQUIRE POPE ROAD) (Sidewalk installed with Cross Island Parkway) (1/2 Traffic Impact Fees and Hosp Tax)						
	a. design	FY14					
	b. legal	10					
	c. construction			550			
6	US 278 - (Village at Wexford to Arrow Road)						
	a. design	FY14					
	b. r/w acquisition	TBD					
	c. legal	FY14					
	d. construction	250					
7	US 278-B (Jarvis Park / Honey Horn to Graves Bridge) (up to 1/2 Traffic Impact Fees, Hosp Tax)						
	a. design	170					
	b. r/w acquisition						
	c. legal	50					
	d. construction				1,690		
8	SINGLETON BEACH ROAD (Segment installed from US 278 to Chaplin Community Park) (1/2 Traffic Impact Fees and Hosp Tax/Beach Fee?)						
	a. design		30				
	b. r/w acquisition		TBD				
	c. legal		10				
	d. construction				300		
9	US 278 (Squire Pope Road to near Welcome Center) (Sidewalks exist on both sides of US 278 east of the Welcome Center) (1/2 Traffic Impact Fees and Hosp Tax)						
	a. design		60				
	b. legal		20				
	c. environmental		30				
	d. construction			600			
10	US 278 (Stoney Area from the ends of existing sidewalks to Jenkins Island) (1/2 Traffic Impact Fees and Hosp Tax)						
	a. design			30			
	b. r/w acquisition			TBD			
	c. legal			10			
	d. construction					300	
11	US 278 (JENKINS ISLAND TO BRIDGE) (1/2 Traffic Impact Fees and Hosp Tax)						
	a. design			40			
	b. legal			20			
	c. environmental			30			
	d. construction					400	
TOTAL PATHWAY IMPROVEMENTS		2,000	2,460	1,410	2,220	940	1300

CAPITAL IMPROVEMENTS PROGRAM
FISCAL YEARS 2014- 2023
CIP FY 14
(Proposed CIP Budget Workshop)

PROJECT	FY	FY	FY	FY	FY	FY
	2015	2016	2017	2018	2019	2020-2024
ROADWAY IMPROVEMENTS						
1 TRAFFIC SIGNAL MAST ARMS (TIF Funded in District)						
a. Spanish Wells / US 278 Replacement	150					
b. Mall Blvd / US 278 Replacement		100				
c. Pembroke Drive / US 278 Replacement			96			
e. Gum Tree Road / US 278 Replacement				150		
2 PRIVATE (DIRT) ROADS ACQUISITION	25	TBD	TBD	TBD	TBD	TBD
3 MATHEWS DRIVE/MARSHLAND ROAD ROUNDABOUT	TBD					
4 MATHEWS DRIVE / CHAPLIN AREA CONNECTIVITY (Inter-Parcel Connectivity on East side of Mathews Drive South)	TBD					
5 WM. HILTON PARKWAY INTERSECTION IMPROVEMENTS AT SQUIRE POPE ROAD-westbound third lane	30		300			
6 LEMOYNE ROAD RECONSTRUCTION AND EXTENSION (Traffic Impact Fees)						
a. design	FY14					
b. legal	TBD					
c. construction	800					
7 BLUFFTON PARKWAY- Phase 5A BEAUTIFICATION			1000			
8 ARROW /TARGET ROAD IMPROVEMENT		800				
9 MISCELLANEOUS TURNING LANE IMPROVEMENTS						
a. EB Wm. Hilton Pkwy @ Queens Folly		15	150			
b. WB Wm. Hilton Pkwy @ Beach City Road		10	75			
c. Arrow Road at Palmetto Bay Road		10	75			
TOTAL ROADWAY IMPROVEMENTS	1,005	935	1,696	150	0	0
C PARK DEVELOPMENT						
1 PARKS UPGRADES	60	200	200	200	200	1,000
b. Driessen Beach Park - small picnic shelter	45					
c. Veteran's Memorial - benches, pergolas, site furnishings	15					
d. Crossings Park - picnic shelters (2) in meadow area	80					
2 SHELTER COVE COMMUNITY PARK	2,250					
3 RECREATION CENTER ENHANCEMENTS						
a. Feasibility Study / Preparation of a Business Plan	complete					
b. Masterplan	FY14					
c. design	TBD					
c. Construction		TBD	TBD			
4 YACHT COVE COMMUNITY PARK (Parks Impact Fees)						
a. design (in-house)	40					
b. construction		1000				
5 FORD SHELL RING PARK (Hosp. Tax, Parks Impact Fees?)						
a. design	25					
b. construction			500			
6 CHAPLIN COMMUNITY PARK BOARDWALK to COLLIER BEACH PARK		TBD				
7 COLLIER BEACH PARK (Beach Fee)			400			
TOTAL PARK DEVELOPMENT	2,515	1,200	700	200	200	1,000

CAPITAL IMPROVEMENTS PROGRAM
FISCAL YEARS 2014- 2023
CIP FY 14
(Proposed CIP Budget Workshop)

PROJECT	FY	FY	FY	FY	FY	FY
	2015	2016	2017	2018	2019	2020-2024
D EXISTING FACILITIES & INFRASTRUCTURE						
1 REHABILITATION & RENOVATION of EXISTING CAPITAL ASSETS (FY Taxes)	191	191	191	191	191	955
2 CLEAN UP, SAFETY & DEMOLITION ON TOWN PROPERTY & UNSAFE STRUCTURES ORDINANCE DEMOLITION (Lease Account & FY Taxes)	291	291	291	291	291	1,455
3 TOWN HALL OFFICE SPACE RECONFIGURATION (Hospitality Tax)	100					
4 FIRE STATION # 2 REPLACEMENT (Sea Pines) (Hospitality Tax)						
a. design	275					
b. construction		2,500				
5 FIRE RESCUE TRAINING CENTER ENHANCEMENTS	215					
TOTAL EXISTING FACILITIES & INFRASTRUCTURE	1,072	2,982	482	482	482	2,410
E NEW FACILITIES & INFRASTRUCTURE						
1 COLIGNY / POPE AVE INITIATIVE AREA IMPROVEMENTS with COMMUNITY PARK unedited from FY12						
a. Design						
c. Construction						
	FY14					
	3,624					
2 SEWER SERVICES PROJECTS (Some Timing: TBD)						
a. Gumtree Road Area Sewer	500					
b. Indigo Run Hotel Site (coordinate with Park project)	40					
c. Jenkins Island (coordinate with Park project)		40				
TOTAL NEW FACILITIES & INFRASTRUCTURE	4,164	40	0	0	0	0
F BEACH MAINTENANCE						
1 BEACH MANAGEMENT & MONITORING (Beach Fee)	500	500	500	500	500	2,500
2 BEACH RENOURISHMENT (Beach Fee)						
a. Island-wide project	17,750					
TOTAL BEACH MAINTENANCE	18,250	500	500	500	500	2,500
A PATHWAYS	2,000	2,460	1,410	2,220	940	1300
B ROADWAY IMPROVEMENTS	1,005	935	1,696	150	0	0
C PARK DEVELOPMENT	2,515	1,200	700	200	200	1,000
D EXISTING FACILITIES & INFRASTRUCTURE	1,072	2,982	482	482	482	2,410
E NEW FACILITIES & INFRASTRUCTURE	4,164	40	0	0	0	0
F BEACH MAINTENANCE	18,250	500	500	500	500	2,500
TOTALS (THOUSAND OF DOLLARS)	29,006	8,117	4,788	3,552	2,122	7,210
0900 Aug 30, 2013						