Town of Hilton Head Island  
Regular Planning Commission Meeting  
Wednesday, June 6, 2012  
9:00 a.m. Benjamin M. Racusin Council Chambers  
AGENDA

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

1. Call to Order  
2. Pledge of Allegiance to the Flag  
3. Roll Call  
4. Freedom of Information Act Compliance  
   Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.  
5. Approval of Agenda  
6. Approval of Minutes - Planning Commission Meeting May 16th  
7. Appearance by Citizens on Items Unrelated to Today’s Agenda  
8. Unfinished Business  
   None  
9. New Business  
   ZMA120004: A request from Michael Kronimus with KRA Architecture & Design, on behalf of Stewart Kittredge Collins, to amend the Official Zoning Map by increasing the allowed density and revising the allowed uses on eight properties located at 421, 424, 425 and 427 Squire Pope Road, collectively known as Salty Fare. All of the properties 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. The properties are further identified on Beaufort County Tax Map 3 as Parcels 121, 126, 127, 128 and 089A.  
   Public Hearing  
   STRNM120001: The Town of Hilton Head Island Fire and Rescue has applied to name a new street that will be located off Queens Folly Road in Palmetto Dunes. This new street will provide access to the new fire station. The proposed name is Dalmatian Lane.  
   Presented by: Randy Lindstrom  
   Public Hearing  
   ZMA120005: A request from Ernest Marchetti proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 120 and 118 Mathews Drive and 7 Shrimp Lane from the IL (Light Industrial) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 8, as Parcels 154, 162 and 11I.  
   Presented by: Nicole Dixon
10. **Commission Business**  
    Report from the Nominating Committee

11. **Chairman’s Report**

12. **Committee Reports**

13. **Staff Reports**

14. **Adjournment**

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

* **Upcoming Planning Commission Meetings**

a. Regular Planning Commission Meeting – Wednesday, June 20, 2012 at 3:00p.m.

* Please visit the Town’s website for complete and up-to-date information on all meetings.
Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox, David Bennett, Alex Brown, Jack Docherty, Terry Ennis, Bryan Hughes, Gail Quick and Barry Taylor

Commissioners Absent: None

Town Council Present: None

Town Staff Present: Jayme Lopko, Senior Planner & Planning Commission Coordinator Shea Farrar, Senior Planner Anne Cyran, Senior Planner Kathleen Carlin, Secretary & Administrative Assistant

1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

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

5. Approval of Agenda
   The agenda was approved as presented by general consent.

6. Approval of Minutes
   The Planning Commission approved the minutes of the May 2, 2012 meeting as amended by general consent.

7. Appearance by Citizens on Items Unrelated to Today’s Agenda
   Mr. Joseph Grant presented public comments in opposition to the approval of future conceptual plans for the construction of an elliptical circle in the Chaplin area and William Hilton Parkway. Mr. Grant’s concerns are related to public safety and best interests of native islander businesses in this area.

8. Unfinished Business
   None

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

Ms. Shea Farrar made the presentation on behalf of staff. Staff recommended that the Planning Commission forward application ZMA120002 to Town Council with a recommendation of approval. Ms. Farrar presented an overhead review of the existing and the proposed zoning. Ms. Farrar stated that this application was reviewed by the Planning Commission on March 7, 2012. Since that review, the staff has identified the need to add maintenance to the uses associated with the Town’s property. That is the only change since the Planning Commission’s previous review.

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

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

The density associated with the OL Zoning District will also be incorporated into the PD-1 Zoning District for use with the development of the new fire station. No other density changes are proposed.

Following the staff’s presentation, and brief review by the Planning Commission, Chairman Warden requested public comments and none were received. Chairman Warden stated that the public hearing for this application is closed. Following final comments by the Planning Commission, Chairman Warden requested that a motion be made.

