



**Town of Hilton Head Island  
Planning & Development Standards Committee  
Regular Meeting  
Wednesday, January 8, 2014 at 3:00 p.m.  
*(Please note revised meeting date)*  
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 December 5, 2013
- 4. Unfinished Business**  
None
- 5. New Business**
  - a. ZMA130008: A request from Tim Wright proposing to amend the Official Zoning Map by changing the zoning designation of parcels from the IL (Light Industrial) Zoning District to the RM-4 (Low Density Residential) Zoning District. The parcels affected are identified as 147B, 0440, 0438 and 0147 on Beaufort County Tax Map 7.  
*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 Thursday, December 5, 2013 Meeting**  
**3:00p.m. – Benjamin M. Racusin Council Chambers**

**DRAFT**

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

Committee Members Absent: None

Council Members Present: Kim Likins, *Alternate*

Town Staff Present: Jayme Lopko, Senior Planner  
Teri Lewis, LMO Official  
Kathleen Carlin, Administrative Assistant

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**1. Call to Order**

Chairman McCann called the meeting to order at 3:10p.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. Harkins made a **motion to approve** the November 6, 2013 meeting minutes as presented. Mr. Williams **seconded** the motion and the motion **passed** with a vote of 3-0-0.

**4. Unfinished Business**

None

**5. New Business**

**ZMA130006:** A request from Walter J. Nester, III on behalf of Main Street Inn, LLC proposing to amend the Official Zoning Map by amending the Hilton Head Plantation Master Plan to add Medical and Behavioral Health Services as a permitted use on property located at 2200 Main Street. The property is further identified on Beaufort County Tax Map 7B as Parcel 19. Chairman McCann introduced the application and requested that staff make their presentation.

Mrs. Jayme Lopko made the presentation on behalf of staff. The staff recommended that the Planning and Development Standards Committee find this application to be consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the LMO, based on the Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed in the staff's report. Mrs. Lopko presented an in-depth overhead review of the application including a review of the vicinity map and the zoning map.

Main Street Inn was rezoned in 1998 to make the use conforming to the actual use of the property. It did not meet the definition of a bed and breakfast inn so it was rezoned to a 34 room motel and 1200 square foot restaurant limited to 67 seats. This application proposes to add medical and behavioral

health services as a permitted use on the property. Medical and behavioral health services would allow a facility to provide clinical services including diagnosis, treatment and rehabilitation for medical and behavioral conditions, but excluding incarceration or post incarceration patient services. This use would not be considered a medical office because it would include overnight accommodations. The permitted density on the property would be a 34 room motel with a 1200 square foot restaurant (up to 67 seats) or a 14,696 square foot medical and behavioral health services facility.

Mrs. Lopko stated that the Planning Commission met on November 20, 2013 to review the application and voted 7-0-0 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. Following the staff's presentation, Chairman McCann requested that the applicant make his presentation.

Walter Nester, Esq., McNair Law Firm, made the presentation on behalf of his client. The applicant stated that they believe the application is consistent with the Comprehensive Plan and meets the criteria for a zoning map amendment. Mr. Nester presented statements in response to the potential concerns of local businesses in the area. Chairman McCann, Mr. Harkins and the applicant discussed the intent of the business. Following the applicant's presentation, Chairman McCann requested public comments and the following were received: (1) Mr. Brian Bambeck, business owner of Mangiamo's; (2) Mr. Sean Peck, General Manager of Quality Inn & Suites; and (3) Ms. Michelle Childers, also with Quality Inn & Suites, all presented statements in concern of the application's potential negative impact on their businesses.

Following the receipt of public comments, the committee discussed the application. All of the committee members stated that they are in favor of approving Application for Zoning Map Amendment, ZMA130006. The proposed business seems to be a good fit for Hilton Head Island. The committee encouraged the applicant to educate the community on the intent and value of this business. Following final comments by the committee, Chairman McCann requested that a motion be made.

Mr. Bill Harkins made a **motion** to forward Application for Zoning Map Amendment, ZMA130006, to Town Council with a recommendation of **approval**. Mr. George Williams **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 4:00p.m.

