

**TOWN OF HILTON HEAD ISLAND**  
**Planning Commission**  
**Minutes of the June 6, 2018 – 9:00 a.m. Meeting**  
**Benjamin M. Racusin Council Chambers**

Commissioners Present: Chairman Alex Brown, Vice Chairman Peter Kristian, Glenn Stanford, Bryan Hughes, Barry Taylor, Caroline McVitty

Commissioners Excused: Judd Carstens, Lavon Stevens, Todd Theodore

Town Council Present: None

Town Staff Present: Nicole Dixon, Development Review Administrator; Joheida Fister, Fire Marshal; Brian Hulbert, Staff Attorney; Teri Lewis, LMO Official; Jennifer Ray, Planning & Special Projects Manager; Taylor Ladd, Senior Planner; Anne Cyran, Senior Planner; Teresa Haley, Senior Administrative Assistant

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**1. Call to Order**

Chairman Brown called the meeting to order at 9:01 a.m.

**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**

The Planning Commission approved the agenda as submitted by general consent.

**6. Approval of Minutes – Meeting of May 16, 2018**

Commissioner Stanford moved to approve the minutes of the May 16, 2018 meeting as submitted. Vice Chairman Kristian seconded. The motion passed unanimously.

**7. Appearance by Citizens on Items Unrelated to Today's Agenda – None**

**8. Unfinished Business – None**

**9. New Business**

a) **Public Hearing**

**ZA-001111-2018** – Request from Janet Spangenberg, Trustee, to rezone Florence Graham Island (north of Old House Creek Drive) from CON (Conservation) to RSF-3 (Residential Single-Family-3). The property is not addressed. It is further identified as Beaufort County Tax Map 10, Parcel 362. The effect of this rezoning will be to increase the density and to increase the number of allowable uses.

Ms. Ladd presented the application described in the Staff Report as provided in the Commission's packet. Ms. Ladd noted the subject property was assigned CON in 1998, not in 1996 as stated on page 2 of the Staff Report. After reviewing the criteria required for the application as set forth by the Town's Land Management Ordinance (LMO), Staff found it to meet only three of the nine criteria. Staff recommends the Planning Commission find the application inconsistent with the Town's Comprehensive Plan and to not 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 in the Staff Report. Staff recommends that the Planning Commission recommend **denial** of the application to Town Council.

Chairman Brown asked the Commission for comments. The Commission discussed and made various inquiries regarding the application. The Commission asked how the property was given CON designation and what the property was zoned prior to 1998. In the 1998 Official Zoning Map, the property was assigned to the CON district due to the property's natural state and location within the environmentally sensitive tidal marsh system in Old House Creek. The property remained in the CON district when the current zoning map was adopted in 2014. Prior to 1998, Staff believes the property was held under OCRM King's grant. The Commission asked what can be done to property with CON designation. The CON district allows three uses as defined in the LMO: boat ramps; docking facilities; and marinas. The LMO specifies that boat ramps, docking facilities, and marinas in the CON district shall be associated with an approved use in the adjacent zoning district. Since the subject property can only be accessed by boat and the property owners do not own property adjacent to it, they are precluded from developing the island. In order to develop the island with docking facilities and a "modest fish camp" as proposed, the property would need to be rezoned. The Commission inquired about the zoning of the nearby properties. Adjacent and to the west are three other islands. Simmons Island is zoned CON and undeveloped. Sunset Island is zoned CON and was developed with conditions around 2013 with boardwalk access from the nearest adjacent single family property, a dock, and an open air pavilion. Old House Cay Islands, zoned RSF-3, consists of one larger island and two smaller islands. The Commission asked for clarification on the Old House Cay Islands. Old House Cay has always been a residential district. Staff believes a structure was already in place at the time the official zoning map was adopted in 1986, and therefore, it was assigned a residential district early on.

The Commission indicated the timeline suggests the zoning designations followed the Town's incorporation. The Commission asked how the property shows on the County tax records. The applicant will provide that response. The Commission asked if there is anything that would preclude the owner from getting an easement from adjoining property owners. Staff is not aware of anything.

Ms. Ladd then presented an in depth review of the criteria and Staff findings. Chairman Brown thanked Ms. Ladd for her presentation and then asked the applicant to come forward with their presentation.

Lauren Williams, on behalf of the applicant, presented the application and answered questions asked by the Commission.

The Commission confirmed with Ms. Williams the subject property was zoned CON at the time the applicant purchased it in 2004. Ms. Williams indicated the property is currently valued at \$53,000 per the County tax office. The annual property taxes are currently \$10.95.

The Commission made additional inquiries. The Commission asked about the lack of utilities and accessibility and how that impacts the Town's Fire Rescue. Currently and proposed, access to the subject property is by boat. Fire Rescue has no capability to immediately access the subject property via boat. No utilities are available other than electric, which can be installed with required permits and easements. Fire Rescue would coordinate with other local agencies to respond as timely as possible to emergency incidents at this location based on current capabilities and resources. Staff indicated the applicant is well aware the Town cannot get resources to them and the applicant accepts sole liability. The Commission asked about the possibility of placing covenants or restrictions on the property as suggested by the applicant. Staff indicated they would have to research this. The Commission asked if the applicant has any ownership interests in the adjacent area. The applicant does not have any ownership interests in the adjacent area, but owns a home in Port Royal Plantation. The Commission inquired about the property's chain of ownership. At some point in time the property was purchased at a tax sale, but not by the applicant. The applicant purchased the property in 2004 for \$25,000. The Commission asked if the applicant has any other plans for the property at this point in time. The applicant indicated no, only the fish camp. The Commission asked if the property is currently for sale. The applicant stated yes, the property is currently for sale with Charter One Realty.