Vice Chairman Lennox made a motion that the Planning Commission forward Application for Zoning Map Amendment ZMA120002 to Town Council with a recommendation of approval. Commissioner Ennis seconded the motion and the motion passed with a vote of 9-0-0.
Public Hearing

**LMO Amendments:** The Town of Hilton Head Island is proposing to revise and amend Chapter 3, Article XVII and Chapter 4, Article XIII of the Land Management Ordinance (LMO). The proposed amendments will categorize a change in the land use designation of any non-single family residential use to allow a telecommunications facility as a minor amendment to a PUD master plan. The proposed amendments will base the size of a telecommunications tower setback on the tower’s height. Chairman Warden introduced the application and opened the public hearing. Chairman Warden then requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Staff recommended that the Planning Commission forward the proposed LMO Amendments to Town Council with a recommendation of approval.

The LMO Committee discussed the proposed amendments at their April 10, 2012 meeting. The Committee suggested changes to the proposed language and recommended that the revised amendments be presented to the Planning Commission. The staff has made the committee’s recommended changes to the amendments.

Ms. Cyran presented an overhead review of the types of telecommunication towers. Cell towers come in a variety of styles. For the purposes of the LMO, however, they are all the same. Ms. Cyran discussed the height of towers and fall zones of towers. Modern towers are designed to collapse within themselves (and still remain attached to the tower). The fall zone for modern cell towers is much smaller than older cell towers. Tower height refers to the actual height of the tower. The fall zone is the safety area around the tower. Ms. Cyran presented a visual review of several existing towers on the island.

Ms. Cyran stated that the first amendment would allow Planned Unit Development (PUD) master plans to be amended via minor amendments – instead of via Zoning Map Amendments (ZMA) – to allow telecommunications facilities as permitted uses on non-single-family properties. The LMO categorizes master plan amendments as one of two types – minor or major. Minor amendments may be approved by the Administrator. All other amendments to PUD master plans are considered major amendments and must be reviewed and approved as a Zoning Map Amendment.

The second amendment would reduce the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way. The proposed setback would be equal to the tower’s height plus twenty feet.

The third amendment would reduce the size of telecommunications tower setbacks from residential structures. The proposed setback would be equal to the tower’s height plus twenty feet. The Planning Commission thanked the staff for today’s visual presentation. The presentation is very helpful in understanding cell tower technology.
Ms. Cyran presented a detailed explanation of each of the proposed amendments. The staff also provided the history of the amendments. The proposed amendments are supported by Town Council’s Policy Agenda for 2011 which has Technology Infrastructure: Evaluation and Direction of Town’s Role listed as a Top Priority. To address this Priority, the Telecommunications Taskforce was formed in March 2011 by the Greater Island Council at the request of Mayor Laughlin. The Taskforce was asked to examine the island’s telecommunications problems and provide recommendations for how the Town can improve telecommunications service.

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

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

Ms. Shea Farrar also made a presentation on behalf of the staff. Ms. Farrar presented an overhead review of an island map. Ms. Farrar discussed the challenges of placing telecommunication towers in single and multi-family locations in the Palmetto Dunes area. This completed the staff’s presentation.

Commissioner Quick stated that the staff’s presentation is very important because it sets the stage for why we are here today - to expedite the process. The LMO Rewrite Committee will address many more of the issues concerning telecommunication facilities, processes and procedures in the coming months. Today’s action is important because it is a stop-gap measure that will allow the process to begin. Chairman Warden then requested public comments and the following were received:

Mr. Jim Collett, Chairman of the Telecommunications Task Force, presented statements in support of the need for improved telecommunications on the island. Mr. Collett stated that telecommunications providers have underinvested on the island in terms of facilities. We have made it a long, difficult process for them. The permitting process needs to be improved so that carriers will be interested in investing in Hilton Head Island.

