



Town of Hilton Head Island
Planning & Development Standards Committee
Regular Meeting
Wednesday, August 28, 2013 at 4:00p.m.
Benjamin M. Racusin Council Chambers
Agenda

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Review of Minutes** - Regular Meeting of June 26, 2013
- 4. Unfinished Business**
None
- 5. New Business**
 - a. **ZMA130004:** A request from Noreen McMullin on behalf of Stewart Collins proposing to amend the Official Zoning Map by amending the allowed uses of the properties located at 421, 425 and 427 Squire Pope Road to add Water-Oriented Embarkation Facilities and Other Water-Oriented Uses. The properties are further identified on Beaufort County Tax Map 3 as Parcels 127, 128 and 089A.
Presented by: Anne Cyran
- 6. Committee Business**
- 7. Adjournment**

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

TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of the Wednesday, June 26, 2013 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman John McCann, Bill Harkins and George Williams

Committee Members Absent: None

Council Members Present: None

Town Staff Present: Heather Colin, Development Review Administrator
Teri Lewis, LMO Official
Jill Foster, Deputy Director, Community Development Department
Kathleen Carlin, Administrative Assistant

1. Call to Order

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

2. Freedom of Information Act Compliance

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

3. Approval of Minutes

Mr. Williams made a **motion** to **approve** the May 22, 2013 meeting minutes as presented. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

4. Unfinished Business

None

5. New Business

Consideration of a Resolution by the Town Council of the Town of Hilton Head Island directing the 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.

Ms. Heather Colin made the presentation on behalf of staff. The conditions associated with uses in the LMO (Land Management Ordinance) were discussed at a LMO Rewrite Committee meeting last February. The committee agreed with the 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.

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

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

The committee and Ms. Colin reviewed the four conditions. Following the staff's presentation, Chairman McCann requested public comments.

Dr. Joseph Tobin presented statements in support of the proposed amendments. Dr. Tobin stated that he owns an auto repair shop located at 299 William Hilton Parkway and is interested in selling cars at this location. The staff presented brief statements with regard to the process involved in making changes to the LMO. Following final comments by the committee, Chairman McCann requested that a motion be made.

Mr. Harkins made a **motion** to recommend that the Planning and Development Standards Committee **forward** the Proposed Resolution to eliminate the distance requirements between an auto sales site and an existing residential use to Town Council with a recommendation of **approval**. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

6. Committee Business

None

7. Adjournment

The meeting was adjourned at 4:20pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

John McCann
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri B. Lewis, *AICP, LMO Official*
FROM: Anne Cyran, *AICP, Senior Planner*
DATE: August 8, 2013
SUBJECT: ZMA130004 – Salty Fare

Recommendation: The Planning Commission met on June 19, 2013 and on August 7, 2013 to review the attached application for Zoning Map Amendment (ZMA130004) and after a public hearing, voted 6-1-0 to forward the application to Town Council with a recommendation of approval, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance.

Staff recommends the Planning & Development Standards Committee forward the application to Town Council with a recommendation of approval.

Summary: A request from Noreen McMullin on behalf of Stewart Kittredge Collins proposing to amend the Official Zoning Map, specifically the Hilton Head Plantation Master Plan, by amending the allowed uses of the property located at 421, 425 and 427 Squire Pope Road to include Water-Oriented Embarkation Facilities and Other Water-Oriented Uses. The properties are further identified on Beaufort County Tax Map 3, as Parcels 127, 128 and 89A.

Background: Salty Fare serves as an embarkation point for Daufuskie Island ferries and private chartered tours and provides office and retail space for a variety of businesses. In addition, water-oriented tours operate from the site.

The uses allowed on these parcels are all Commercial Uses measured in square feet listed in LMO Sec. 16-4-1204, Use Table, except for those uses listed in LMO Sec. 16-4-209.E.

The proposed uses are currently occurring on the site, but they are considered legally non-conforming. If this application is approved, all legally non-conforming uses on the site will become conforming uses.

The application initially included Watercraft Rental as a proposed use, but after the June 19, 2013 Planning Commission public hearing, the property owner withdrew that use from the rezoning request.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2013-

PROPOSED ORDINANCE NO. 2013-11

AN ORDINANCE TO AMEND TITLE 16, THE LAND MANAGEMENT ORDINANCE, OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP, SPECIFICALLY AMENDING THE ALLOWED USES ON 4.6 ACRES IDENTIFIED AS PARCELS 127, 128 AND 89A ON BEAUFORT COUNTY TAX MAP 3 WITHIN THE HILTON HEAD PLANTATION MASTER PLAN TO INCLUDE WATER-ORIENTED EMBARKATION FACILITIES AND OTHER WATER-ORIENTED USES AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the Town Council now finds that, upon further review, it is in the public interest that the allowed uses on the subject 4.6 acre parcels be amended to include Water-Oriented Embarkation Facilities and Other Water-Oriented Uses; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on June 19, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission continued the public hearing on August 7, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, on August 7, 2013 voted 6-1-0 to recommend to Town Council that the rezoning request be approved, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance; and

WHEREAS, the Planning and Development Standards Committee held a public meeting on August 28, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted <<VOTE>> to recommend to Town Council that <<MOTION>>; and

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

Section 1. Amendment. That the official zoning map of the Town of Hilton Head Island, as referenced by Section 16-4-102 of the Land Management Ordinance, be, and the same hereby amended as follows:

The allowed land uses on 4.6 acres identified as parcels 127, 128 and 89A on Beaufort County Tax Map 3 within the Hilton Head Plantation Master Plan be amended to include Water-Oriented Embarkation Facilities and Other Water-Oriented Uses.

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

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

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____ 2013.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Drew Laughlin, Mayor

ATTEST:

Esther Coulson, Town Clerk

Public Hearing: June 19, 2013, August 7, 2013

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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STAFF REPORT ZONING MAP AMENDMENT

Application Number	Name of Project	Public Hearing Date
ZMA130004	Salty Fare	June 19, 2013

Parcel Data	Owner	Applicant
<u>Parcel IDs</u> Beaufort County Tax Map 3 Parcels 127, 128 and 089A (Salty Fare Waterfront Parcels) <u>Parcel Addresses</u> 421, 425 and 427 Squire Pope Road <u>Total Size</u> 4.6 acres	Stewart Kittredge Collins 3374 Jackson Street San Francisco, CA 94118	Noreen McMullin Property Manager, Salty Fare 421 Squire Pope Road Hilton Head Island, SC 29926

Existing	Proposed
<u>Zoning District</u> PD-1, Hilton Head Plantation <u>Applicable Overlay District(s)</u> COR (Corridor Overlay District) <u>Maximum Allowed Density</u> 10,283 square feet <u>Maximum Allowed Height</u> 75 feet <u>By Right Uses</u> <ul style="list-style-type: none"> • Commercial Uses in LMO Sec. 16-4-1204, except those uses listed in LMO Sec. 16-4-209.E 	<u>Zoning District</u> PD-1, Hilton Head Plantation <u>Applicable Overlay District(s)</u> COR (Corridor Overlay District) <u>Maximum Allowed Density</u> 10,283 square feet <u>Maximum Allowed Height</u> 75 feet <u>By Right Uses</u> <ul style="list-style-type: none"> • Commercial Uses in LMO Sec. 16-4-1204, except those uses listed in LMO Sec. 16-4-209.E • Water-Oriented Embarkation Facility

<p><u>Legally Non-Conforming Uses</u></p> <ul style="list-style-type: none"> • Water-Oriented Embarkation Facility • Watercraft Rental • Other Water-Oriented Uses 	<ul style="list-style-type: none"> • Watercraft Rental • Other Water-Oriented Uses
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Application Summary

This application is a request from Noreen McMullin, the property manager, on behalf of Stewart Kittredge Collins, the property owner, to amend the Official Zoning Map by amending the uses allowed by right on three parcels located at 421, 425 and 427 Squire Pope Road, collectively known as the Salty Fare waterfront parcels. The parcels are further identified on Beaufort County Tax Map 3 as Parcels 127, 128 and 089A.

Mr. Collins proposes to amend the list of by right uses to include Water-Oriented Embarkation Facilities, Watercraft Rentals and Other Water-Oriented Uses. Allowing Water-Oriented Embarkation Facilities would allow ferries and other watercraft to provide transportation services. Allowing Watercraft Rentals on these parcels would allow the rental of motorized and non-motorized watercraft. Allowing Other Water-Oriented Uses on these parcels would allow boat tours, charter trips, parasail tours and other similar activities to be offered.

The Salty Fare waterfront parcels are located in the PD-1 (Planned Unit Development) Zoning District in Hilton Head Plantation, and the request proposes to maintain the PD-1 zoning classification. This application does not propose to change the total permitted density, 10,283 square feet, for these parcels. This application does not propose to change the maximum allowed height, 75 feet, of structures on these parcels.

Staff Recommendation

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

Background

Salty Fare serves as an embarkation point for Daufuskie Island ferries and private chartered tours and provides office and retail space for a variety of businesses. Mr. Collins purchased the parcels in 2007 from the Bloody Point Group. In April 2013, Mr. Collins discussed with Town staff increasing the number of uses permitted on the waterfront parcels to allow a wider range of water-oriented services. He submitted this application in early May 2013.

The uses allowed on these parcels are all Commercial Uses measured in square feet listed in LMO Sec. 16-4-1204, Use Table, except for those uses listed in LMO Sec. 16-4-209.E. The current uses operating on site are offices, an art gallery, ferry service, kayak and paddleboard rentals, charter fishing, boat tours and jet ski rental.

The proposed uses are all currently occurring on the site, but they are considered legally non-conforming. A water-oriented embarkation facility has operated on the site since 1988. More recently a business license was issued in error to allow a business to operate boat tours and offer jet ski rentals.

If this application is approved, all legally non-conforming uses on the site will become conforming uses. Aside from bringing the site into compliance with the Land Management Ordinance, this change will allow multiple businesses to obtain licenses to offer Watercraft Rental and Other Water-Oriented Uses. Currently only one business has a business license to offer Watercraft Rental and Other Water-Oriented Uses.

Summary of Facts and Conclusions of Law

Findings of Fact:

1. Notice of the Application was published in the Island Packet on May 12, 2013 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
2. Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
3. A public hearing will be held on June 19, 2013 as set forth in LMO Section 16-3-1504A.
4. The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

Conclusion of Law:

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

As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, 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 Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

An Implication for Zoning Changes

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

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 8.3 –Planned Unit Developments (PUDs)

- A. The goal is to provide flexibility for the PUDs as future policies, regulations and requirements are adopted Town-wide.
- B. The goal is to have 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 PUD Master Plans.

Goal 8.4 – Existing Zoning Allocation

- A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending the Town’s Official Zoning Map.

Goal 8.5 – Land Use Per Capita

- A. The goal is to have an appropriate mix and availability of land uses to meet the needs of the existing and future populations.

Goal 8.10 – 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 8.3– Planned Unit Developments (PUDs)

- A. Consider flexibility within the PUDs to address appropriate commercial or service land uses in areas with a high residential concentration.

Conclusions of Law:

1. Staff concludes that this application is consistent with the Comprehensive Plan, as described in the Land Use Element as set forth in LMO Section 16-3-1505A.
2. The proposed rezoning would provide an appropriate mix of land uses to meet the needs of the population and improve the quality of life on the Island.
3. The proposed rezoning will help to improve the marketability of the properties and meet current market demands by permitting additional uses that are common in this vicinity.

Summary of Facts and Conclusions of Law

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

Findings of Fact:

1. Nearby parcels are zoned in the PD-1 Zoning District (Hilton Head Plantation), the WMU (Waterfront Mixed Use) Zoning District and the RM-4 Zoning District.
2. The conforming uses on nearby parcels include: Watercraft Sales and Service; Other-Water Oriented Uses; Eating Establishments with Seating (Low Turnover); Resort Accommodations; Single Family Residential; Multifamily Residential; a Government Facility (Fire Station); and a Manufactured Housing Park.
3. Code enforcement staff has not received any recent complaints or negative feedback regarding the other-water oriented uses on nearby parcels.
4. Code enforcement staff has not received any recent complaints or negative feedback regarding the ferry operations at the subject parcels.

5. Staff has received several objections to the proposed rezoning, particularly the possibility of jet-ski and high-powered boats disturbing the peace and lowering the value of neighboring residences.
6. The owner has not proposed new development for these parcels. Any future development will require approval by the Town's Design Review Board (DRB).

Conclusions of Law:

1. Staff concludes that the proposed uses are compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505B.
2. The subject parcel will remain in the PD-1 Zoning District, which is compatible with the neighboring properties in the PD-1 Zoning District.
3. A Water-Oriented Embarkation Facility and Other Water-Oriented Uses have operated on or near the subject parcels with no apparent conflicts with the neighboring parcels.
4. Though staff has received objections to the possibility of businesses renting jet-skis and high-powered boats, these and other watercraft already use Skull Creek with seemingly little detriment to the peace of or values of adjacent residential properties.
5. The Town's Design Review Board will ensure any future development's site design, architecture and landscaping will be compatible with the character of the neighborhood.

Summary of Facts and Conclusions of Law

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):

Findings of Fact:

1. The greatest number of parking spaces required for any proposed use on the subject parcels would be 103 parking spaces.
2. The subject parcels contain 150 parking spaces and 208 additional spaces are available on the parcel across Squire Pope Road.
3. The site has existing infrastructure and facilities – docks and restrooms – to operate as an embarkation facility and to support Watercraft Rental and Other Water-Oriented Uses.
4. The site has operated a Water-Oriented Embarkation Facility since 1988.
5. The site has been used for Watercraft Rental and Other Water-Oriented Uses since early 2012.

Conclusion of Law:

Staff concludes that the property is suitable for the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C because the subject parcels can support the proposed uses and have supported one of the proposed uses.

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 Fact:

1. The conforming uses on the subject parcels are the Commercial Uses measured in square feet in LMO Sec. 16-4-1204 except for those uses listed in LMO Sec. 16-4-209.E.