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:** December 30, 2013  
**SUBJECT:** ZMA130008 – The Reserve on Old House Creek

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**Recommendation:** The Planning Commission will meet on January 8, 2014 at 9:00 AM to review the attached application for Zoning Map Amendment (ZMA130008) and make a recommendation to Town Council. This recommendation will be passed on to the Planning & Development Standards Committee at their 3:00 PM meeting that same day.

Staff recommends the Planning & Development Standards Committee 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.

**Summary:** A request from Tim Wright, the property owner, to amend the Official Zoning Map by changing the zoning designation of four parcels from the IL (Light Industrial) Zoning District to the RM-4 (Low Density Residential) Zoning District. The parcels are further identified on Beaufort County Tax Map 7 as Parcels 147B, 438, 147 and 440. Parcel 147B is owned by the Town of Hilton Head Island.

**Background:** Tim Wright is proposing to combine the subject parcels with adjacent parcels in the RM-4 Zoning District to create a residential development on Old House Creek.

The subject parcels are undeveloped except for a lift station recently constructed on Parcel 147B. Santee Cooper-owned power lines are located on Parcels 438, 147 and 440. Parcel 147 also contains an unimproved access road. The subject parcels are surrounded by parcels in the IL and RM-4 Zoning Districts.

The maximum allowed density, maximum impervious coverage, minimum open space, setbacks and buffers would change as a result of the proposed rezoning. The permitted uses would change from primarily commercial and industrial uses to primarily residential and public and civic uses.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2014-**

**PROPOSED ORDINANCE NO. 2014-03**

**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 REZONING 6.9 ACRES IDENTIFIED AS PARCELS 147B, 438, 147 AND 440 ON BEAUFORT COUNTY TAX MAP 7 FROM IL, LIGHT INDUSTRIAL, TO RM-4, LOW DENSITY RESIDENTIAL, 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 of application ZMA130008, it is in the public interest that the subject 6.9 acre parcels be rezoned from IL (Light Industrial) to RM-4 (Low Density Residential); 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 January 8, 2014, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

**WHEREAS**, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted to recommend to Town Council that the rezoning request be *<MOTION>*, 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 January 8, 2014, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

**WHEREAS**, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted to recommend to Town Council that the rezoning request be *<MOTION>*, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance; 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 6.9 acres identified as parcels 147B, 438, 147 and 440 on Beaufort County Tax Map 7 be rezoned from IL, Light Industrial, to RM-4, Low Density Residential.

**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 \_\_\_\_\_ 2014.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
Drew Laughlin, Mayor

ATTEST:

\_\_\_\_\_  
Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: January 8, 2014  
First Reading: February 4, 2014  
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
ZMA130008	The Reserve on Old House Creek	January 8, 2014

Parcel Data	Owner Parcel 147B	Owner & Applicant Parcels 438, 147 & 440
<p><u>Tax Map ID:</u> Map 7, Parcels 147B, 438, 147 &amp; 440</p> <p><u>Address:</u> 330 Spanish Wells Road and non-addressed parcels</p> <p><u>Parcel 147B:</u> 2.4 acres  <u>Parcel 438:</u> 0.4 acres  <u>Parcel 147:</u> 3.2 acres  <u>Parcel 440:</u> 0.9 acres</p>	Town of Hilton Head Island One Town Center Court Hilton Head Island SC 29928	Tim Wright The Paddocks, LLC PO Box 2210 Bluffton SC 29910
Existing	Proposed	
<p><u>Zoning Districts</u> IL (Light Industrial)</p> <p><u>Applicable Overlay District</u> COR (Corridor Overlay District)</p> <p><u>Maximum Allowed Density</u> 12,000 square feet of Warehouse per acre 10,000 square feet of Other Uses per acre</p> <p><u>Maximum Allowed Height</u> 35 feet</p> <p><u>Maximum Impervious Coverage</u> 65%</p>	<p><u>Zoning Districts</u> RM-4 (Low Density Residential)</p> <p><u>Applicable Overlay District</u> COR (Corridor Overlay District)</p> <p><u>Maximum Allowed Density</u> 4 Residential Density Units per acre 6,000 Nonresidential square feet per acre</p> <p><u>Maximum Allowed Height</u> 35 feet</p> <p><u>Maximum Impervious Coverage</u> 35%</p>	