Mr. Joe Baker, also a member of the Telecommunications Task Force, presented additional comments in support of improved telecommunications service. Ms. Judy Shade, President of Port Royal Plantation Homeowners Association, presented comments regarding the need for improved cell phone coverage in Port Royal. Mr. Dick Sell, member of the telecommunications community, presented additional statements in support of the need for increased telecommunications service. The Town needs to have a procedure that will expedite the permitting process. Ms. Margaret Clay also presented statements in support of the need for better telecommunications service in Palmetto Dunes.
Mr. Jack Mitchell, Regional Director AT&T, presented statements echoing the need for improved telecommunications on Hilton Head Island. We need to make the process much easier. Chester C. Williams, Esq., presented statements in support of the Town’s efforts to improve cell coverage. Mr. Williams also presented a legal opinion on permitted uses and buffer requirements. Gary Pennington, Esq., presented statements regarding the issue of zoning. Verizon supports the staff’s proposed amendments. Mr. Jonathon Yates and Mr. Jason Gross, with American Tower, also presented statements in support of the need for improved telecommunications service. Mr. Gross stated his concern with the staff’s most recent change to proposed amendments. The change in regulations will cause difficulties with the location of cell towers. Following all public comments, Chairman Warden stated that the public hearing for this item is closed. The Planning Commission discussed the proposed amendments.

Commissioner Quick presented statements with regard to the LMO Committee’s review of the proposed amendments. The committee’s recommendations regarding issues of aesthetics and safety reflected the concerns that were presented that evening by the public in attendance at the meeting. Commissioner Quick stated that the staff’s visual presentation is very helpful in gaining a better understanding of cell towers.

Chairman Warden stated that, at this point, we are focusing on the language in Article 17 Telecommunications Approval Process in PUDs. Chairman Warden stated that we need to be aware of Commissioner Quick’s comments with regard to the LMO Rewrite Committee. The committee will address some of the language with respect to Telecommunications at some point in the future.

Commissioner Ennis presented statements regarding the far reaching effects of telecommunications. The issue goes far, far beyond cell phone usage. Telecommunications is a business tool that continues to grow very rapidly. Wireless devices have tremendous capabilities that have enabled the business world to become hyper-connected. The Hilton Head Island Community needs to gain a much better understanding of this issue. One of our goals is to attract new businesses – we will not be able to join the business community without it. Mr. Ennis stated that we need to accelerate the process in a way that is safe and that fits within our core values. We need to make cell towers as aesthetically pleasing as possible. At the completion of the discussion, Chairman Warden requested that a motion be made.

Commissioner Ennis made a motion to approve the proposed LMO amendments as recommended by staff but with the modification that we change the setback language in both sections so that the setback would be the fall zone plus 20-feet. Commissioner Quick seconded the motion. The motion passed with a vote of 9-0-0.

10. **Commission Business**

   **Appointment of Nominating Committee for the Election of New Officers 2012-2013**

   Chairman Warden stated that the Rules of Procedure require that a Nominating Committee be appointed by the Chairman for the election of officers (July 1, 2012 – June 30, 2013). The Nominating Committee needs to be confirmed by the Planning Commission. The Chairman may be a voting member of the Nominating Committee. Chairman Warden requested that the Planning Commission confirm her appointment to the Nominating Committee along with
the appointment of Commissioner Docherty and Commissioner Hughes. A motion to confirm the appointments was requested. Vice Chairman Lennox made a motion that the Planning Commission should confirm the members of the Nominating Committee as stated by the Chairman. Commissioner Ennis seconded the motion and the motion passed with a vote of 9-0-0.

11. Chairman’s Report
None

12. Committee Reports

13. Staff Reports

14. Adjournment
The meeting was adjourned at 4:55 p.m.

Submitted By:     Approved By:

__________________    _______________
Kathleen Carlin    Loretta Warden
Administrative Assistant  Chairman
## STAFF REPORT
### NEW STREET NAME APPLICATION

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### Application Summary:

STRNM12001– Fire and Rescue has proposed to name a new street off of Queens Folly Road to access the new fire station. Properties affected by this application are parcels 2 and 19 on Beaufort County Tax Map 15. The proposed street name is Dalmatian Lane.

### Staff Recommendation:

Staff recommends the Planning Commission **approve** the Dalmatian Lane Street Name Application based on the review criterion outlined in the Land Management Ordinance and enclosed herein.