2. The subject parcels have water, sewer and stormwater facilities.
3. The greatest number of parking spaces required for any conforming use on the subject parcels would be 103 parking spaces.
4. The subject parcels contain 150 parking spaces and 208 additional spaces are available on the parcel across Squire Pope Road.

Conclusion of Law:

Staff concludes that the subject parcels are suitable for the uses currently permitted in the PD-1 Zoning District as set forth in LMO Section 16-3-1505D because the subject parcels can support a number of commercial uses.

Summary of Facts and Conclusions of Law

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

Finding of Fact:

1. This amendment would increase the number of by right uses allowed on the subject parcels.
2. This amendment would bring the parcels into greater compliance with the LMO.

Conclusions of Law:

1. Staff concludes that the marketability of the parcels could be improved as set forth in LMO Section 16-3-1505E.
2. The fact that the existing uses would become conforming and that the number of by right uses allowed on the property would be increased could result in added value for the property.

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 Fact:

1. The subject parcels have adequate water and sewer service and stormwater facilities.
2. The proposed change in uses permitted on the parcel would not change the water and sewer capacity or the stormwater facilities of the parcels.
3. If the parcels were redeveloped, a letter from the Hilton Head Island Public Service District confirming their ability to meet the water and sewer demands of the development would be required as part of the Development Plan Review (DPR) application.
4. If the parcels were redeveloped, the Town's engineering staff would confirm as part of the DPR application that the site would be able to meet the LMO's stormwater performance standards.

Conclusion of Law:

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

LMO Official Determination

Staff determines that this application is consistent with the Comprehensive Plan and does serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

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

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

July 17, 2013

DATE

REVIEWED BY:

TBL

Teri B. Lewis, AICP
LMO Official

July 17, 2013

DATE

REVIEWED BY:

JL

Jayme Lopko, AICP
Senior Planner & Planning Commission Board Coordinator

July 17, 2013

DATE

Attachments:

- A) Aerial Photo – Vicinity
- B) Aerial Photo – Salty Fare
- C) Applicant’s Narrative
- D) Public Comments
- E) Letter from Stewart Kittredge Collins



Skull Creek
Boathouse
Restaurant

Salty Fare
Waterfront

Hilton Head
Boathouse

Bay Club

Salty Fare
Parking

Fire Station

Town of Hilton Head Island

ZMA130004 Salty Fare Rezoning
Staff Report Attachment A: Aerial Photo - Vicinity






Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

Town of Hilton Head Island
ZMA130004 Salty Fare Rezoning
Staff Report Attachment B: Aerial Photo - Salty Fare



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

ZMA130004 Salty Fare
Staff Report Attachment C: Applicant's Narrative

Stewart K. Collins

3374 Jackson Street
San Francisco, CA. 94118
T (415) 567-0062
Kitredge@gmail.com

May 2, 2013

Jaime Lopko
Senior Planner
Town of Hilton Head
Hilton Head, SC

Dear Ms. Lopko

Re: Narrative for application to amend the Hilton Head Master Plan for Salty Fare

This is a request to amend the Hilton Head Plantation Master Plan to allow three additional uses on the dock and waterfront parcels of the property known as Salty Fare (R510 003 000 089A). Currently, the embarkation use is allowed under "legally non-conforming status." The proposed zoning amendment would change this use to "legally conforming embarkation" and add "Watercraft rental," and "Other Water Oriented Uses."

Salty Fare is located on Squire Pope Road between Hilton Head Plantation and the Hilton Head Boathouse. The property is bisected by Squire Pope Road into two parcels. The waterfront parcel (parcel 11) is 4.59 acres. The rear parcel (parcel 12) is 5.56 acres. Salty Fare improvements include an 10,000 sq. ft. commercial building, a warehouse (2600 Sq. ft.), and 325 parking spaces. The dock is a commercial grade docking facility with a fixed pier head attached to parcel 11 with three floating docks. The recently renovated floating docks have a combined area of 4200 square feet and 270 linear feet. It is the waterfront parcel is the subject of this zoning amendment.

Property History

Salty Fare was originally developed by the Melrose Company, to be used as the embarkation facility to and from its development on Daufuskie Island. In 1987, the current planning manager, Mr. Thomas Brechko, confirmed that the Salty Fare site could be used as an embarkation facility even though an embarkation facility was not an approved use for those parcels within the Hilton Head Plantation Master Plan (see the attached letter). Therefore, the embarkation facility is considered a "legally non-conforming" use. The letter also states that any proposed change in the use of the docking facility would require "re-evaluation", which is why a Zoning Map Amendment is now requested.

When Melrose Co. sold its development on Daufuskie Island, Salty Fare was included in the transaction and has been apart of every subsequent sale of the Melrose properties until The Collins Trust purchased Salty Fare from Daufuskie Island Properties (DIP) in 2007. Salty fare was leased back to DIP until the DIP bankruptcy in 2009. Since the bankruptcy proceedings, space in the commercial building has been leased for office use and the docks have been used by various transportation concerns engaged in transporting passengers to Daufuskie Island. However, given the uncertainty surrounding the future commercial uses on Daufuskie Island there has been limited demand for the only allowed use of the

ZMA130004 Salty Fare
Staff Report Attachment C: Applicant's Narrative

embarkation facilities at Salty Fare. Amending the PUD to allow Water-Oriented Uses and Watercraft Rental is critical to the economic viability of the Salty Fare property.

Proposed Additional Uses:

Embarkation: Salty Fare was established as a private embarkation venue to service the Melrose resort on Daufuskie Island exclusively. Salty fare is no longer part of the resorts and businesses on Daufuskie. Because of the ample parking availability, it is uniquely positioned to be an important embarkation facility to multiple destinations from Savannah to Beaufort.

Water Oriented Use: To provide the business opportunity for water mode ecotourism, environmental education, and recreational tours such as sunset cruises, dauphin watching, ecology expeditions, parasailing, windsurfing, kayaking, banana boat rides, etc.

Watercraft Rentals: To respond to the demand from residents and visitors for kayak, paddle board, jet skis, and boat rentals in order to participate in water recreational activities along Skull Creek.

Hilton Head Review Criteria (LMO Section 16-3-1505)

A. Consistency with the Comprehensive Plan. The proposed uses are consistent with the following goals and objectives of the Hilton Head Comprehensive Plan

- 1) The Natural Resources section (3.4) identifies ecotourism as "a growing industry and provides an excellent source of public access, education, and recreation. Ecotours are often water based with patrons using kayaks, under guidelines of experienced personnel." Section 3.4 addresses environmental education, defining it "as the process of recognizing values and clarifying those concepts in order to develop skills and attitudes necessary to understand and appreciate the interrelatedness of humans, their culture, and their biophysical surroundings." The comprehensive plan states that "the Town should take a leadership position to provide enhanced environmental learning opportunities." It is a goal of the plan to encourage property owners to become "wildlife friendly" through environmental education.
- 2) The Land Use Section addresses zoning modifications and non conforming uses (8.8) with goals to evaluate the locations of non conforming uses to determine areas to consider for zoning map amendments; and to provide appropriate modifications to the zoning designation to meet current market demands.
- 3) The Transportation Section goal (9.7) is "to integrate a marine based transportation option into the transportation network that has the potential to serve town residents, visitors, and employees." The implementation strategy for this goal asks for a.) efforts to expand marine transportation that reduces vehicular trips on Island roads or increases revenue through expanded tourism and b.) "to support the coordination of regional partners to assess potential water-born transportation to serve areas from Beaufort to Savannah."

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

The Salty Fare water parcel is sandwiched between the **Hilton Head Boat Works**, a marina and boat warehouse, zoned water front multi-use (WMU); and, **The Cypress at Hilton Head Plantation PUD**, a retirement community within the PUD. **The Skull Creek Marina** is also located within the Hilton Head Plantation PUD. The Boat Works Marina enjoys water oriented use through the WMU zoning. It leases boat slips to businesses that operate water charter excursions for fishing and tours but does not rent water craft. Skull Creek is classified a marina that does not rent water craft or engage in "water oriented uses."

ZMA130004 Salty Fare
Staff Report Attachment C: Applicant's Narrative

Although neither marina is designated for embarkation use Salty Fare is compatible and complimentary with the water recreational opportunities of the Boat Works and Skull Creek Marina.

Hilton Head Plantation's Cypress is the immediate neighbor to the east of Salty Fare and like Salty Fare is part of the Hilton Head PUD.

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

This application does not request a zoning change. It is a request to allow three additional uses from the Salty Fare docks and water front. Salty Fare is an ideal venue for expanded water front activities from the newly repaired docks given the existing commercial infrastructure, abundant parking, and close proximity to the fire station and paramedic care.

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.

This application does not request a zoning change. Salty Fare has been a legally non conforming embarkation dock since 1987. This amendment requests three additional uses on the existing docks and along the water front. Salty Fare is an ideal venue for expanded recreational uses.

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.

Salty Fare is a commercial property, designed for embarkation use to and from Daufuskie Island. Due to the economic situation on Daufuskie Island there has been limited demand for embarkation and the parking lots are underutilized. I am requesting that The Town of Hilton Head recognize that the current limitations of uses allowed is an economic hardship affecting the value, vitality, and marketability of Salty Fare. There is however ample demand by small water oriented businesses to provide recreational and education activities from the dock facilities. If additional uses are approved, businesses and jobs will be created and the marketability will improve.

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

Salty Fare is a fully developed commercial property with existing sewer, water, and storm facilities that will support the requested uses without infrastructure improvements.

Sincerely,

Stewart Collins

THE BRANTS

29 Outerbridge Circle
Hilton Head Island, SC 29926

843.681.5973

May 26, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

Re: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

We are writing in response to a notice we received about the Public Hearing scheduled for June 19th regarding potential rezoning of property located at 421, 425, and 427 Squire Pope Road, also known as the Salty Fare property.

The allowed uses for the property are proposed to be amended to add:

Water-Oriented Embarkation Facilities
Watercraft Rentals
Other Water-Oriented uses.

We recognize there has been a facility for embarkation activities in the past. We understand the proposed new uses could include:

Dolphin Tours	Kayak Rentals	Parasail Flights
Jet Ski Rentals	Power Boat Rentals	Banana Boats

Except for the Embarkation activities which have been previously allowed, we hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

We have lived in the Plantation for many years, moving to The Bay Club a couple of years ago; it has been a quiet, respectable neighborhood without loud, raucous distractions. We believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; we would appreciate your support!

Sincerely,

William A. Brant

Karen H. Brant

Cc: James Coleman
William Harkins
Peter Kristian
Drew Laughlin
Hilton Head Plantation Board of Directors

ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

It seems terribly wrong to subject a quiet residential neighborhood adjacent to the Salty Fare property to the activity of commercial water craft with out being more specific about the type and use of the watercraft which would be legal. As now proposed the activity at Salty Fare would be inappropriate for Hilton Head Plantation and for the upscale atmosphere which the Island has preserved. Sally & Austin Brown

ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

As an eight year resident of the Bay Club, I am very concerned about the proposed usage of Salty Fare. I can well understand that the owner of this property would like to receive adequate revenue from his investment.

What concerns me is the possibility of having motor boats and jet skis. I also think there should be a curfew concerning the water sports, and any parties, dances, etc.

We all bought these homes in what was then and is now a peaceful, quiet area in which to live, and we do not want this tranquility taken away from us. I ask that you consider this request when making your decision.

Respectfully yours,
Dorothy B. Cowles
35 Outerbridge circle
Hilton Head Island, SC 29926

Please make sure the following note is given to the Planning Commission and Board:

I am writing to express my deep concern for the following activities that would ruin the peace and quiet that make our area special: Jet skis and power boat rentals.

We don't want another Myrtle Beach here on Hilton Head.

Sincerely,

Louise DeWalt
99 Bird Song Way, D310
Hilton Head, SC 29926

Copies distributed to
Town Council Members
6/7/13
LWB

RECEIVED

JUN 07 2013

James B. Field, M.D.

~~50 Stoney Creek Road~~ 4 Hadley Lane

Hilton Head Island, South Carolina 29928 29926

BY: _____

June 4, 2013

Dear Commission and Council Members

We are writing you in regard to the June 19th Public Hearing of the Town Planning Commission related to the rezoning application of the Salty Fare Property.

We are residents of the Cypress Bay Club and are quite concerned that amending the zoning to permit jet skis and Power boat rentals and Parasail Flights would have an extremely adverse effect on our neighborhood. Prior to moving from Sea Pine Plantation to the Cypress Bay Club, we carefully considered the Seabrook, Tide Point and the Cypress Bay Club. We chose the Cypress Bay Club because of its reputation as a mature, quiet, peaceful residential community in Hilton Head Plantation. This reputation would be seriously challenged if the proposed rezoning of the Salty Fare Property would be approved. While we recognize that in the past water oriented embarkation facilities were approved, the noise, disturbance and increased traffic related to the proposed additional activities would certainly not be in the best interests of the Cypress Bay Club and Hilton Head Plantation.

Thank you for your consideration and hope that you will support our position.

Sincerely yours,

James B. Field

Dorothy S. Field

To: Town Council Members and Town Planning Commission Members

We are greatly concerned about the request for zoning at Salty Fare.

We came to the Cypress as our retirement home. It is now a quiet peaceful community, however, the proposed use of this property will cause a lot of noise and turn the area into a waterfront park. This type of operation needs to be in an area where there are other tourist amenities and not near a residential area.

We also feel that there is a safety issue. There is so much traffic at the Cypress Gate and adding more traffic could be a hazard.

Thank you for your consideration in this matter.

Marian Green

25 Outerbridge Circle
Hilton Head Island, SC

843-815-6765

msghhigreen@aol.com

ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

Mr. and Mrs. William B. Heberton
47 Outerbridge Cir.
Hilton Head Island
S.C. 29926

Hilton Head Island Town Planning Commission
One Town Center Court
Hilton Head Island, SC. 29928

Commission Members and Town Council

We are pleased to see some activity for use of the Salty Fare property. The application of "On the Water Hilton Head" for use of this sight is welcomed; however the requested uses are very general and open up several issues of safety and noise from some of the water borne vehicles suggested.