<u>Minimum Open Space</u> 25%  <u>By Right and Conditional Uses (Attachment D)</u>	<u>Minimum Open Space</u> 65% up to 4 Density Units per acre 55% over 4 Density Units per acre 55% nonresidential  <u>By Right and Conditional Uses (Attachment D)</u>
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**Application Summary**

This application is a request from Tim Wright, the property owner, to amend the Official Zoning Map by changing the zoning designation of four parcels from the IL (Light Industrial) Zoning District to the RM-4 (Low Density Residential) Zoning District. The parcels are further identified as Parcels 147B, 438, 147 & 440 on Beaufort County Tax Map 7.

**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**

Tim Wright is proposing to rezone the subject parcels and combine them with adjacent parcels in the RM-4 Zoning District to create a residential development on Old House Creek.

The Hilton Head Public Service District recently constructed a lift station in the corner of Parcel 147B, but the parcel is otherwise undeveloped. Santee Cooper-owned power lines are located on Parcels 438, 147 and 440. Parcel 147 also contains an unimproved access road.

The maximum allowed density, maximum impervious coverage, minimum open space, setbacks and buffers, and permitted uses would change as a result of the proposed rezoning. The allowed density would change from 12,000 square feet of warehouse or 10,000 square feet of other nonresidential development per acre to 6,000 feet of nonresidential development or four residential density units per acre. The maximum impervious coverage would decrease by about half and the minimum open space would more than double as a result of the rezoning.

The subject parcels are surrounded by parcels in the IL and RM-4 Zoning Districts. The adjacent use setbacks will decrease from 30 feet to 20 feet where the subject parcels are adjacent to parcels in the RM-4 Zoning District. The adjacent use setbacks will increase from 20 feet to 30 feet where the subject parcels are adjacent to parcels in the IL Zoning District. The adjacent use buffers will decrease from 25 feet to 20 feet where the subject parcels are adjacent to parcels in the RM-4 Zoning District. The adjacent use buffers will increase from 20 feet to 25 feet where the subject parcels are adjacent to parcels in the IL Zoning District. The adjacent street setback and buffer will remain the same for parcels with frontage on Spanish Wells Road.

The permitted uses would change considerably as a result of rezoning from IL to RM-4. (See

Attachment D). Permitted uses will change from primarily commercial and industrial uses to primarily residential and public and civic uses.

### **Applicant's Grounds for ZMA**

The applicant states this application would allow for the subject parcels to be combined with adjacent parcels in the RM-4 Zoning District and developed into an approximately 39 lot residential subdivision, which would be a much needed upscale housing project in the Ward I area. Without the combination of the parcels, most of the subject parcels would be too small to be developed and the adjacent parcels on Old House Creek would remain undeveloped due to inadequate street access.

The applicant states the proposed development would be well separated from adjacent light industrial uses by a 50 foot street right of way, adjacent use setbacks and a drainage easement on Parcel 147B.

The applicant states Parcels 438 and 440 are not marketable because they are too small to be developed. Parcel 147 is large, but is too narrow to be developed and therefore it isn't marketable. In addition, all of the parcels are covered by utility easements that allow no permanent structures on the parcels. If these parcels are combined with larger adjacent parcels, they could provide access and a storage area for a proposed residential development.

The applicant states Parcel 147B has questionable marketability due to the 50 foot wide drainage easement running from the front to the back of the parcel and the lift station in the corner of the parcel.

### **Summary of Facts and Conclusions of Law**

#### **Findings of Fact:**

1. Notice of the Application was published in the Island Packet on November 24, 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 January 8, 2014 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:

## **Natural Resources Element**

### **Implication for the Comprehensive Plan – Water Quality and Quantity**

The data collected on the local, regional and national scale suggests that the current development strategies can have a negative impact on water quality. The Town needs to continue to make water quality and quantity a high priority by encouraging water conservation, reducing impervious surfaces, encouraging environmentally sound drainage and flood control practices, as well as sustainably manage stormwater for small and large scale development.