### Background:

Dalmatian Lane is the proposed street name for the road leading to the new fire station in Palmetto Dunes. The name was selected by a poll from the fire department. All fire staff was asked to submit names they would like to see for the new street. A list was created and staff voted. The name is unique and does not conflict with other road names in the county.
**Summary of Facts and Conclusions of Law:**

**Findings of Facts:**
- Notice of the New Street Name Application was published in the Island Packet on May 6, 2012 as set forth in LMO Section 16-3-110 & 111.
- Notice of the New Street Name application was posted and mailed as set forth in LMO Section 16-3-110 & 111.
- A public hearing will be held on June 6, 2012 as set forth in LMO Section 16-3-1104A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1101B.

**Conclusions of Law:**
The New Street Name Application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO Section 16-3-110 &111 and 16-3-1104A.

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*As set forth in LMO Section 16-3-1105, Criteria for New or Modified Street and Vehicular Access Easement Names, requires that the Planning Commission, for final action, review proposed street names. This section also sets forth the criteria for this review as indicated below.*

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**Summary of Facts and Conclusions of Law:**

*Criteria A:* No new street, vehicular access easement or development project name, or proposed modified name of an existing street, vehicular access easement or development, except phases of the same development project, shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing street, vehicular access easement or development name, in spite of the use of prefixes or suffixes.

*Town Staff, Fire & Rescue Dispatch and Beaufort County Dispatch have reviewed the proposed Dalmatian Lane and have found that it does not duplicate street, vehicular access easement or development names.*

*Criteria B:* It is desirable to use names which are simple, logical, easy to read and pronounce and which are clear and brief. Use of frivolous or complicated words or unconventional spellings in names shall not be approved.

*Town Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that the proposed Dalmatian Lane meets the requirements of this criterion.*
Criteria C: It is desirable to use names which have some association with Hilton Head Island and specifically with the immediate location of the road or place, such as reference to local history or physiographic features.

Dalmatian Lane will be the access to the location of the new fire station.

Criteria D: Use of a common theme is recommended for names of streets which are associated with one another, such as those within a residential development.

Town Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that this does not apply to this application.

Criteria E: Intersecting streets or vehicular access easements shall not have the same or similar name.

Staff, Fire & Rescue Dispatch, and Beaufort County dispatch have determined that Dalmatian Lane meets the requirements of this criterion.

Criteria F: Streets or vehicular access easements which continue through an intersection should generally bear the same name, except where the road crosses a major arterial or where existing address points on a street require that the roadway be given a different name.

Town Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that this does not apply to this application.

Criteria G: A street or vehicular access easement making an approximate right-angle turn where there is no possibility of extending the street or vehicular access easement in either direction shall be considered to be continuous and be so named. Where there is a choice of direction or a possibility of extending either section in the future, such configuration shall be considered to be an intersection and different names assigned.

Town Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that this does not apply to this application.

Criteria H: The proposed name of the development should in all respects emphasize the project’s distinctive name rather than the name of the company or corporation that owns the development. This will reduce confusion on the location of separate developments owned by the same company or corporation.

Town Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have...
determined that this does not apply to this application.

I. New or modified street names should generally use Drive, Lane, Place, Road, Street or Way as suffixes. The following street designations should only be used if the street design meets one of the following descriptions:
   1. Alley--A street providing access to the rear of lots or buildings, usually as a secondary means of access to a property.
   2. Avenue--A street that is continuous.
   3. Boulevard--A street with a landscaped median dividing the roadway.
   4. Circle--A street with a complete loop on the end or a side street that intersects another street at two adjacent intersections.
   5. Court--A street terminating in a cul-de-sac, not longer than 1,000 feet in length.
   6. Extension--A section of street forming an additional length.
   7. Parkway--A street designated as a collector or arterial road, with a landscaped median reflecting the parkway character implied in the name.
   This list is not intended to limit the use of other appropriate suffixes.

Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that Dalmatian Lane meets the requirements of this criterion.

J. The suffixes Manor, Trace and Common shall typically be used to name vehicular access easements.

Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that this does not apply to this application.

K. Existing roads that become broken by natural barriers, intervening land uses, or development that cause the existing road to become two separate roads, and are not likely to be reconnected in the future, shall be named in a manner that considers the potential economic impact of the number of address points and type of addresses impacted.