In view of the homes and other docking facilities along this narrow stretch of water way, it seems appropriate that some limitations be placed on the use of jet skis, banana boats and paddle boards which when operating in this area could endanger not only the users, particularly if they were novices, but also other normal transit of boats. Consider the possibility of large ferry type boats used for embarkation maneuvering in this restricted area while jet skies and or paddle boards are in use. This would be an accident waiting to happen.

The Cypress and its Bay Club homes take pride on being a quiet upscale neighborhood and its members enjoy the use of this water front. Noise abatement is a major concern particularly if these activities were to take place in this narrow cut or in and around the main channel. With reasonable assurances that these concerns can be abated, we could support the application of this proposer.

Sincerely,



William B. and Helen H. Heberton

To: Town Council Members and Town Planning Commission Members

Ladies and Gentlemen,

My wife and I moved to the Cypress Bay Club almost two years ago and have found it to be a wonderful and peaceful place to live. Now we are concerned that some of the requested zoning changes at Salty Fare could negatively impact life in the Bay Club. It would appear that the requested changes are very general and open ended and will not provide assurances that the uses at Salty Fare will not be detrimental to our quality of life.

Specifically we have two concerns and hope you will address them in your consideration of the requested changes. No doubt jet skis will fall under the definition of "water craft rentals", a use that will be noisy and a general nuisance. Jet ski type watercraft could not be permitted. Our second concern is for safety issues created by a significant amount of increased activity in an area already used by many boats.

We recognize that the property owner understandably wants to have the property generate revenue and we do not stand in opposition as long as the uses of the property are consistent with maintaining current living conditions.

Respectfully,
Paul & Louise Lang
3 Outerbridge Circle

Letter to Town Planning Commission and Town Council

May 25, 2013

As residents of the Cypress Bay Club, with a home on the water, we have been notified of a request to amend the uses of the parcel known as "Salty Fare" to add Water-Oriented Embarkation Facilities, Watercraft Rentals and other Water-Oriented Uses as uses permitted by right.

We are concerned that the Uses are too general and would generate a noise level unacceptable adjacent to a residential area. We specifically object to the use of jet-ski type crafts.

In addition on a recent evening, we were bothered by amplifiers blaring music which could be heard over the TV in our house with the windows and doors shut. This is totally unacceptable.

We urge you to reject an undefined and unrestricted zoning that would lead to noisy activities. Please preserve the quiet, peaceful nature of this residential community.

Sincerely,

Jack and Mary Ellen McConnell

26 Outerbridge Circle

Hilton Head Island, SC 29926

ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

James W. Mackie
1 Outerbridge Circle
Hilton Head Island, SC 29926

June 4, 2013

Chairman, Planning Commission
Town of Hilton Head
One Town Center Court
Hilton Head Island, SC 29928

Re: Salty Fare Zoning Request

We are residents of 1 Outerbridge Circle and are very concerned about the request before the Commission to permit the operation of a water sports center on the premises known as Salty Fare Landing. The current proposal is unacceptable and should be voted down.

Our reason for purchasing a residence on Outerbridge Circle was the quality of life demonstrated by the Cypress, Hilton Head Plantation and Hilton Head Island. Over the past 20 years the Cypress has built a reputation as one of the top retirement communities in the country. This reputation was derived by the quality of the management and staff as well as the unique quality of life afforded the residents. The opportunity to live in an area that recognized the value of good land planning and environmental awareness differentiated Hilton Head from many other locations we had considered when looking to purchase as a retirement residence. We certainly had no desire to live next to a noisy water sports operation.

The current and future residents of the area surrounding Salty Fare should not have to bail out a developer who made a miscalculation and has the potential to lose money on his acquisition of the property. Any negative financial result of his acquisition should rest solely on his, and his financial backer's shoulders.

According to the 2010 Comprehensive Master Plan, the preferential use of the Waterfront Mixed Use includes small scale hotels and inns. The former use of the property as a small retail and dockage for the ferry to Daufuski Island did not create the noise levels that the use of jet skis and other outboard motor powered craft would create. The installation of a small scale inn or hotel, a small village type with stores for residents to frequent, as is found in the Main Street area of Hilton Head Plantation, or a small upscale restaurant such as the Old Fort Pub would be more acceptable to the residents and comply with the Master Plan.

June 4, 2013

The approval of the proposed zoning for the operation of a noisy water sport center would lower the financial value of our residence which would reduce the tax value and yield lower tax income to the town and county. Our quality of life would also be downgraded by increased traffic, pollution due to more motor vehicles and outboard/jet ski motors in the area, and the noise created by the watercraft will degrade the desirability of the property to future potential buyers.

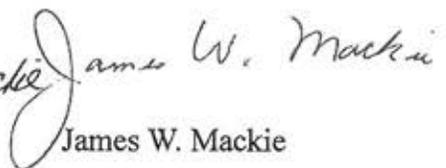
We ask that you consider the increase in noise and pollution, the potential loss of income from taxes on the adjoining properties, and the deterioration of the quality of life for adjoining residents. The Cypress has a national reputation and is currently a tremendous economic and aesthetic positive to Hilton Head Island and the Hilton Head Plantation. The potential degradation of the area by approving a noise, water and air pollution source would downgrade the quality of life on Hilton Head Island and result in the decline of economic infrastructure for those of us who live and work on the Island. If this requested use of the property is allowed, there is no reason to continue to have zoning regulation...just let everyone do as they wish and watch Hilton Head Island become a non-destination for individuals desiring a quality lifestyle. The Squire Pope Road and Skull Creek area of Hilton Head have the potential to provide a wonderful mix of uses that are compatible with keeping Hilton Head a very desirable residential and small business oasis.

Whenever a proposal for use of the Salty Fare Landing property is presented that we think is in keeping with the community and a benefit to the overall economic health of the Island, we will be more than happy to support the project. We investigated communities in several states before deciding on Hilton Head Island. We chose Hilton Head because of the overall quality of life. Please do not begin to destroy our reason for becoming residents of Hilton Head.

Your consideration of our request will be greatly appreciated.

Sincerely,


Clare Frances Mackie


James W. Mackie

ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

Letter to Hilton Head Town Zoning Commission and Town Council

June 1, 2013

I am a ten year resident of a Bay Club waterfront home ten homes from the Salty Fare property. Obviously I would like to challenge the approval of its proposed zoning change. Please let me give you my views:

First, when my husband and I bought the property, the embarkation to Daufuskie was in process. I have no problem with that continued use as that was there at the time of my purchase. Secondly, the Salty Fare property will and should be utilized, hopefully to it highest and best use.

However, the proposed usage changes are very much out of character for the property and the neighborhood.

Others have given different reasons, but I would like to echo a rationale given by a lady at an HHPOA open meeting about the Salty Fare Property some months ago. Her argument went something like this:

"When we moved to Hilton Head, we looked at various plantations and decided that what we wanted was a quiet environment, not something that would have vacation-type activities. That is why we decided on Hilton Head Plantation rather than any of the other neighborhoods because each island plantation DOES have a decided character."

I feel she had a good "read" on the entire island and had good cause for her decision. That has been the character of HHP: resident year-round, stable living. I might add that some might be very surprised to discover that a very high percentage of HHP residents (and I say residents, not vacationers) use the back (Cypress) gate exclusively. That raises other issues such as traffic, noise, access, etc. Those problems I will leave to some of the other letters.

By approving the open-ended zoning request, the town would be forever changing the character of the entire Hilton Head Plantation. I feel that would be a grievous mistake.

We have already seen activity on the Salty Fare Property and in the water which has not been approved. I would hope town officials would look into that. If the lessee is already being aggressive and disrespectful, how would he behave if he were to have town approval?

Thank you for your attention to my remarks, and I hope you will take them under very serious consideration in your deliberations.

Lorene C. Thornbury
8 Outerbridge Circle
Hilton Head Island, SC
29926
843-681-4158

ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

From: Tom Thornbury
8 Outerbridge Circle

To: Interested Parties re Salty Fare Zoning

Date: 3 June 2013

I live in Cypress Bay Club, immediately to the west of the Cypress Dock. My continuing interest in events at the Salty Fare property is evidenced by a 2012 memo concerning traffic and noise problems if the zoning is changed adversely to the interests of the residents of the Cypress Bay Club. Now we have a proposal to change zoning for the Salty Fare parcel by an applicant who plans to operate a water sports center. To the west of the Salty Fare parcel is a boat storage business and docks which allow the insertion of stored boats into the water. Also to the west are several restaurants. To the east of the Salty Fare parcel is the Cypress Bay Club, a residential parcel of 51 condominiums whose assessed value ranges from \$700,000 to over \$1,000,000 each. The Cypress Bay Club is an integral part of The Cypress Club, a development of 320 condominium units devoted to seniors aged 62 or higher. It also includes a skilled nursing unit of 50 beds. The applicant proposes to place next to this upper scale residential parcel a business using outboard motors, water skis, waterfront entertainment and other noise producing activities.

The zoning proposal to be reviewed on June 19 should be refused. It presents a classic clash between commercial activities to the west and resident uses to the east. The property to the east is occupied by persons age 62 or more. They are part of the Cypress Bay Club and have been there (or their predecessors) since the 1990s. If the requested zoning change is approved, the assessments cited above will be severely reduced, probably by enough to make the development of the Salty Fare a zero addition to town tax revenues. This fact is evidence of the poor planning that is asked for in this proposal. The best and highest use for this parcel is likely to be a boutique small hotel or a use more aligned with the 320 unit senior independent housing that is next door. I cannot imagine a water sports operation next to The Cypress as being in the interest of the development of the Island.

The major attention of the Commission should be directed to the noise and its effect on the neighborhood. Look at the over 30 foot tall wall immediately to the west of the Salty Fare parcel (walling off the Boat storage and acting as a reflector of any noise that a water sport operation east of it generates). The noise generated by a water sports operation (not adequately controlled by existing noise town rules) needs express written provision in any applicable zoning of the parcel.

I will be out of town from June 15 until June 30. As a result I will not be able to personally appear before you. Please consider my objections, above, and reject the proposed zoning. Hilton Head can do much better than the present proposal. In addition it should be noted the operations of the present applicant already include activities (installing new pilings) that constitute the post-zoning activities which the applicant seeks by the proposed zoning change. Has the applicant obtained a business license for the activities that he seeks?



Hilton Head Plantation Property Owners' Association, Inc.

PO Box 21940, 7 Surrey Lane
Hilton Head Island, SC 29925-1940

May 29, 2013

Ms. Gail Quick, Chair
Town of Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

RE: Case # ZMA130004

Dear Ms. Quick:

The Board of Directors of the Hilton Head Plantation Property Owners' Association, representing over 10,000 residents of the Town of Hilton Head Island, is pleased to provide the following public comments on the captioned Zoning Text Amendment.

The property known as Salty Fare is part of the Hilton Head Plantation Master Plan and borders the neighborhood known as "The Cypress". As you may be aware, Hilton Head Plantation is primarily a residential community. Individuals who choose to purchase a home in Hilton Head Plantation selected their home based on the present zoning and character of their neighborhood.

At their May 28, 2013 meeting, the Hilton Head Plantation POA Board voted unanimously to support water-oriented embarkation facilities and watercraft rentals and other water-oriented uses with the following exceptions and conditions: less intrusive uses under this zoning such as kayak and paddle board rentals seem compatible provided such activities are done under close supervision to maximize the safety of the participants. Uses such as parasailing and "banana" boats should be conditioned upon leaving the Salty Fare facility at a slow rate of speed for both safety and noise considerations. Due to noise and safety considerations, the active part of these two uses should be restricted to the open waters of the Calibogue and Port Royal Sounds. Owing to the intrusive and raucous sound levels of Jet Skis®, the Hilton Head Plantation POA Board is opposed to rentals of this type of watercraft from an area in such close proximity to residents of The Cypress specifically, and all of the homes bordering Skull Creek that would be affected by the noise produced by Jet Ski® watercraft.

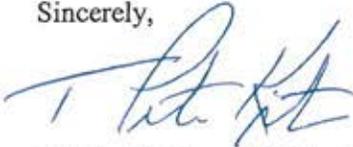
ZMA130004 Salty Fare
Staff Report Attachment D: Public Comments

Ms. Gail Quick, Chair
Town of Hilton Head Island Planning Commission
May 29, 2013
Page 2

We believe this to be a compromised use that is consistent with the residential character of the properties located along the shores of Skull Creek. We request that the Planning Commission recommendation to the Town Council be in keeping with the position outlined by the Hilton Head Plantation POA Board of Directors.

Thank you for the opportunity to provide input on this important zoning issue under consideration by the Planning Commission.

Sincerely,



T. Peter Kristian, CMCA, LSM, PCAM®
HHP General Manager

cc: HHPPOABOD
Members of Town Council
James Coleman



June 6, 2013

Ms. Gail Quick, Chair
Town of Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

RE: Salty Fare Rezoning

Dear Ms. Quick:

During the past three weeks, since notice of the possible rezoning of Salty Fare was received, there has been a great deal of anxiety among Cypress residents, especially those in the Bay Club who live immediately adjacent to Salty Fare.

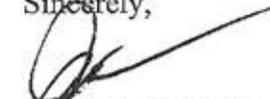
Cypress residents consider "jet ski" type watercraft to be a noisy nuisance in conflict with the residential character of The Cypress and Hilton Head Plantation. Kayaks, paddle boats and other quieter-type water oriented activities would probably not be objectionable.

However, the application specifically asks for zoning for "watercraft rentals" and "other water-oriented uses." This is bothersome and problematic because it is too general and if zoned this way without further definition, could include activities which not only Cypress residents, but island residents in general, would consider a nuisance.

There is no expectation that a conditional agreement with the operator under this zoning would ever be "policed." I suggest that the current zoning request not be approved. Perhaps a request could be resubmitted with a strict and acceptable definition as to what uses are and are not allowed.

As to the business license being issued "by mistake," hopefully this can be corrected quickly should the zoning request not be approved at the next Town Council Meeting.