### **Goal 3.3 - Protect Quality of Life through Environmental Preservation**

D. The goal is to preserve open space (including improvement and enhancement of existing).

## **Land Use Element**

### **Goal 8.1 - Existing Land Use**

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

### **Goal 8.4 - Existing Zoning Allocation**

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

### **Goal 8.5 – Land Use Per Capita**

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

### **Goal 8.10 - Zoning Changes**

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

### **Conclusions of Law:**

1. Staff concludes that this application is consistent with the Comprehensive Plan, as described in the Natural Resources and Land Use Elements as set forth in LMO Section 16-3-1505A.
2. The RM-4 zoning district allows less impervious surface and requires more open space in development which will provide more protection of natural resources and water quality measures in any proposed development.
3. This application would add RM-4 parcels to an area mixed with RM-4 and IL zoning. The parcels proposed for rezoning will provide for access to existing RM-4 parcels and enable their development into a subdivision. This will provide single family housing in the area to meet the needs of the population while still maintaining the mixed use character of the neighborhood.

## **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. Surrounding parcels are located in the RM-4 or IL Zoning Districts.
2. The parcels to the north, west and east of the subject parcels that are developed contain single family residences.
3. The parcels directly to the south of the subject parcels are used for storage.
4. The parcels further south of the subject parcels are developed into a light industrial park which contains contractors' offices, auto repair, wholesale sales and a taxicab service.
5. The subject parcels are in an area where properties in the RM-4 Zoning District are adjacent to properties in the IL Zoning District.
6. There are no nonconforming uses on the subject parcels.

**Conclusions of Law:**

1. Staff concludes that the subject parcels are compatible with the present zoning, the conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B.
2. The subject parcels are surrounded on three sides by parcels in the RM-4 Zoning District and the rezoning will make the subject parcels more compatible with the surrounding residential uses.
3. Any existing incompatibility between parcels in the RM-4 and IL Zoning Districts will not be increased because the parcels in the IL Zoning District with existing industrial uses will remain adjacent to parcels in the RM-4 Zoning District.
4. Since there are no nonconforming uses on the subject parcels, the proposed rezoning will not affect the parcels' compliance with the Land Management Ordinance.

**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 uses permitted in the RM-4 Zoning District are generally residential and public/civic uses. Minor utilities are also permitted.
2. Parcel 147B is an undeveloped, 2.4 acre site with frontage on Spanish Wells Road.
3. Parcels 438 and 440 are both less than one acre in size and lack direct access to an improved street.
4. Parcel 147 is 3.2 acres but it is very narrow.

**Conclusions of Law:**

1. Staff concludes that the subject parcels are suitable for the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C.
2. Parcel 147B could support residential or public/civic development due to its size and access to a minor arterial.
3. Parcels 438 and 440 lack direct access to an improved street. Parcels 438 and 440 are too small and Parcel 147 is oddly shaped to develop on their own, but if they are combined with larger adjacent parcels, they could be developed for residential and public/civic 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 subject parcels are in the IL Zoning District.
2. Permitted uses in the IL Zoning District are primarily commercial and industrial uses. Minor utilities are also a permitted use.
3. Though undeveloped apart from a lift station, Parcel 147B has frontage on Spanish Wells Road and is about the same size as adjacent parcels developed for light industrial uses.
4. Parcel 438 is too small to be developed for any use other than the minor utility it contains and it lacks direct access to an improved street.
5. Parcel 147 is too narrow to be developed for any use other than the road and minor utility it contains.
6. Parcel 440 is too small to be developed for most light industrial uses and it lacks direct access to an improved street.

**Conclusions of Law:**

1. Staff concludes that Parcel 147B is suitable for the uses permitted in the IL Zoning District as set forth in LMO Section 16-3-1505D because it is large enough to reasonably develop for many of the uses in the IL Zoning District.
2. Staff concludes that Parcels 438, 147 and 440 are not suitable for the uses permitted in the IL Zoning District as set forth in LMO Section 16-3-1505D because they are too small or oddly shaped to reasonably develop for most uses in the IL Zoning District. Parcels 438 and 440 also lack direct access to an improved street.