Staff, Fire & Rescue Dispatch, and Beaufort County Dispatch have determined that this does not apply to this application.
PREPARED BY:

SB
Suzanne Brown  
Addressing Technician

REVIEWED BY:

RL
Randy Lindstrom  
Administrative Battalion Chief

REVIEWED BY:

JL
Jayme Lopko, Planning Commission Coordinator  
Senior Planner

Attachments:
A) Vicinity Map  
B) Aerial Map
Proposed New Street: Dalmatian Lane

Station 6

Town of Hilton Head Island
Proposed New Street Name
Station 6
April 2012
QUEENS FOLLY ROAD

Proposed New Street: Dalmatian Lane

Station 6
# STAFF REPORT
## ZONING MAP AMENDMENT

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### Application Summary:

Ernest Marchetti, on behalf of Frances Marscher and Mary Janet Hennesy, is proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 7 Shrimp Lane and 120 and 118 Mathews Drive from the IL (Light Industrial) Zoning District to the CC (Commercial Center) Zoning District.

For a complete list of changes in use that will result from the proposed rezoning, see Attachment C, Use Table. The impervious coverage requirements are the same for both IL and CC zoning, being 65% maximum impervious coverage.

### Staff Recommendation:

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

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

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

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

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

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

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

Town Council recently denied a rezoning request for someone wishing to occupy the old Hargray building with a mattress store; that is one more example of a business owner wishing to change the zoning of a property to fit a very specific use and tenant rather than trying to find available commercially zoned property.
Another problem staff foresees is that just because an applicant states they have someone interested in purchasing a property should it be rezoned, it doesn't mean it is necessarily going to happen, as we can see from the examples stated above. It is important to keep in mind that once rezoned from IL to CC, any use allowed in the CC zoning district is now available to those particular properties. Should the vacant furniture store not be occupied by an auto parts store, it is now open to any use in the CC district; some of these uses may not be appropriate in that area.

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

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

**Applicant's Grounds for ZMA:**

The applicant states in the narrative that the proposed application to rezone the subject properties from IL to the CC zoning district is more in character with the existing commercial uses on Mathews Drive. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to focus future development on infill development. The applicant also states that the Land Use Element of the Comprehensive Plan provides that infill development of the commercial context should be the focus of future development, and that this rezoning request allows that to happen.

**Summary of Facts and Conclusions of Law:**

**Findings of Facts:**

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

**Conclusion of Law:**

- The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1504.
As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, Planning Staff has based its recommendation on analysis of the following criteria:

**Summary of Facts and Conclusions of Law:**

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

Findings of Facts:
The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

An Implication for Zoning Changes

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

An Implication for Building Permit Trends

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

Goal 8.1 – Existing Land Use

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

Goal 8.4 – Existing Zoning Allocation

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

Goal 8.5 – Land Use Per Capita

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

Goal 8.9 – Age of Structures

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

Goal 8.10 – Zoning Changes

A. The goal is to provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island.

Conclusions of Law:
Staff concludes that this application is not consistent with the Comprehensive Plan, as described in the Land Use Element as set forth in LMO Section 16-3-1505A.

Although the proposed rezoning could increase the economic development potential of the property, there is no guarantee that just by rezoning the property that the vacant buildings will be occupied.

While redevelopment is a focus of the Comprehensive Plan, rezoning the property does not mean the buildings or property will be redeveloped.

The proposed rezoning would reduce the amount of IL zoned property and increase the amount of CC zoned property, which does not in effect maintain an appropriate balance of land uses as called for in the Comprehensive Plan. The Town could potentially end up with a surplus of CC zoned property and perhaps not enough IL zoned property to meet the needs of those uses.

<table>
<thead>
<tr>
<th>Summary of Facts and Conclusions of Law:</th>
</tr>
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<tbody>
<tr>
<td><strong>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):</strong></td>
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</table>

Findings of Facts:

- LMO Section 16-4-218 describes the purpose of the existing IL zoning district as being: “established to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This district also provides for certain instructional and theatrical uses with similar space requirements.”