Sincerely,



James P. Coleman
President

JPC:tcg

cc: Members of Town Planning Commission
Members of Town Council Members
Peter Kristian

20 Lady Slipper Lane
Hilton Head Plantation
Hilton Head Island, South Carolina 29926
843-681-6789 1-800-458-8585 Fax 843-689-2315

ZMA130004 Salty Fare
Additional Public Comments

June 14, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

I am writing in response to a notice I received about the Public Hearing scheduled for June 19th regarding potential rezoning of property located at 421, 425 and 427 Squire Pope Road, also known as the Salty Fare property.

The allowed uses for the property are proposed to be amended to add:

- Water-Oriented Embarkation Facilities
- Watercraft Rentals
- Other Water-Oriented Uses

I recognize there has been a facility for embarkation activities in the past. I understand the proposed new uses could include:

- Dolphin Tours
- Kayak Rentals
- Parasail Flights
- Jet Ski Rentals
- Power Boat Rentals
- Banana Boats

Except for the embarkation activities which have been previously allowed, I hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

I suggest that the current zoning request not be approved.

Living in The Bay Club, it has been a quiet, respectable neighborhood without loud, raucous distractions. I believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; I would appreciate your support!

Sincerely,


Vince Barreca
7 Outerbridge Circle

ZMA130004 Salty Fare
Additional Public Comments

June 14, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

My wife and I moved to The Cypress Bay Club almost two years ago and have found it to be a wonderful and peaceful place to live. Now we are concerned that some of the requested zoning changes at Salty Fare could negatively impact life in the Bay Club. It would appear that the requested changes are very general and open ended and will not provide assurances that the uses at Salty Fare will not be detrimental to our quality of life.

Specifically, we have two concerns and hope you will address them in your consideration of the requested changes. No doubt jet skis will fall under the definition of "water craft rentals," a use that will be noisy and a general nuisance. Jet ski type watercraft could not be permitted. Our second concern is for safety issues created by a significant amount of increased activity in an area already used by many boats.

We suggest that the current zoning request not be approved.

We recognize that the property owner understandably wants to have the property generate revenue and we do not stand in opposition as long as the uses of the property are consistent with maintaining current living conditions.

Sincerely,



John and Margaret Beebe
23 Outerbridge Circle

TO WHOM IT MAY CONCERN:

It was my understanding that when Mr. Fraser planned and developed this wonderful concept of Hilton Head he thought the "south end" area first to be the attraction for visitors. For those persons he built (or had built) hotels, restaurants, refurbished the beach, rental units, bicycles paths, golf courses etc: all activities which would attract those visitors. For the small number of full-time residents (and the visitors who became home owners) he later developed the "northern end of the island. Those were the persons who required such places and services such as schools, a hospital, a library etc: since they were primarily permanent full time residents. Why change that philosophy which seemingly has worked so well? Why not keep activities such as water sports and noisy speedboats, parasailing, sightseeing and such where they are now and don't interfere with the daily

lives of those who chose the north end location for access to those activities they require. Thank you.

Ronald Corderman

ZMA130004 Salty Fare
Additional Public Comments

Cyran Anne

From: Carlin Kathleen
Sent: Friday, June 14, 2013 7:52 AM
To: Lopko Jayme; Cyran Anne
Subject: FW: Salty Fare Planning Commission Meeting

FYI...

Kathleen Carlin
Administrative Assistant
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843.341.4684
[REDACTED]

-----Original Message-----

From: Jerry Darnell [REDACTED]
Sent: Thursday, June 13, 2013 4:32 PM
To: Carlin Kathleen
Subject: Salty Fare Planning Commission Meeting

To Town Planning Commission Members

As a resident of The Cypress and Hilton Head Plantation, I ask you to exclude jet ski watercraft and other noisy or wake-creating water activities in any zoning approval for Salty Fare.

The closeness of Salty Fare to residential property and the sensitive shoreline make such activities inappropriate. Sincerely yours, Frederick Darnell.

ZMA130004 Salty Fare
Additional Public Comments

**Mrs. Mary Elise Davis
28 Outerbridge Circle
Hilton Head, SC 29926**

June 14, 2013

Ms. Gail Quick, Chair
Town of Hilton Head Island Planning commission
One Town Center Court
Hilton Head Island, SC 29928

RE: Salty Fare Rezoning - Case # ZMA130004

Dear Ms. Quick,

The waterfront Salty Fare property being considered for rezoning is directly adjacent to my single family home in the Bay Club. In 2004, when my husband and I were considering the purchase of this home we expressed concern over the possibility of too much noise or other problems stemming from being immediately next door to the Melrose Embarkation activities. Based on the information we got we felt assured that the property had restrictions that limited the waterfront parcel to basically the "ferry type services" and the landward parcel to a certain limited number of parking spaces for employees and those going to Melrose. We were told the Town of Hilton Head had accepted the transfer of most of the square footage and density allocations of these parcels to The Cypress so they could build more units per acre there than would have previously been allowed. It therefore wouldn't even make sense to try to develop the Salty Fare property for another use in the future because a developer couldn't put much there unless they could somehow violate the previous agreements with the Town and Hilton Head Plantation. These arguments seemed reasonable to us and after listening to and watching the current activities at Salty Fare in 2004 we felt comfortable we could live next door.

For the most part Salty Fare has been a good neighbor. Even in good times for Melrose, when the ferry was running on a regular and frequent basis, it was not an offensive activity. Occasionally there was the background sound of Caribbean music playing at the baggage stand and out on the docks but it was never too loud. More recently it has not been as quiet. A good example was last year's 4th of July celebration. They staged a huge party at Salty Fare complete with parking attendants and a very loud live band on the docks. To watch my TV after the fireworks ended I had to turn up the volume on the TV inside to hear it over the music outside. Later when I wanted to go to bed I wasn't able to get to sleep until they stopped playing much later in the night. I didn't want to call the authorities to complain because it was a special day, the 4th of July, but I was certainly glad when the band stopped playing and the party slowly wound down. I wouldn't want anything close to that on a regular basis.

Most of my neighbors and I are what most of you would call elderly folks. We chose to live in The Cypress because we are in our twilight years and its nice and quiet here. As a group we have more doctor appointments than you can imagine, need more naps than we'd like to admit to because we get tired, and rely on the services from The Cypress to help us get along on a daily basis. On any given day, someone is under the weather or recently home from the hospital or the Preston Health Center. They want and need a quiet neighborhood to rest and get better.

My neighbors and I need your help. We're hoping you'll do the right thing and help protect us from what could potentially happen in the future if you choose to approve this rezoning change. We do not want to

ZMA130004 Salty Fare
Additional Public Comments

suffer the traffic and noise that "Watercraft Rentals" and "Other Water Oriented Uses" could bring to the neighborhood. The ferry services that ran before would be fine, but again, we certainly don't want the increased activity and noise pollution that jet-skis, boat rentals, parasailing, and the like would bring.

Please do not approve this rezoning request.

Most sincerely,

Mrs. Mary Elise Davis

Cc: Members of Town Planning Commission
Members of Town Council
Peter Christian, General Manager POA Hilton Head Plantation
Lois Wilkinson, President Board of Directors Hilton Head Plantation

ZMA130004 Salty Fare
Additional Public Comments

June 13, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

We are writing in response to a notice we received about the Public Hearing scheduled for June 19th regarding potential rezoning of property located at 421, 425 and 427 Squire Pope Road, also known as the Salty Fare property.

The allowed uses for the property are proposed to be amended to add:

- Water-Oriented Embarkation Facilities
- Watercraft Rentals
- Other Water-Oriented Uses

We recognize there has been a facility for embarkation activities in the past. We understand the proposed new uses could include:

- Dolphin Tours
- Kayak Rentals
- Parasail Flights
- Jet Ski Rentals
- Power Boat Rentals
- Banana Boats

Except for the embarkation activities which have been previously allowed, we hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

I suggest that the current zoning request not be approved.

We have lived in the Plantation for many years, moving to The Bay Club a couple of years ago; it has been a quiet, respectable neighborhood without loud, raucous distractions. We believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; we would appreciate your support!

Sincerely,

Alice Fox
9 Outerbridge Circle
The Cypress BayClub

ZMA130004 Salty Fare
Additional Public Comments

Kenneth G. & Martha W. George
31 Bird Song Way
Hilton Head Island, South Carolina 29926

June 15, 2013

Hilton Head Town Planning Commission
Town of Hilton Head Council
One Town Center Court
Hilton Head Island, South Carolina 29928

Dear Commission and Council Members:

Thank you for encouraging home owner input when considering the rezoning of the Salty Fair property.

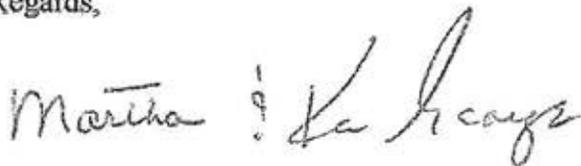
Martha and I are strong advocates of individual rights – as long as one person's rights do not cause other persons harm.

While considering the request for rezoning of Squire Pope Road property 421, 425 and 427, please consider the impact noise pollution will have on the home owners in the area. Jet ski and Banana tow boat engines have DB levels way above the comfort zone of the human ear.

One of the many positive aspects of living on Hilton Head Island is the opportunity to live the good life including enjoying being close to nature. However, when nature threatens our wellbeing, we can call critter management and remove the threat. When an idea such as allowing excessive noise threatens, we call on you folks to do the right thing.

Again, thank you for considering this noise aspect in your rezoning decision.

Regards,

A handwritten signature in cursive script that reads "Martha & Ken George". The signature is written in dark ink and is positioned below the typed name.

Martha and Ken George

ZMA130004 Salty Fare
Additional Public Comments

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

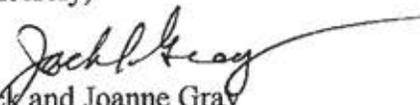
My wife and I moved to Hilton Head Plantation a few years ago and have found it to be a wonderful and peaceful place to live. Now we are concerned that some of the requested zoning changes at Salty Fare could negatively impact life in the Bay Club. It would appear that the requested changes are very general and open ended and will not provide assurances that the uses at Salty Fare will not be detrimental to our quality of life.

Specifically, we have two concerns and hope you will address them in your consideration of the requested changes. No doubt jet skis will fall under the definition of "water craft rentals," a use that will be noisy and a general nuisance. Jet ski type watercraft should not be permitted. Our second concern is for safety issues created by a significant amount of increased activity in an area already used by many boats.

We suggest that the current zoning request not be approved.

We recognize that the property owner understandably wants to have the property generate revenue and we do not stand in opposition as long as the uses of the property are consistent with maintaining current living conditions.

Sincerely,


Jack and Joanne Gray
10 Raintree Lane
Hilton Head Island SC 29926



ZMA130004 Salty Fare
Additional Public Comments

To: Hilton Head Town Planning Commission

From: Bonnie and Richard Haroff (Hilton Head Plantation residents 24 yrs./currently at The Cypress)

Date: June 14, 2013

Subject: Zoning of Salty Fare property

We strongly oppose the undefined and unrestricted zoning of the Salty Fare property. We specifically oppose jet-skis and/or other noisy watercraft. Activities such as kayaking, canoeing, parasailing and the already approved embarkation activities should be acceptable.

Please consider the peace and quiet for which Hilton Head Island neighborhoods are noted when making your zoning decisions for the Salty Fare property.

ZMA130004 Salty Fare
Additional Public Comments

June 17, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

My husband and I moved to The Cypress Bay Club eight years ago and have found it to be a wonderful and peaceful place to live. Now we are concerned that some of the requested zoning changes at Salty Fare could negatively impact life in the Bay Club. It would appear that the requested changes are very general and open ended and will not provide assurances that the uses at Salty Fare will not be detrimental to our quality of life.

Specifically, I have two concerns and hope you will address them in your consideration of the requested changes. No doubt jet skis will fall under the definition of "water craft rentals," a use that will be noisy and a general nuisance. Jet ski type watercraft could not be permitted. My second concern is for safety issues created by a significant amount of increased activity in an area already used by many boats.

I suggest that the current zoning request not be approved.

I recognize that the property owner understandably wants to have the property generate revenue and we do not stand in opposition as long as the uses of the property are consistent with maintaining current living conditions.

Sincerely,

Anne LaMotte
1 Hadley Lane
Hilton Head, SC 29926

ZMA130004 Salty Fare
Additional Public Comments

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

My wife and I moved to The Cypress Bay Club almost two years ago and have found it to be a wonderful and peaceful place to live. Now we are concerned that some of the requested zoning changes at Salty Fare could negatively impact life in the Bay Club. It would appear that the requested changes are very general and open ended and will not provide assurances that the uses at Salty Fare will not be detrimental to our quality of life.

Specifically, we have two concerns and hope you will address them in your consideration of the requested changes. No doubt jet skis will fall under the definition of "water craft rentals," a use that will be noisy and a general nuisance. Jet ski type watercraft could not be permitted. Our second concern is for safety issues created by a significant amount of increased activity in an area already used by many boats.

We suggest that the current zoning request not be approved.

We recognize that the property owner understandably wants to have the property generate revenue and we do not stand in opposition as long as the uses of the property are consistent with maintaining current living conditions.

Sincerely,

Thomas G. McElaniff

ZMA130004 Salty Fare
Additional Public Comments

Outerbridge Circle, Hilton Head Island
June 14, 2013

TO: Members of Hilton Head Island Town Planning Commission and Town Council.

FROM: Residents of properties in the Bay Club area, adjacent to Skull Creek.

The undersigned are strongly opposing the underdefined and underrestricted zoning, particularly objectionable are jet ski-type craft. A large majority of our residents are elderly and ailing. The noise generated is not conducive to a quiet, residential community. We ask that zoning be defined to restrict such nuisances, i.e. noise generated by jet skis.