**Summary of Facts and Conclusions of Law**

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

**Findings of Fact:**

1. Parcel 147B is an undeveloped 2.4 acre site with frontage on Spanish Wells Road.
2. Parcels 438 and 440 are developed with minor utilities, are less than one acre in size and lack direct access to an improved street.
3. Parcel 147 is developed with a minor utility, and is 3.2 acres in size but is very narrow.

**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 marketability of Parcel 147B could be affected by the proposed rezoning.
3. Based on the size and accessibility to Parcels 438, 147 and 440, they cannot be reasonably developed for industrial uses, and therefore the proposed rezoning would increase their marketability.

**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.

2. When the parcels are developed, 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 application review.
3. When the parcels are developed, the Town's engineering staff would confirm as part of the application review that the site would be able to meet the LMO's stormwater performance standards.

**Conclusion of Law:**

1. Staff concludes that the property has adequate access to water and sewer facilities and will be required to have 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*

December 12, 2013

\_\_\_\_\_  
 DATE

**REVIEWED BY:**

TL

\_\_\_\_\_  
 Teri B. Lewis, AICP  
*LMO Official*

December 16, 2013

\_\_\_\_\_  
 DATE

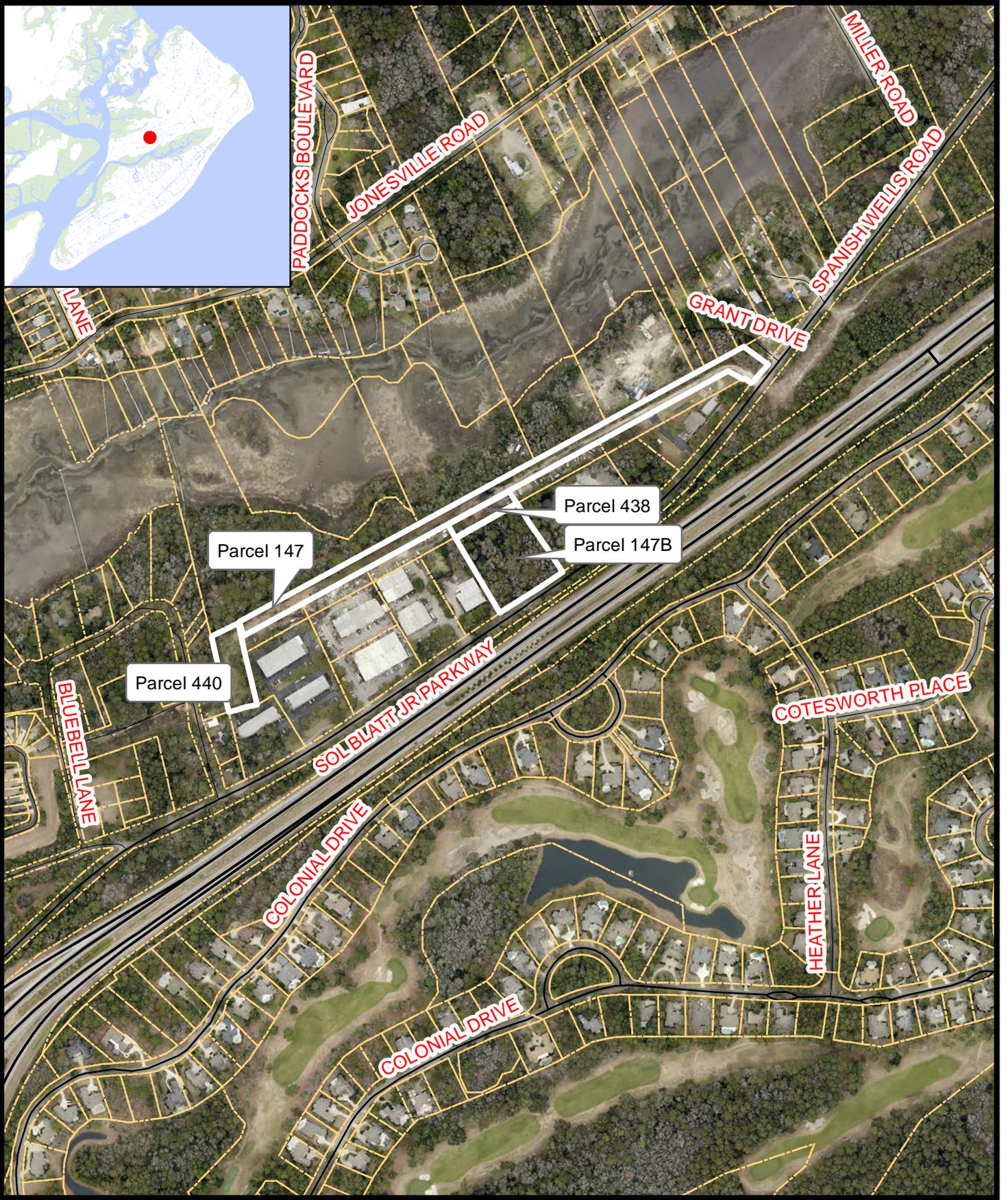
**REVIEWED BY:**

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

\_\_\_\_\_  
 DATE

**Attachments:**

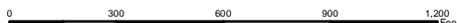
- A) Aerial Photo
- B) Zoning Map
- C) Applicant's Narrative
- D) By Right and Conditional Uses