- There are three properties subject to the proposed rezoning; two of which contain vacant buildings and one that is a furniture store, which is permitted in the IL zoning district.

- The conforming uses of nearby property are the warehouse buildings to the west, which are conforming to the IL zoning district, the commercial uses to the east, which are conforming to their CC zoning district, and the residential use to the north which is conforming to its RM-4 zoning district.

Conclusions of Law:

- Staff concludes that the properties subject to the rezoning application are compatible with the present zoning, some conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B because the developed property contains a use that is currently permitted in the IL district and the vacant buildings were and can be developed with a use that is permitted in the IL district.

- The furniture store and the vacant buildings are compatible with the surrounding conforming nearby uses such as the shopping center and warehouses.

- The current zoning of light industrial is not necessarily compatible with the adjacent residentially zoned property to the north because light industrial uses could create negative impacts to neighboring properties; however any use adjacent to a residential use may not be considered ideal.
### Summary of Facts and Conclusions of Law:

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

**Findings of Facts:**

- **LMO Section 16-4-217** describes the purpose of the CC zoning district as: “to provide for moderate to high intensity commercial development, especially office and general retail development. Residential development as a component of a PUD is allowed, and traffic and pedestrian interconnections throughout this district are strongly encouraged.”
- There are three properties subject to the proposed rezoning; two of which contain vacant buildings and one that is a furniture store, which is also permitted in the CC zoning district.
- There are areas on the Island that have been designated as high intensity commercial development and redevelopment areas, and the Mathews Drive area is one of them because the infrastructure was put in place to support such impacts.
- The properties across Mathews Drive and several other areas along Mathews Drive are currently zoned CC.

**Conclusions of Law:**

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

### Summary of Facts and Conclusions of Law:

**Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):**

**Findings of Facts:**

- **LMO Section 16-4-218** describes the purpose of the existing IL zoning district as being: “established to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This district also provides for certain instructional and theatrical uses with similar space requirements.”
- There are three properties subject to the proposed rezoning; two of which contain vacant buildings and one that is a furniture store, which is permitted in the IL zoning district.
- Light industrial uses typically require larger pieces of land to support the larger buildings, outdoor storage areas, etc needed for such uses.
Conclusion of Law:

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

Summary of Facts and Conclusions of Law:

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

Finding of Fact:

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

Conclusion of Law:

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

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

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

Conclusion of Law:

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

LMO Official Determination

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

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

ND
Nicole Dixon, CFM
Senior Planner

DATE
May 16, 2012

REVIEWED BY:

TBL
Teri B. Lewis, AICP
LMO Official

DATE
May 16, 2012

REVIEWED BY:

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

DATE
May 16, 2012

ATTACHMENTS:

A) Vicinity Map
B) Vicinity Map with Zoning
C) Use Table
D) Applicant’s Narrative
E) Boundary Survey
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

Proposed Rezoning - Properties Highlighted in Red

Town of Hilton Head Island
ZMA120005 - ATTACHMENT A
Vicinity Map

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.
Parcels to be Rezoned to CC are Outlined in Red
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<thead>
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<th>CC</th>
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<td>Other Water Oriented Uses</td>
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April 20, 2012

Community Development Department
One Town Center Court
Hilton Head Island SC 29928

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

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

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

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

C. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment. The property has recently been a furniture store which is an allowable use under CC and would be suitable and consistent with the adjacent furniture store.

D. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment.
The property at 120 Mathews Drive is a 6,000 + square foot building that was a furniture store.
The property on 7 Shrimp Lane is a 3000 Square foot building that will be taken down to make room for parking. And reduce congestion on Shrimp Lane.
The property on 118 Mathews Drive is a 6,000 + square foot furniture store.

E. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment.
There is currently a contract with a major auto parts store which would keep this from becoming another dark building on Hilton Head. In addition to being a benefit to the population on the Island it would improve property values and employ some 16 new employees.

F. Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use.
Documentation attached from Hilton Head Public Service District. The area has been developed for a number of years and storm water drainage is in and adequate. Water and sewer are available to the site.
See attached.