NAME (S)	ADDRESS
<u>Paul Eitel and Marilyn Eitel</u>	<u>16</u> Outerbridge Circle
<u>Margaret Best + John Beebe</u>	<u>23</u> Outerbridge Circle
<u>Robert T. Bohman</u>	<u>19</u> Outerbridge Circle
<u>Elizabeth M. Grolman</u>	<u>19</u> Outerbridge Circle
<u>Patricia F. Hay</u>	<u>18</u> Outerbridge Circle
<u>Luis A. Nilges</u>	<u>9</u> Hadley Lane Outerbridge Circle
<u>Anne S. Gaudreau</u>	<u>10</u> Outerbridge Circle
_____	_____ Outerbridge Circle
_____	_____ Outerbridge Circle
_____	_____ Outerbridge Circle

ZMA130004 Salty Fare
Additional Public Comments

SHELBY H. PAGE
15 OUTERBRIDGE CIRCLE
HILTON HEAD ISLAND, SC 29926

June 16 '13

Town Planning Commission
One Town Center Court
Re Salty Fare rezoning
Dear Sirs

As a resident of the Bay Club next
door to Salty Fare, I would like to express
my opposition to the rezoning as proposed.

I would be glad to support a
limited rezoning which excludes the
use of jet ski type of watercraft and other
noisy types of watercraft.

Yours truly

Shelby H. Page

ZMA130004 Salty Fare
Additional Public Comments

From: [Carlin Kathleen](#)
To: [Lopko Jayme](#); [Cyrus Anne](#)
Subject: FW: Salty Fare Proposed Activities
Date: Sunday, June 09, 2013 8:39:15 AM

FYI...

Kathleen Carlin
Administrative Assistant
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843.341.4684
[REDACTED]

From: b_pehrson [REDACTED]
Sent: Saturday, June 08, 2013 10:47 PM
To: Carlin Kathleen
Subject: Salty Fare Proposed Activities

I live in The Cypress and would not object to some water activities in the Salty Fare property but I would object to jet ski-type crafts. They just don't belong in that body of water. When you consider the proposal, please make sure it defines exactly what would be acceptable.
Thank you. Betsy Pehrson

ZMA130004 Salty Fare
Additional Public Comments

Roy and Lois Plekenpol
31 Outerbridge Circle
Hilton Head Island, SC 29926
843-681-7923

June 14, 2013

Ms. Gail Quick, Chair
Town of Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

Subject: Salty Fare Rezoning

Dear Ms. Quick:

We decided to retire and live on Hilton Head Island in 1992. After looking at most of the excellent gated plantations we elected to purchase a lot and build our home in Hilton Head Plantation. Our reason for this selection was because we wanted to live in a quiet environment, peaceful, family oriented place and not one that would have vacation type activities. One other important factor was the newly established Cypress Club which we knew we would move to when we reached our 80's. Hilton Head Plantation and the Bay Club of the Cypress have proven to be an idyllic and wonderful place to live. We lived in the home we built for 17 years and now in our home in the Cypress Bay Club for 3 years.

Our Cypress Bay Club home abuts the Salty Fare property so we do have concerns about noise pollution regarding the zoning request for "Watercraft Rentals" and "Other Water-Oriented Uses" being considered for your approval. Some of the boats were Ok but we would want to reject some boats such as Jet Skis as an example. However in discussions with Steve Riley he said the Town's position was they could not pass new uses in this manner because it would be difficult to police and manage. This made sense to us and then we realized that this open ended broad approval of uses would also allow any type of water sports/boating in the future as well and we would not be in a position to oppose.

As a result we strongly feel that locating this type of water oriented business next to a high end residential community with residents whose ages range from the high 60's to high 90's is not appropriate. For this reason we urge you to not approve the requested Zoning for "Watercraft Rentals" and "Other Water-Oriented Uses".

Most sincerely,

Roy and Lois Plekenpol

cc: Members of Town Planning Commission
Members of Town Council
Peter Christian, General Manager POA Hilton Head Plantation
Lois Wilkinson, President Board of Directors Hilton Head Plantation

ZMA130004 Salty Fare
Additional Public Comments

Ms. Gail Quick, Chair
Town of Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

06/13/13

Subject : Salty Fare Rezoning

Dear Ms. Quick,

I live on Outerbridge Circle, which is close to the Salty Fare property and its waterfront. I moved here 6 months ago from the deep water side of Calibogue Cay Road in Sea Pines. At this location, jet ski watercraft were not uncommon during the summer months and they were a noise nuisance even when they were operated quite a distance from my Calibogue Cay property. To have them as close as the Salty Fare docks would pose a true noise problem.

It is my hope that you will respect the quiet and peaceful nature of the Cypress Bay Club community and restrict the zoning to watercraft that would not create a noise issue.

Thank you for considering this request.



Sam Pruett
41 Outerbridge Circle
Hilton Head, SC 29926

ZMA130004 Salty Fare
Additional Public Comments

George H. and Estelle S. Roberts

27 Outerbridge Circle
Hilton Head Island, SC 29926
Telephone: (843) 342-8830
Fax:: (843) 342-9075
E-mail: [REDACTED]

June 16, 2013

Hilton Head Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

Re: Case # ZMA130004 June 19thTown Planning Commission Public Hearing

Dear Commission and Council Members:

We became residents of the Bay Club nearly four years ago and are owners of property immediately adjacent to the parcels encompassed in the above-referenced Case.

We are deeply concerned to learn that the applicant is requesting a change in the permitted use of the property to include "Watercraft Rentals" and "Other Water-Oriented Uses as uses permitted by right" (Emphasis supplied). Surely the adoption of this latter general category, without definitions, conditions and parameters specifically identifying permitted activities would be tantamount to opening a Pandora's Box. Introduction of future yet unknown types of watercraft could fall in to the general wording of the proposed application with the dire consequence that their use may be totally inappropriate because of proximity to a quiet residential neighborhood, yet unassailable because of approval of this application.

We have visited the On the Water Hilton Head pier and obtained copies of their very attractive brochure and price list. We have no qualms with their offered Dolphin Tours, Kayak Tours, Eco Tours and Charter Fishing Trips. Their "Water Sports" offering is undefined but a picture of a Big Bertha tube and the sight of numerous jet skis on the dock are disturbing. These activities are noisy and, we suggest, nuisances not only to Bay Club residents but to water fronting Hilton Head Plantation homeowners as well. Jet Skis and Banana Boats clearly are Water-Oriented Uses but without specific regulations their use is not appropriate in Skull Creek.

We strongly urge you to deny the application as written. We understand that the present Town Council is proceeding with a more favorable view to the development of Island properties than its predecessors, however, we respectfully suggest that approval of any subsequent application for a change of use of the Salty Fare property be granted only if said use is specific and compatible with the residential character of its neighbor, the Bay Club..

Respectfully submitted,

George H. and Estelle S. Roberts

ZMA130004 Salty Fare
Additional Public Comments

June 18, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

WE have been most happy members of The Cypress Club for a little over eight years, but have been vacationing on Hilton Head Island since 1985.

After living 75 years in New York City, we found not only the perfect vacation site, but the place which we selected to retire. Why?

Hilton Head is a far cry from New York City, however, it offers not only its natural beauty, but sports, the arts, or the ability to get away from the frantic pace of the Big City, the noise factor, and the lack of sensitivity to people's needs. Yes, people come here to have fun, but they are respectful of others for the most part.

This is not Myrtle Beach, nor is it meant to be. Some of us cherish our peaceful surroundings.

We do feel that Salty Fare should be utilized for the betterment of Hilton Head Plantation, BUT PLEASE DO NOT DESTROY THE AURA OF THIS PLANTATION with noisy, unmanageable activities.

Sincerely,

Morty and Eva Rollnik
77 Bird Song Way, C-207
The Cypress

ZMA130004 Salty Fare
Additional Public Comments

June 17, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

We are writing in response to a notice we received about the Public Hearing scheduled for June 19th regarding potential rezoning of property located at 421, 425 and 427 Squire Pope Road, also known as the Salty Fare property.

The allowed uses for the property are proposed to be amended to add:

- Water-Oriented Embarkation Facilities
- Watercraft Rentals
- Other Water-Oriented Uses

We recognize there has been a facility for embarkation activities in the past. We understand the proposed new uses could include:

- Dolphin Tours
- Kayak Rentals
- Parasail Flights
- Jet Ski Rentals
- Power Boat Rentals
- Banana Boats

Except for the embarkation activities which have been previously allowed, we hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

I suggest that the current zoning request not be approved.

We live in The Cypress Bay Club and it has been a quiet, respectable neighborhood without loud, raucous distractions. We believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; we would appreciate your support!

Sincerely,

John and Ann Runnette
24 Outerbridge Circle
Hilton Head Island, SC 29926

ZMA130004 Salty Fare
Additional Public Comments

From: [Carlin Kathleen](#)
To: [Lopko Jayme](#); [Cyrán Anne](#)
Subject: FW: SALTY FARE PLANNING COMMISSION
Date: Thursday, June 13, 2013 3:24:21 PM

FYI.....

Kathleen Carlin
Administrative Assistant
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843.341.4684
[REDACTED]

-----Original Message-----

From: Joan Sclafani [REDACTED]
Sent: Thursday, June 13, 2013 3:23 PM
To: Carlin Kathleen
Subject: SALTY FARE PLANNING COMMISSION

To Whom It May Concern:

My husband and I moved to The Cypress about a year ago and love it. It is so serene and peaceful, and we would like it to stay that way. If we wanted to be close to a quasi amusement park, we would not have chosen The Cypress. We sincerely hope the Commission will turn down this zoning request at your Salty Fare Rezoning Meeting.

Sincerely,

Joan H. Sclafani

Sent from my iPad

ZMA130004 Salty Fare
Additional Public Comments

June 14, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

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Except for the embarkation activities which have been previously allowed, we hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

I suggest that the current zoning request not be approved.

We have lived in the Plantation for many years, moving to The Bay Club a couple of years ago; it has been a quiet, respectable neighborhood without loud, raucous distractions. We believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; we would appreciate your support!

Sincerely,

Thelma Sutherland
39 Outerbridge Circle

ZMA130004 Salty Fare
Additional Public Comments

June 14, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

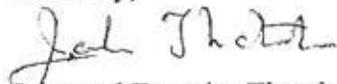
My wife and I moved to The Cypress Bay Club several years ago and have found it to be a wonderful and peaceful place to live. Now we are concerned that some of the requested zoning changes at Salty Fare could negatively impact life in the Bay Club. It would appear that the requested changes are very general and open ended and will not provide assurances that the uses at Salty Fare will not be detrimental to our quality of life.

Specifically, we have two concerns and hope you will address them in your consideration of the requested changes. No doubt jet skis will fall under the definition of "water craft rentals," a use that will be noisy and a general nuisance. Jet ski type watercraft could not be permitted. Our second concern is for safety issues created by a significant amount of increased activity in an area already used by many boats.

We suggest that the current zoning request not be approved.

We recognize that the property owner understandably wants to have the property generate revenue and we do not stand in opposition as long as the uses of the property are consistent with maintaining current living conditions.

Sincerely,



John and Dorothy Thatcher
3 Hadley Lane
Hilton Head, SC 29926

ZMA130004 Salty Fare
Additional Public Comments

June 17, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

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Except for the embarkation activities which have been previously allowed, I hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

I suggest that the current zoning request not be approved.

I live in The Cypress Bay Club and it has been a quiet, respectable neighborhood without loud, raucous distractions. I believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; I would appreciate your support!

Sincerely,

Margie Thrash
8 Hadley Lane
Hilton Head Island, SC 29926

H.F. TOMFOHRDE III

11 HADLEY LANE
HILTON HEAD, SC 29926

June 10, 2013

Ms. Gail Quick
Town of Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

Re: Salty Fare Rezoning

The proposal to allow “water craft rentals” and “other water craft activities” is too broad, and should be rejected from a safety standpoint.

The proposal would allow jet skis, ferry boats, parasail boats, rental sailboats, kayaks and paddle boards to all share the waterway in front of the dock. The paddle boards, kayaks and jet skis will be operated by renters, some of whom have no prior experience operating these vessels. It is predictable that some inexperienced renters will end up in the water, where they will share the narrow waterway with jet skis, power boats and with a large resident alligator that lives in the area. This mix could be a recipe for tragedy.

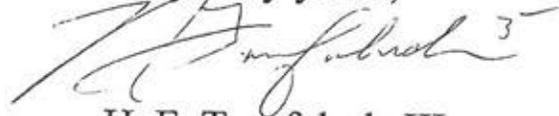
Some might argue that safety is the responsibility of the water sports business. However, both the media and lawyers would relate any tragedy to Hilton Head for permitting the activities. The owner of Salty Fare will not own or operate the water sports business. The business is run by a lessee, who requires all renters to sign a release holding him harmless against claims for injury or death.

ZMA130004 Salty Fare
Additional Public Comments

The navigable water in front of the Salty Fare dock is quite narrow, like all docks along this section of Skull Creek (Villages of Skull Creek, Cypress, Salty Fare, Chart House, Boat House docks). A large number of power boats from all these docks share this thoroughfare. In front of Salty Fare the navigable water is only 40 yards wide at low tide.

The prior zoning allowed embarkation ferries to use the dock. They were operated by professional captains, licensed by the Coast Guard. They ran infrequently and presented no significant safety hazard. This zoning should be maintained.

Very truly yours,

A handwritten signature in cursive script, appearing to read "H. F. Tomfohrde III", with a small superscript "3" at the end of the signature.

H. F. Tomfohrde III

ZMA130004 Salty Fare
Additional Public Comments

June 17, 2013

Hilton Head Town Planning Commission Members and
Town of Hilton Head Council Members
One Town Center Court
Hilton Head Island, SC 29928

RE: June 19th Town Planning Commission Public Hearing

Dear Commission and Council Members:

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- Power Boat Rentals
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Except for the embarkation activities which have been previously allowed, I hope that you will agree the other watercraft uses are not in the best interest of the residents of Hilton Head Plantation, most especially The Cypress Bay Club, which abuts the Salty Fare property.

I suggest that the current zoning request not be approved.