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

The Reserve at Old House Creek  
 ZMA130008

Attachment A - Aerial Photo



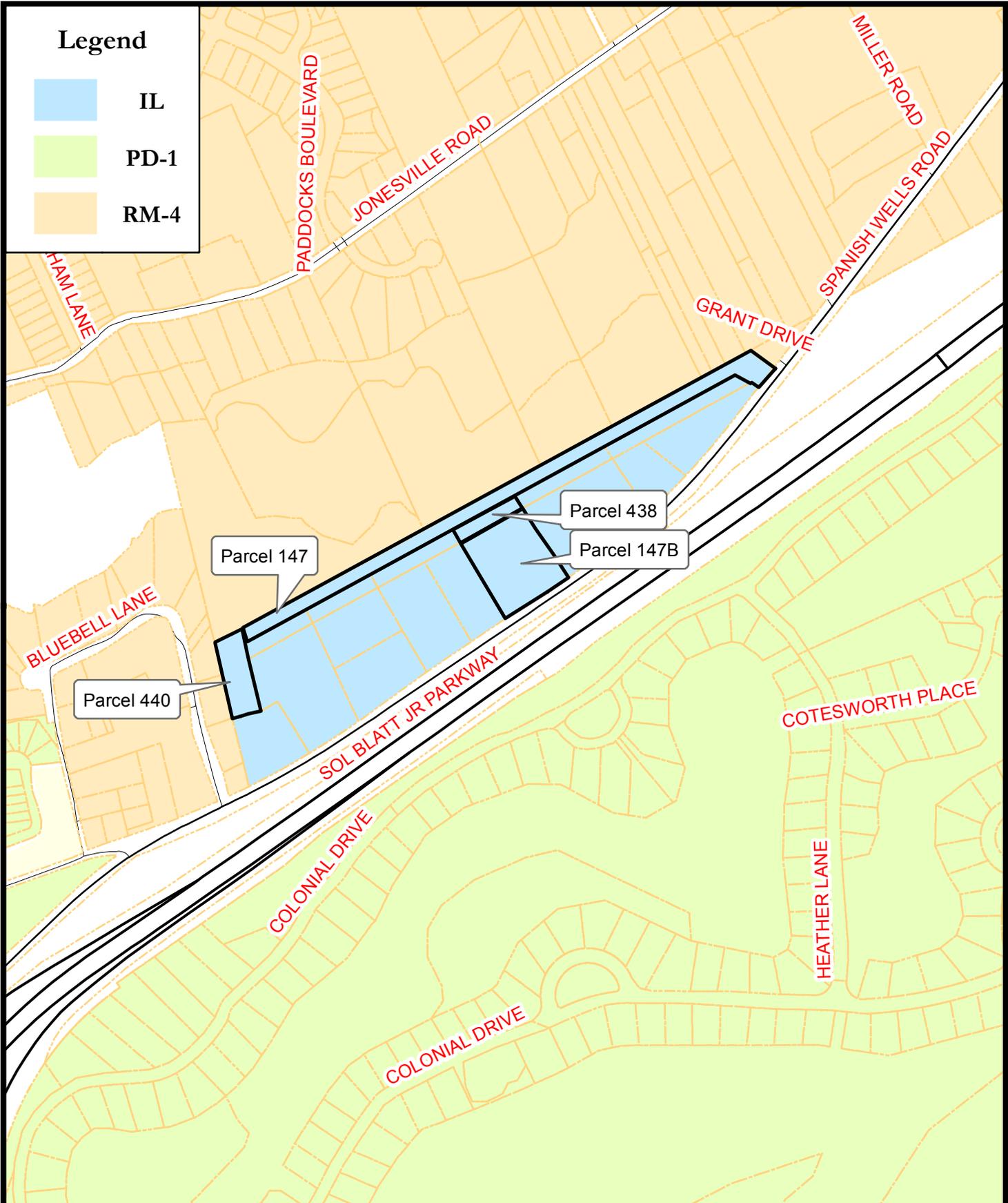
1 inch = 535 feet



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.

**Legend**

- IL
- PD-1
- RM-4



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

The Reserve at Old House Creek  
 ZMA130008  
 Attachment B - Zoning Map



1 inch = 535 feet



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.

## Paddocks, LLC

P.O. Box 2210- Bluffton, SC 29910 / 843.645.4446 / TW81551@aol.com

Re: Re-Zoning Request for Parcel(s) R510 007 000 0438, R510 007 000 0147 & R510 007 000 ~~0098~~ <sup>0440</sup>

In making recommendation regarding amendments to the zoning map, the commission shall consider and make findings on the following matters regarding the proposed amendment:

- A. By allowing rezoning from OCIL(Office/ Light Commercial) to RM-4 of the above referenced parcel(s), it will allow a proposed 50' 'right-of-way' street to the proposed 39+/- lot 'single family' development. This will allow a much needed upscale housing project in the Ward I area.
- B. The proposed street will not interfere with the existing Spanish Wells Commercial Park. A 65' buffer will exist between the eastern street 'right-of-way' and the rear boundary line of the Commercial Park. The proposed subdivision will have a 20' setback tree buffer from edge of power line and a 50' street 'right-of-way'. This will create a 135' +/- separation from the western rear boundary of the Commercial Park, and future homes in the proposed 'single family' development.
- C. A dirt/gravel road exists in this 50' western section of 50' by 1,215' section of the power line 'right-of-way', which was allowed Central Electric Coop on May 13th, 1996 to Jarvis Creek, LLC, now named Paddocks, LLC.