The Commission expressed concern about the intent of the property owners. The property owners indicated they want to build a fish camp for their personal use, however, the property is for sale. The Commission asked if the owners' intent is to change the zoning to enhance the value of the property for its sale. The applicant indicated the property was listed for sale prior to the idea of building a fish camp and applying for a rezoning.

Chairman Brown asked the applicants if they would like to approach and make any statements. George Brouillard indicated he and his wife, Janet Spangenberg-Brouillard, have a pontoon boat and would like to use it to reach the island.

Chairman Brown opened the meeting for public comments. Two members of the public spoke regarding: safety concerns for habitation; that the subject property was entirely flooded by Hurricanes Matthew and Irma; that the property title is by quitclaim deed; how long of a dock would be allowed to connect the island to an adjacent property; and what the listing price is for the property. The subject property is listed for sale for \$45,000.

The Commission expressed sympathy for the applicant's dilemma to own property that cannot be used. The Commission also stated the applicant purchased the property in 2004 with the CON designation and it would behoove of them prior to any purchase to find out the allowed uses. The Commission reiterated concern for the intention of the property owner, as it appears to be for financial gain rather than personal enjoyment. Chairman Brown noted the Town has purchased property for conservation purposes in the past and asked if the Town could provide the applicant with some options. Staff indicated the property owners would need to send a letter to the Town Manager specifying their interest in selling the property to the Town.

Commissioner Stanford moved that the Planning Commission recommend to the Town Council **denial** of the application based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed in the Staff Report. Vice Chairman Kristian seconded.

Commissioner McVitty moved to amend the motion to include the additional Finding of Fact that the property is currently for sale, which possibly reflects a different intent for the property. Mr. Taylor seconded the amended motion.

Staff indicated Findings of Facts and Conclusions of Law must be specified based on LMO criteria. The Commission discussed the amended motion and came to the conclusion that the amended Finding of Fact does not meet any of the criteria. Therefore, the Commission requested that specific comments discussed today are included in their recommendation to Town Council.

Chairman Brown called for a vote on the amended motion. The amended motion failed unanimously with a vote of 0-6-0.

The Commission requested the following comments be included with their recommendation to Town Council for denial of the application:

1. As the subject property is currently listed for sale, the Commission questions the motive of the current property owners, who claim they want to develop the property as a "modest fish camp" for their own use.
2. If the rezoning is not approved, and therefore the property cannot be developed, the property owner could request that the Town consider purchasing this property as part of their land acquisition program.

Chairman Brown called for a vote of the original motion. The motion passed unanimously with a vote of 6-0-0.

- b) Election of Officers to serve the July 1, 2018 to June 30, 2019 term.

Vice Chairman Kristian reported the Nominating Committee unanimously recommended to reappoint Alex Brown as Chairman of the Planning Commission to serve the July 1, 2018 to June 30, 2019 term.

Vice Chairman Kristian moved to approve. Commissioner Stanford seconded. The motion passed with a vote of 5-0-1. Chairman Brown abstained.

Vice Chairman Kristian reported the Nominating Committee unanimously recommended to reappoint Teresa Haley as Secretary. Vice Chairman Kristian moved to approve. Commissioner Stanford seconded. The motion passed with a vote of 6-0-0.

Vice Chairman Kristian reported Commissioner Carstens expressed a desire to be considered for the position of Vice Chairman of the Planning Commission. The Nominating Committee recommended Peter Kristian and Judd Carstens as nominees for Vice Chairman with a vote of 2-0-1. Mr. Kristian abstained from the vote.

Commissioner Stanford moved to approve Peter Kristian as Vice Chairman. Commissioner McVitty seconded. The motion passed with a vote of 5-0-1. Mr. Kristian abstained from the vote.

Chairman Brown thanked the Commission for their recommendation and stated he is honored to be the Chair of the Commission.

**10. Commission Business** – None

**11. Chairman’s Report** – None

**12. Committee Report** – None

**13. Staff Report**

Ms. Cyran indicated there are no agenda items for the June 20<sup>th</sup> meeting, except for the Crystal Awards ceremony for departing Commissioners Hughes and Taylor. Ms. Cyran then suggested options to proceed. The Commission was in general agreement to cancel the June 20<sup>th</sup> meeting and schedule the Crystal Awards ceremony for the July 18<sup>th</sup> meeting. Additionally, the two new Commissioners will be sworn in at the July 18<sup>th</sup> meeting.

**14. Adjournment**

The meeting was adjourned at 10:24 a.m.

Submitted by: Teresa Haley, Secretary

Approved: July 18, 2018

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Alex Brown, Chairman