I live in The Cypress Bay Club and it has been a quiet, respectable neighborhood without loud, raucous distractions. I believe our peaceful, family-oriented community would be negatively impacted should the rezoning be approved. Hilton Head Plantation, The Cypress, and The Bay Club in particular, all have had the reputation of top-notch residential communities and we hope you will support us and not allow that reputation to be tarnished or diminished by the expanded water uses that are proposed.

Thank you very much for your consideration; I would appreciate your support!

Sincerely,

Juanita Walters
20 Outerbridge Circle
Hilton Head Island, SC 29926

ZMA130004 Salty Fare
Staff Report Attachment E: Letter from Stewart Kittredge Collins

June 26, 2013

Dear Members of the Planning Commission of The Town of Hilton Head,

I write to report that the jet ski demonstration at Salty Fare Landing was well attended by concerned neighbors. The assumption that jet ski use will disturb the quality of life currently enjoyed by homeowners within the confines of Hilton Head Plantation was tested and I believe the neighbor's fears of noxious noise pollution has been mitigated; that we proved that the noise level from the watercraft pails when compared to the everyday sound levels originating from the neighboring properties of Skull Creek and Hilton Head Plantation. Think boat usage along Skull Creek; fork lifts working at the Skull Creek Marina; music blaring from The Boat House Restaurant; and the daily drone of yard equipment from Hilton Head Plantation.

Discussion moved from sound issues to that of the Watercraft Rental Use and to Water Orientated Use. The members of The Cypress are concerned that a zoning amendment is permanent and does not specify the number of water craft permitted to launch from the dock. Although the jet ski tour operator, Michael Moy, has pledged that he will run a limited number of jet skis, his stated intent has thus far not mitigated objections. I do not know of a solution for mistrust in the system. I believe that this request is consistent with the comprehensive plan. The proposed uses will allow transportation, recreational and educational opportunities for the greater communities of Hilton Head Island without diminishing any one's quality of life, now or in the future.

I respectfully request that your consideration be given to the notion that the individuals who oppose this zoning amendment request, were drawn to Hilton Head Island living to enjoy recreational use of our coast and water ways. By opposing opportunities for water orientated uses from Salty Fare, the objectors would limit water use availability to members within the greater community of our Island. I submit that the entire community should have equal access and enjoyment to Skull Creek and its many attractions. To deny use of Salty Fare for Water Orientated purpose would in fact deny fairness inherent in the zoning laws and would be capricious and discriminating.

In closing, I thank you for encouraging, in a spirit of cooperation, my neighbors to observe a demonstration of water craft use that would be allowed by a zoning amendment. The sound issue has been placed in perspective. More importantly, you have facilitated a nexus toward a cooperative relationship with my neighbors.

Sincerely,

Stewart Kittredge Collins

July 19, 2013



Mrs. Gail Quick, Chair
Town of Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

Re: Salty Fare Zoning Amendment Request

Dear Mrs. Quick:

The rescheduling of the meeting to address the Salty Fare Zoning Amendment Request has not lessened the objections to the application.

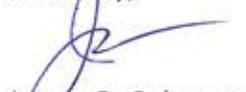
"Water Craft Rentals" and "Other Water Oriented Uses" remain too general and open-ended. The attached Memorandum from Teri Lewis, Zoning Administrator, reinforces this. She gives examples, but then says "but is not necessarily inclusive of everything in either of those categories."

To approve a zoning amendment which creates undefined and perhaps open-ended uses is not acceptable. The responsible course of action would be to pursue an LMO amendment, which Ms. Lewis also refers to in her memorandum, and which could be accomplished within the next six months.

Further, the land owner openly admits that he is actively marketing the property for higher uses, and that the current operation, which requires the amendment, is probably quite temporary. Accordingly, the Town is being asked to make a permanent land use change for a temporary cure – another reason for disapproval.

Hilton Head Plantation residents, including those at The Cypress, will not object to a well-defined, quiet enterprise at Salty Fare which does not conflict with the residential character of the neighborhood. This seems to be a reasonable position with the Town Staff, Planning Commission, and Town Council should respect.

Sincerely,



James P. Coleman
President

Attachment: Teri Lewis Letter

Cc: Members of Town Planning Commission
Members of Town Council 20 Lady Slipper Lane
Peter Kristian Hilton Head Plantation
Lois Wilkerson Hilton Head Island, South Carolina 29926
843-689-7000 1-800-458-8585 Fax 843-689-2315

From: TeriL@hiltonheadislandsc.gov
To: wdharkins@hotmail.com
CC: CharlesC@hiltonheadislandsc.gov
Date: Fri, 28 Jun 2013 15:57:13 -0400
Subject: Salty Fare - Use Classification

Councilman Harkins-

Below is the substance of the e-mail that I sent to you this morning. I understand that you were unable to access it.

Per our discussion earlier this week below are examples of both water oriented uses and watercraft rentals.

Watercraft Rentals

Individual rentals of various watercraft such as kayaks, boats, jet-skis

Other Water Oriented Uses

Tours, parasailing, banana boats

Please keep in mind that the examples above are simply examples of how we would classify various watercraft/uses but is **not necessarily inclusive of everything in either of those categories.**

I know there was also discussion about whether it might be a better idea to simply pursue an LMO amendment to change how water related uses are classified. Staff does not recommend this course of action for a couple of reasons. There is already a rezoning application being considered, if it stays on course, it could be decided by Town Council as early as the end of September. An amendment, though, including research, drafting and taking it through the state mandated process would not be decided by Town Council any earlier than late December.

I hope this provides you with the information that you were seeking.

Thanks-

Teri

**The Commodore HOA
2 Village North Drive
Hilton Head, SC 29926**

July 24, 2013

**Ms. Gail Quick
Town of Hilton Head Planning Commission
One Town Center
Hilton Head Island, SC 29928**

Re: Salty Fare Zoning Amendment Request

Dear Ms. Quick:

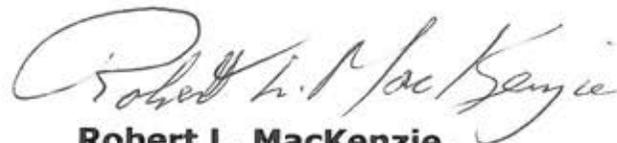
The Board of the Commodore HOA urges the Planning Commission NOT approve the proposed Salty Fare Zoning Amendment.

The proposals for "Water Craft Rentals" and "Other Water Oriented Uses" are too general and open ended. They could allow all kinds of water craft; no matter how large, how loud, how many, how fast or late or often they operate. We are particularly concerned about the potential for a large number of fast noisy jet skis.

Our twenty eight residents purchased their property to enjoy a tranquil, non-commercial water front community. We believe that adjacent water sports activities that would be allowed under the amendment could degrade our quality of life and reduce our property values.

Thank you for preserving the zoning that will maintain the environment we enjoy and that we paid for.

Very truly yours,



**Robert L. MacKenzie,
President, Commodore BOD**

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Curtis L. Coltrane
E-Mail: curtis@coltraneandwilkins.com
Certified Circuit Court Mediator
Certified Circuit Court Arbitrator

Curtis L. Coltrane*
John W. Wilkins
*Also Member Virginia Bar

July 25, 2013

Ms. Kathleen Carlin
TOWN OF HILTON HEAD ISLAND
One Town Center Court
Hilton Head Island, SC 29928

RE: Salty Fare ZMA
ZMA 13-0004

Dear Kathleen:

On behalf of The Cypress Homeowners' Association, Inc., I enclose the following for the Planning Commission's consideration at its meeting scheduled for August 7, 2013:

1. The objection to ZMA 13-0004 of The Cypress Homeowners' Association, Inc.

I have forwarded a copy of this letter and the enclosure to the Applicant Please let me know if anything further is needed in connection with this. I thank you for your help with this matter, and look forward to hearing from you soon. I am,

Sincerely,

COLTRANE & WILKINS, LLC



Curtis L. Coltrane

CLC/c

enc: As Stated
cc: Mr. Marc Puntereri
Mr. Stewart K. Collins
3374 Jackson Street
San Francisco, CA 94118

STATE OF SOUTH CAROLINA)
) BEFORE THE
COUNTY OF BEAUFORT) TOWN OF HILTON HEAD ISLAND
) PLANNING COMMISSION

IN RE:)
)
ZMA 13-0004)
SALTY FARE, Name of Project)
STEWART KITTREDGE COLLINS, Applicant)

The Cypress Homeowners' Association, Inc., submits its objection to ZMA 13-0004, as follows:

I. The Town Staff Report and Recommendation for Zma13-0004 Includes Material Errors of Law and Fact, and the Town Staff Recommendation Is Founded on the Material Errors of Law and Fact.

In the June 5, 2013, Staff Report and Recommendation, the following text appears:

1. The current uses operating on site are offices, an art gallery, ferry service, kayak and paddleboard rentals, charter fishing, boat tours and jet ski rental.¹
2. The proposed uses are all currently occurring on the site, but they are considered legally non-conforming uses. A water-oriented embarkation facility has operated on the site since 1988. More recently, a business license was issued in error to allow a business to operate boat tours and offer jet ski rentals.²
3. If this application is approved, all legally non-conforming uses on the site will become conforming uses.³

The record upon which the Staff Report is based actually refutes the statement. In the Application for ZMA 13-0004, specifically the May 2, 2013, letter from Stewart Collins, the following text appears:

1. Currently, the embarkation use is allowed under "legally non-

¹ See: Staff Report, Page 2.

² See: Staff Report, Page 3.

³ See: Staff Report, Page 3.

conforming status.”⁴

2. In 1987, the current planning manager, Mr. Thomas Brechko, confirmed that the Salty Fare site could be used as an embarkation facility even though an embarkation facility was not an approved use for those parcels within the Hilton Head Plantation Master Plan. Therefore, the embarkation facility is considered a “legally non-conforming use.”⁵
3. The letter also states that any proposed change in the use of the docking facility would require “re-evaluation”, which is why a Zoning Map Amendment is now requested.⁶
4. However, given the uncertainty surrounding the future commercial uses on Daufuskie Island there has been limited demand for the only allowed use of the embarkation facilities at Salty Fare.⁷

Contrary to the Staff Report, the Applicant’s own statements reveal that the only legal non-conforming use at the Salty Fare site is the embarkation facility.⁸ The Staff Report includes a material error of fact relating to the existing uses for which there is no support in the record made by the Applicant.

The Land Management Ordinance defines a legal non-conforming use. § 16-10-201, *Code of the Town of Hilton Head Island, South Carolina* (1983), reads, in relevant part:

Legal Nonconformity: Any land use, development, structure or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Title.⁹

⁴ See: May 2, 2013, letter from Stewart Collins, Page 1, paragraph 1.

⁵ See: May 2, 2013, letter from Stewart Collins, Page 1, paragraph 3.

⁶ See: May 2, 2013, letter from Stewart Collins, Page 1, paragraph 3.

⁷ See: May 2, 2013, letter from Stewart Collins, Page 1, paragraph 4.

⁸ If, as the Staff Report states, all uses underway at the Salty Fare site today are legal non-conforming uses, there would be no need for the Applicant to seek a Zoning Map Amendment.

⁹ The fact that the Town may have issued a business license related to some of the uses does not mean that the uses were legally established as required under § 16-10-201, *Code of the Town of Hilton Head Island, South Carolina* (1983). Under § 16-10-201, *Code of the Town of Hilton Head Island, South Carolina* (1983), a legally established use is:

Any land use, development, building, structure or site, including any lot of record, which was established, constructed, used or recorded pursuant to, and in conformance with all relevant

The Town's definition is consistent with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994. S. C. Code Ann. § 6-29-730 (Supp. 2012), read, in relevant part:

The regulations may provide that land, buildings, and structures and the uses of them which are lawful at the time of the enactment or amendment of zoning regulations may be continued although not in conformity with the regulations or amendments, which is called a nonconformity.

Because the uses other than the embarkation facility were not legally established, the Staff Report includes a material error of law.

II. The Application for Zoning Map Amendment Does Not Meet the Requirements of § 16-3-1505, Code of The Town of Hilton Head Island, South Carolina (1983).

The Staff Report fails to address the fact that the Applicant is currently in violation of the Land Management Ordinance. The Applicant has several uses at the Salty Fare site that are not authorized by the existing zoning.¹⁰ Thus, the main purposes of the Application is to have the Town forgive the Applicant's violation of the Land Management Ordinance, and to have the Town change the law to rectify Applicant's violation of the Land Management Ordinance.¹¹

A review of the Application as required by § 16-3-1505, *Code of The Town of Hilton Head Island, South Carolina* (1983), shows that the zoning amendment sought by the Applicant does not warrant a recommendation approval by the Planning Commission. Under § 16-3-1505, *Code of The Town of Hilton Head Island, South Carolina* (1983), the Planning Commission must consider and make findings on the following matters regarding

requirements of the Ordinances then in effect.

The Town's error of improperly granting a business license does cause a non-conforming use to meet the requirements of this language.

¹⁰ On page 1 of the Staff Report the following uses are said to be in operation at the Salty Fare site: offices, an art gallery, ferry service, kayak and paddleboard rentals, charter fishing, boat tours and jet ski rental. The Applicant, however, states that the embarkation (apparently identified in the Staff Report as the ferry service) is the *only* authorized use at the Salty Fare site. See: May 2, 2013, letter from Stewart Collins, Page 1, paragraph 1.

¹¹ Doing so is the wrong response for two reasons:

1. It permits an Applicant to profit from its violation of the Land Management Ordinance.
2. It establishes a precedent for allowing an Applicant to seek an advantage from the Town while it remains in violation of the Town's ordinances.

the proposed amendment:

- A. Consistency (or lack thereof) with the Comprehensive Plan;
- B. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- C. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- 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;
- 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;
- F. Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use.

A consideration of these matters will reveal the following reasons to recommend disapproval of this Application for Zoning Map Amendment:

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

- 1. The proposed Zoning Map Amendment is sought to resolve a problem that the Applicant created by establishing uses that were not and are not authorized by the current zoning for this property.¹²
- 2. Unlike the only authorized use, which is an embarkation facility Daufuskie Island, the unauthorized uses serve tourists as their main function.
- 3. *See:* Comprehensive Plan 8.10. No change in development pattern has been demonstrated here. This Zoning Map Amendment is sought to rectify the Applicant's decision to violate the existing zoning for the Salty Fare site.
- 4. No background information within the Comprehensive Plan provides justification for this proposed zoning map amendment. Neither the Applicant nor the Staff Report points to any.

¹² The proposed Zoning Map Amendment might also enhance the speculative value of the site, but nothing the Comprehensive Plan suggests that such is proper basis for a Zoning Map Amendment.

5. The proposed Zoning Map Amendment conflicts with the Section 8.11 of the Comprehensive Plan and the Goals stated in Section 8.11 as follows:
- (i) Section 8.11, Goal 8.1(a) Goal is to have an “appropriate mix of land uses to meet the needs of existing and future population”. The Proposed Zoning Map Amendment does not promote this goal, and in fact is contrary to it because the unauthorized high intensity tourist use is not appropriate for this mostly residential neighborhood.¹³
 - (ii) Section 8.11, Goal 8.4(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.” The proposed Zoning Map Amendment does not promote this goal, and in fact is contrary to it because the unauthorized high intensity tourist use is not appropriate for this mostly residential neighborhood.¹⁴
 - (iii) Section 8.11, Goal 8.10(a) The goal is to provide “appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.” There is no evidence of any market driven demand for this proposed zoning map

¹³ In the Staff Report (Page 4, Criteria 2, item 2), emphasis is given to the fact that the uses sought by the Applicant are in existence on nearby properties located in the WMU Zone. This ignores two important facts:

1. The uses are allowed in the WMU Zone.
2. The Salty Fare site was created as a low intensity site in connection with the approval of the Cypress, and it has and does serve as a buffer between the WMU Zone and the residential area in Hilton Head Plantation.

¹⁴ In the Staff Report (Page 4, Criteria 2, Item 3), emphasis is given to the fact that there have been no complaints arising from the permitted uses that are in operation on parcels in the WMU Zone. This is irrelevant, as the uses being addressed are permitted in the WMU Zone. Further, the Salty Fare site buffers the residential portions of Hilton Head Plantation from the effects of the permitted uses on the “other nearby parcels”. The Staff Report (Page 4, Criteria 2, Item 4), also states that no complaints have been received by the Town regarding the ferry operation at Salty Fare. In as much as the use of the Salty Fare site as an embarkation is the only authorized use of this property, that should not be surprising. It is no justification to expand the uses at the Salty Fare site.

amendment. The perceived "need" for the Zoning Map Amendment results from the Applicant's own actions in establishing unauthorized uses on the property.

7. This proposed change appears to conflict with the Implementation Strategy of the Section 8.11 of the Comprehensive Plan, as follows.

- (i) Section 8.11
Implementation Strategy 8.10(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."

A review of this Salty Fare site, which serves as a buffer between the WMU zone and the residential Cypress and Hilton Head Plantation would show that the unauthorized high intensity commercial/tourist uses are not appropriate. The proposed uses are available in the adjacent WMU zone, and there is no justification to allow the uses to encroach into the residential areas of Hilton Head Plantation.

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

1. The existing unauthorized uses that would be allowed under the proposed Zoning Map Amendment are not compatible with the character of the neighborhood, which is the adjacent residential Cypress and Hilton Head Plantation. The existing unauthorized uses are high turnover, noisy tourist uses that are not appropriate on a site adjacent to a residential neighborhood.¹⁵

2. The incompatibility of the unauthorized proposed uses on the Salty Fare site with the adjacent residential neighborhood of the Cypress and Hilton Head Plantation is demonstrated by the fact that the uses are unauthorized under the existing zoning for the Salty Fare site.¹⁶

3. See: comments under (E)(2) below.

¹⁵ The Staff Report (Page 4, Criteria 2, Item 4) states: "Code Enforcement Staff has not received any recent complaints or negative feedback regarding the ferry operations at the subject parcels". There has been considerable opposition raised to the continuation of the unauthorized uses at the Salty Fare site, however.

¹⁶ See: Notes 13 and 14 above. The Staff Report's reliance on the existence of conforming uses in WMU zone is mis-placed. The existence and operation of conforming uses in the WMU zone provides no basis to expand those uses into an area where they are not currently permitted and where the uses would impair the character of the adjacent residential neighborhood.

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

The Salty Fare site is unsuitable for the existing unauthorized uses of kayak and paddleboard rentals, charter fishing, boat tours and jet ski rentals that would be allowed under the proposed Zoning Map Amendment for the reasons stated under headings A and B above.¹⁷

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.

1. The Salty Fare site is suitable for the embarkation use that has existed and continues to exist on the Salty Fare site. It was operated as an embarkation facility for many years following the creation of this site as a low intensity site adjacent to the Cypress and other residential neighborhoods in Hilton Head Plantation. There remains a need for embarkation facilities for Daufuskie Island and elsewhere, and there remains a need to buffer the residential portions of the Cypress and Hilton Head Plantation from the tourist oriented uses allowed in the WMU zone.

2. *See:* Section 9, sub-section 9.7 regarding Marine Transportation. The use of the Salty Fare site for an embarkation is consistent with this section of the Comprehensive Plan.

3. The existence of the embarkation facility is consistent with the following goals and implementation strategies of the Comprehensive Plan:

(i) Section 9
Sub-Section 9.10
Goal 9.5 The goal is to identify the Island - wide needs for public transportation and research alternative ways to provide the needed services.

(ii) Section 9,
Sub-Section 9.10
Goal 9.7 The goal is to integrate a marine - based transportation option into the transportation network that has the potential to serve Town residents, visitors and employees.

(iii) Section 9,

¹⁷ In the Staff Report (Page 5, Criteria 3, Item 5), the following appears: "The site has been used for Watercraft Rental and other Water-Oriented Uses since early 2012". While this may be true as far as it goes, the Staff Report leaves out the fact that those uses on the Salty Fare site violate the Land Management Ordinance. There is nothing the Land Management Ordinance or the Comprehensive Plan that supports the notion that the establishment of an illegal use is an appropriate justification for a Zoning Map Amendment.

Sub-Section 9.10

Goal 9.9 The goal is to promote regional transportation and land use planning for all of southern Beaufort County.

- (iv) Section 9
Sub-Section 9.10
Implementation Strategy 9.5(F) Support enhancements to the public transportation network, . . .
- (v) Section 9
Sub-Section 9.10
Implementation Strategy 9.5(A) Support efforts to expand marine transportation that reduces vehicular trips on Island road or increases revenue through expanded tourism.
- (vi) Section 9
Sub-Section 9.10
Implementation Strategy 9.5(B) Support coordination of regional partners to assess potential water-born transportation to serve areas from Beaufort to Savannah.

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.

1. There is no evidence of any change in the development patterns in this area affecting the Salty Fare site (*See*: Section 8, Sub-Section 8.10).¹⁸ In addition, the proposed Zoning Map Amendment conflicts with the Comprehensive Plan as follows:

- (i) Section 8
Sub-Section 8.11
Implementation Strategy 8.10(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

¹⁸ The Applicant has given no evidence related to the marketability or lack of marketability based on the Salty Fare site as an embarkation facility. In the May 2, 2013, letter from Stewart Collins, the only justification given for the Zoning Map Amendment is that it would alleviate an "economic hardship". Nothing in the Comprehensive Plan or the Land Management Ordinance recognizes an individual property owner's economic condition as justification for a Zoning Map Amendment. Indeed, given the negative impact of the proposed Zoning Map Amendment on the adjacent residential Cypress and Hilton Head Plantation, the Zoning Map Amendment would simply transfer the economic hardship to the residents of those areas.

accretion zone.

2. The Applicant's violation of the Land Management Ordinance would be excused, allowing the Applicant to profit from his violation of the Land Management Ordinance. This is an inequitable result for these reasons:
 - (i) The law should not be changed to excuse a bad act. The Applicant's establishment of the unauthorized businesses at this site violates the Land Management Ordinance, and the Applicant should not be allowed to gain an advantage while the violation exists. That only punishes people who comply with the law. It is also detrimental to the Town's ability to enforce its own laws, because how does the Town then justify not re-writing the Land Management Ordinance for the next violator?
 - (ii) This subject property was established by its then owner as a low intensity use in connection with the development of the Cypress which is an adjoining residential development.
 - (ii) The investment of the homeowners at the Cypress and Hilton Head Plantation far exceeds any investment in the Salty Fare property, and while the after the fact authorization of the unauthorized uses may have some impact on the marketability of the Salty Fare site, it will have a negative impact on the marketability of the Cypress and other Hilton Head Plantation properties.¹⁹

¹⁹ At its meeting of May 22, 2013, the Town Council's Planning and Development Standards Committee was faced with a request of an entity known as 217 Beach City Road, LLC, to change the zoning on its land because the owner's economic expectations had not been met. The approved minutes from the May 22, 2013, Planning and Development Standards Committee meeting includes the following text:

Mr. George Williams stated that he is sympathetic to the White sisters' financial position on this issue. However, the Town should not pick and choose properties to be rezoned based on financial reasons. Mr. George Williams presented statements in support of protecting Mr. and Mrs. David Jackson's interests.

Mr. Harkins stated that he agrees with the comments presented by Mr. George Williams. Mr. Harkins stated that zoning is not a tool to correct investment failures. Mr. Harkins stated that the staff and the public presented cogent arguments in favor of denying the application. Mr. Harkins complimented Mrs. Lopko on the staff's report and the staff's presentation.

Chairman McCann agreed with the statements presented by Mr. George Williams and Mr. Harkins. Chairman McCann stated that this is not an airport issue but rather an issue of density. The Town should not rezone property for the purpose of correcting a failed investment.

The Town Council has yet to vote on the application of 217 Beach City Road, LLC, because 217 Beach City Road, LLC, has requested that the application not be placed on the agenda. Three Councilmen speaking at the meeting did express that zoning is not a tool to address investment expectations, however.

- (iii) Owners in the Cypress and Hilton Head Plantation properties made their investment, not for short term speculation, but for long term use as a residence. The proposed Zoning Map Amendment is sought only to enhance the value of a single property for a speculative purchaser, to the detriment of those who have made material investments in their residence.

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

No issue presented.

CONCLUSION

The Staff Report and Recommendation includes material errors of fact, and material errors of law. A review of the matters outlined in § 16-3-1505, *Code of The Town of Hilton Head Island, South Carolina* (1983), shows that the Application is inconsistent with the Land Management Ordinance and the Comprehensive Plan, and that the Applicant has failed to demonstrate that the Planning Commission should recommend approval of it.

The Cypress Homeowners' Association, Inc., on behalf of the more than Three Hundred property owners that it represents, urges the Planning Commission to make its findings consistent with facts and law stated herein, and that it recommend denial of ZMA13-0004.

Respectfully Submitted:

COLTRANE & WILKINS, LLC

By:



Curtis L. Coltrane
South Carolina Bar Number 1344
Post Office Drawer 6808
Hilton Head Island, SC 29938
(843) 785-5551
(843) 842-8400 (Fax)
curtis@coltraneandwilkins.com

Hilton Head Island, South Carolina

This 25th day of July, 2013.

S. Kittredge Collins
Trustee, Collins Family
3374 Jackson Street
San Francisco, CA 94118
kittredge@gmail.com

Aug 6, 2013

Ms. Kathleen Carlin
Town of Hilton Head Island
One Town Center
Hilton Head Island, SC 29928

RE: Salty Fare ZMA
ZMA 13-0004

Dear Ms. Carlin

On behalf of the Collins Family Trust, owners of the property known as Salty Fare, I submit to you, Hilton Head Planning Commission, and the Town of Hilton Head a rebuttal to several points contained in the letter submitted to you by Mr. Curtis Coltrane on behalf of The Cypress (July 25th, 2013).

My neighbors, Hilton Head Plantation and the residential community known as the Cypress have been aggressively objecting to my request to offer guided water recreation activities from the Salty Fare docks even though these activities will have no negative impacts on these communities. The Cypress borders my back parcel and is not in close proximity to Skull Creek and the proposed water activities. The five residential properties on Skull Creek enjoy life on the water and all of the uses of Skull Creek. Initially, I had interpreted the nexus of my neighbor's objections as a perception that the jets skis would present a noise nuisance and offered to demonstrate that the new jet ski is quiet and will not cause a disturbance. My invitation was accepted by many in the community and those in attendance appeared to agree. After the demonstration, I submitted to a question and answer session at the Cypress that I had hoped would clarify the areas of concern. The community appeared satisfied that the noise was not an issue but there was concern that the zoning amendment for "water orientated use" is ill defined; that approval will open the doors to future water uses that would be noxious. Mr. Puntereri and Mr. Kristian have since suggested the LMO be tightened to define the specific uses allowed under this zoning classification. I agree.

I do disagree with several of Mr. Coltrane's points specifically the following:

1.) That the proposed zoning map amendment does not promote an appropriate mix of land uses because the “unauthorized high density tourist use is not appropriate for this mostly residential neighborhood.” The reality is that Salty Fare is bordered by WMU and residential; the proposed uses are not “high density” (8 jet skies, kayaks, and paddle boards?); and will cater to the greater community and not simply the tourist.

2)That there is no evidence of any market driven demand. My dock master, Mr. Moy, who proposed operating kayak and jet ski tours from Salty Fare and received a business license from the Town, disagrees. Upon the issuance of the license, Mr. Moy, relying on the license purchased six jet skies, hired three staff members and has been running a well subscribed business. I believe this indicates a demand.

3)That the statement “the existing, unauthorized uses are “high turnover”, noisy tourist uses that are not appropriate on a site adjacent to a residential neighborhood” is incorrect. The proposed uses are not high turnover or noisy, and Salty Fare is boarded by the Skull Creek Boat house and the Boat House restaurant, both of which are high turnover, noisy, and cater to, God forbid, tourists. Reading Mr. Coltrane’s wording, one would suspect my neighbors are anti-tourism, anti-recreation, and promote exclusivity to the detriment of the public access to Skull Creek.

4)That Salty Fare is unsuitable for the unauthorized uses of kayak and paddle board rentals, charter fishing, boat tours, and jet ski rentals: In a spirit of compromise, I agreed to withdraw my application for Water Craft Rentals during my question and answer session at the Cypress. All of the proposed uses will be “guided”; there will be absolutely no water craft rentals, only tours. As for “unauthorized”, Mr. Moy received a business license. The statement that Salty Fare is unsuitable for kayak and paddle boards is unclear at best.

Mr. Coltrane twice refers to Salty Fare as a “buffer” between the WMU zone and the residential Cypress and Hilton Head Plantation. Salty Fare is a private property with a 11,000 square foot commercial building and an embarkation landing. In the years before the Melrose Inn closed the parking lot held 325 cars next to the Cypress. One might refer to the parking as “high density.’ The real issue here is that my neighbors, the Cypress and Hilton Head Plantation truly believe that Salty Fare is a buffer zone. To my knowledge, there is no such zoning classification. It is a private property and to define it as a “buffer zone” constitutes a tacit attempt to a “taking” of one private property by another private entity.

When the residents of the Cypress and Hilton Head Plantation chose to to buy their properties, they did so knowing that Salty Fare was an embarkation landing. The ferries employed were loud and the parking was extensive. The proposed zoning amendment, if approved, will be neither. If approved, Salty Fare will provide public access to Skull Creek for recreation and ecological use of the water way.

Sincerely,

S. Kittredge Collins, Trustee Collins Family Trust

cc: Anne Cyran, Senior Planner, Town of Hilton Head
Hilton Head Planning Commission
Noreen McMullin, Manager, Salty Fare
Michael Moy, Dock Master, Salty Fare

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Certified Circuit Court Mediator
Certified Circuit Court Arbitrator

Curtis L. Coltrane*
John W. Wilkins
*Also Member Virginia Bar

August 8, 2013

Ms. Kathleen Carlin
TOWN OF HILTON HEAD ISLAND
One Town Center Court
Hilton Head Island, SC 29928

RE: Salty Fare Re-Zoning Application
ZMA 130004

Dear Kathleen:

Enclosed, you will find a letter to each the members of the Town Council's Planning and Development Standards Committee. I would ask that the letters be distributed to the Committee members, and that it be included in the agenda package for the meeting of August 28, 2013. I thank you for your help with this matter, and look forward to hearing from you soon. I am,

Sincerely,

COLTRANE & WILKINS, LLC



Curtis L. Coltrane

CLC/c
enc: As Stated
cc: Mr. Marc Puntereri
Ms. Anne Cyran

COLTRANE & WILKINS, LLC
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August 8, 2013

Hon. John J. McCann, Chairman
PLANNING & DEVELOPMENT STANDARDS COMMITTEE
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

Hon. George W. Williams, Jr.
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Hon. Kimberly W. Likins, Alternate
PLANNING & DEVELOPMENT STANDARDS COMMITTEE
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

RE: ZMA130004
Salty Fare

Dear Mr. Chairman and Committee Members:

I am writing on behalf of the Cypress Homeowners' Association, Inc., and the more than 300 property owners that it represents to express their opposition to the proposed

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August 8, 2013
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zoning change application submitted by Stewart Kittredge Collins in connection with the Salty Fare site that lies adjacent to the Cypress and other residential areas of Hilton Head Plantation.

As you are likely aware, the Planning Commission has voted to recommend approval of the proposed change in the face of the following, undisputed facts:

(a) Mr. Jim Coleman, who was involved in the development of both the Cypress and the Salty Fare site, testified that in connection with the development of the Cypress, the Salty Fare site was down-zoned to limit the water-front side to a maximum of 10,283 square feet of commercial development and all density was removed from the non water-front side. The Salty Fare site was developed as an embarkation site for owners at Melrose on Daufuskie Island, which is a low intensity use. As such, the Salty Fare site has always served to buffer the Cypress and other residential areas of Hilton Head Plantation from the more intensive uses permitted in the Waterfront Mixed Use zone.¹

(b) The owner of the Salty Fare site has established water oriented uses at the Salty Fare site that are not permitted under the existing zoning for the site, and is and has been, in violation of the Land Management Ordinance.²

The Planning Commission disregarded the testimony of long term Cypress residents, Mr. James Coleman and Mr. T. Peter Kristian in connection the with history of the property. Instead, the Planning Commission based its recommendation on its own speculation as to what might conceivably be built on the site as a result of the site's

¹ The owner of the Salty Fare site has objected to the use of the word "buffer". The only evidence in the record, though, is that the Salty Fare site has always served as a buffer or transition site between the WMU zone and the residential Hilton Head Plantation.

² It is true that the Town issued a business license relating to these uses in error, but that fact does not mean that the uses have been legally established as required under § 16-10-201, *Code of the Town of Hilton Head Island, South Carolina* (1983). Under § 16-10-201, *Code of the Town of Hilton Head Island, South Carolina* (1983), a legally established use is:

Any land use, development, building, structure or site, including any lot of record, which was established, constructed, used or recorded pursuant to, and in conformance with all relevant requirements of the Ordinances then in effect.

The Town's error in improperly granting a business license does cause a non-conforming use to meet the requirements of this language.

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August 8, 2013
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“commercial” designation under the Hilton Head Plantation PD-1 Master Plan. Specifically, members of the Planning Commission mentioned, grocery stores, a water park and fast food restaurants with a drive through. The problem with the Planning Commission’s speculation on what might, or could, happen at Salty Fare, is three-fold:

(a) The limitation on square footage (10,283) will prevent a large user such as a grocery store or water park from locating here.³

(b) The Salty Fare site is the last parcel on what is, effectively, a dead end road. The Hilton Head Plantation entrance gate is immediately past Salty Fare, and the road is no longer public from that point. Anyone not able to enter Hilton Head Plantation must turn around at that point. The notion that such a location is likely to be developed as a fast food restaurant with a drive through is simply at odds with common knowledge of where such establishments are always located.

(c) The Planning Commission also noted that Skull Creek is part of the Inter-Coastal Waterway, and suggested that the traffic in the channel of Inter-Coastal Waterway presents the same issues regarding noise and activity as a fleet of jet-ski/wave runner type craft, craft for para-sailing, craft for “banana boats” utilizing the Salty Fare dock. The Planning Commission’s reasoning on this point is not valid. The channel of the Inter-Coastal Waterway is about 700 yards (or 1/3 mile) from residences in Hilton Head Plantation, and islands covered by green Spartina grass lie between the residences and the Inter-Coastal Waterway. However, some of the residences are only 100 yards from Salty Fare dock, and all homes have a clear, unobstructed line of sight and sound to the tourist operations leaving the Salty Fare dock.⁴ The Planning Commission’s reasoning also ignores the fact that the water front owners bought their property knowing that Skull Creek is a part of the Inter-Coastal Waterway, but they did not purchase their property knowing that the Salty Fare dock would become a site for noisy water craft in close proximity to their homes.

³ The trend in grocery stores is to build larger, not smaller. Witness the recent renovation of the Harris Teeter store at Park Plaza, and the construction underway for the Kroger at Shelter Cove.

⁴ In addition, the testimony of the operator at Salty Fare was that the State’s regulations only require that craft leaving the dock be 50 feet away from the dock prior to powering up, and that his operations adhere to that regulation.

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August 8, 2013
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The water oriented uses operating at Salty Fare do so in violation of the Land Management Ordinance. The notion that the ordinance should be changed to permit these uses is exactly backwards from what should happen. Such a result is detrimental the Town's ability to enforce its ordinances, because how does the Town say "no" to the next violator who chooses expedient of violating the ordinance, when that person suggests that the solution is to change the ordinance?

It is no secret that the owner of Salty Fare is marketing the property. While approving this application might make his investment more profitable, it will do so at the expense of those who have invested in their homes at the Cypress and other residential areas of Hilton Head Plantation.

For the reasons set out in its Objection to ZMA 130004, which is a part of your record, and above, the Cypress Homeowners' Association, Inc., and the more than Three Hundred owners in it urge you to recommend denial of ZMA 130004 to the full Town Council.

Respectfully Submitted:

COLTRANE & WILKINS, LLC



Curtis L. Coltrane

CLC/c

cc: Mr. Marc Puntereri

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August 8, 2013

Hon. John J. McCann, Chairman
PLANNING & DEVELOPMENT STANDARDS COMMITTEE
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

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RE: ZMA130004
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August 8, 2013
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Respectfully Submitted:

COLTRANE & WILKINS, LLC



Curtis L. Coltrane

CLC/c

cc: Mr. Marc Puntereri

Stewart Kittredge Collins
3374 Jackson Street
San Francisco, California 94118
kitredge@gmail.com

August 12, 2013

Hon. John J. McCann, Chairman
Planning & Development Standards Committee
Town of Hilton Head Island
One Town Center
Hilton Head, SC 29928

Hon. George W. Williams, Jr.
Planning & Development Standards Committee
Town of Hilton Head Island
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Hon. William D. Harkins
Planning & Development Standards Committee
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Hon. Kimberly W. Likins, Alternate
Planning & Development Standards Committee
Town of Hilton Head Island
One Town Center
Hilton Head, SC 29928

RE: Salty Fare ZMA
ZMA 13-0004

Dear Mr. Chairman and Committee Members,

I write to you as the Trustee of the Collins Family Trust to discuss comments submitted to you by Mr. Curtis Coltrane (August 8th) on behalf of the Cypress in opposition to my zoning amendment application for Salty Fare. I want to state that I am not an attorney. I have applied for a zoning amendment as an individual and in good faith; believing that Water Oriented Use and Embarkation Use is consistent with the location of my property and the water activities on Skull Creek. I have reached out to my neighbors in Hilton Head Plantation and The Cypress, hosting a demonstration to prove that Jet Skies are no longer the irritating water craft of the past; that in fact, they are quiet relative to the existing sounds of Skull Creek, The Skull Creek Boat House, the Boat House Restaurant, and common yard equipment operating in The Plantation. I have worked

with Mr. Puntereri and Mr. Kristian to find a solution that will assure my neighbors that the guided tours will not alter their quality of life and to mitigate their fear that by allowing water access from Salty Fare it will “open the door” to mass tourism. In the spirit of compromise, I withdrew my application for Water Craft Rental Use, and stated that all Water Oriented use at Salty Fare will be guided.

It is now clear that Mr. Coltrane’s clients, The Cypress and Hilton Head Plantation, are less concerned about noise than *any* future use of Salty Fare that will alter the residents perception that Salty Fare is a “**Buffer Zone**” property, designated to protect their quality of life beyond the gate from the “more intensive use permitted in the WMU zone.” To my knowledge, there is no such zoning designation as buffer. If a property or entity wishes to insulate themselves, they are free to design a buffer zone under the fee title of its own land. Perhaps this is what Mr. Coleman had in mind when Salty Fare was originally developed to serve his Daufuskie development. However, Melrose was sold years ago.

Mr. Coltrane wrongly asserts that it is an “undisputed fact” that when Salty Fare was developed for the owners of Melrose on Daufuskie Island, it was “low intensity use.” In a point of fact, when Melrose was operating at full capacity, the Salty Fare parking lots accommodated 325 cars a day. This was hardly low intensity usage. The proposed use of the Salty Fare dock for kayak and watercraft tours will be a low intensity use compared to past usage.

It is an undisputed fact that Mr. Moy’s business license was issued in error. When I agreed to Mr. Moy’s proposal to operate guided tours from Salty Fare, I did not understand that accessing Skull Creek from my docks for anything other than embarkation was not permitted. Please consider that Mr. Moy did apply for the business license; that there was no attempt to operate his business in violation. Mr. Moy relied upon his license to acquire six jet skies and kayaks at his expense. I might point out that there were no complaints about his tours until another applicant, who wished to launch a parasail business from Salty Fare, was denied a business license. I emphasize that there were no complaints of disturbance or diminution of quality of life noted by my neighbors until I noticed them of my zoning application

I do not understand Mr. Coltrane’s assertion that your planning commission “based its recommendation to approve my application on speculation as to what might conceivably be built on the site.” It is true that the existing zoning allows specific uses that I would not believe appropriate for the site. I am not applying for any of those uses and your commission certainly did not base their decision on this point. Your planning commission voted 6 to 1, in favor of the application because it is in compliance with neighboring use and appropriate for the site.

The planning commission correctly noted that Skull Creek is part of the inter-coastal waterway; that the traffic in the channel presents the same issues regarding noise and activity as a fleet of watercraft leaving the Salty Fare dock. Mr. Coltrane disagrees, stating that “all homes have a clear, unobstructed line of sight and sound to the **tourist** operations leaving the Salty fare dock; and “they did not purchase their property

knowing that the Salty Fare dock would become a site for noisy watercraft in close proximity to their homes.” In point of fact, Salty Fare was designed as an embarkation landing, catering to tourist clientele. Those residents who purchased homes did so with full understanding that the ferry boats were loud vessels and that they operated from Salty Fare. Additionally, our jet ski demonstration for the residents proved that the sound generated by the 4 cylinder jet skis in use today pales in comparison with noise from other sources in proximity to Salty Fare.

I must comment on Mr. Coltrane’s statement that I am actively marketing the property. This is a complete non sequitur to the issue at hand. To believe that a \$500.00 per month watercraft lease will create significant value to the property is laughable. To use this logic to argue against a zoning application has no merit unless one believes that improving one’s property is un-American. I would consider an offer from my neighbors want to pay for their buffer zone.

To close, the planning commission issued a positive recommendation because they believed that Water Oriented Use and Embarkation Use are appropriate for the site. My neighbors have hired Mr. Coltrane to protect their gated community from their perception that said uses will promote high intensity and unwanted tourist trade. Is the tourist persona non grata on Hilton Head Island? More disturbing to me is the assertion that my property is considered a buffer zone by Hilton Head Plantation and The Cypress. I will argue strenuously that this is an implied taking of private property by another private property for private use.

Sincerely,

Stewart Kittredge Collins