- D. Streets and drives are the only permitted uses for this area.
- E. The marketability of the property is "zero". The restriction of the power line 'right-of-way' limits to no permanent structures allowed in 'right-of-way' only temporary equipment storage and roadways.
- F. Water and sewer is available for this area.

## **Paddocks, LLC**

**P.O. Box 2210- Bluffton, SC 29910 / 843.645.4446 / TW81551@aol.com**

Re: Rezoning Request for R510 007 000 0147B (2.40 acre parcel- Spanish Wells Road)

In making recommendations regarding amendments to the zoning map, the commission shall consider and make findings on the following matters regarding the proposed amendment:

A. By rezoning this 2.40 acre parcel from the present OCIL(Office/ Light Commercial) to the RM-4 will help create a much needed housing development in this section of Ward I.

B. Housing should not interfere with the existing commercial business park, and trailer park on the Blue Bell Lane.

The required 40' setback for OCIL to RM-4 will present a large undisturbed buffer between future homes and 'right-of-way' street.

C. The property consists of a total acreage of 2.40 acres. The proposed use of this property to be developed as 0.93 acre(s) designated to open space, 0.82 acre(s) proposed 'single family' lots, 0.40 acre(s) designated for street 'right-of-way', and 0.06 acre(s) for the existing Hilton Head Public Service District Lift Station. This will leave 0.25 acre(s) to construct a proposed 30' drainage easement.

D. This property has a natural drainage swale, which at one time allowed drainage from Spanish Wells Road through property to the marsh at Old House Creek.

The state highway department in 1995, installed three 36" RCP - in place of the old 18" RCP- under Spanish Wells Road to allow for future drainage from the Cross Island Parkway through this parcel to the marsh at Old House Creek.

In 1996, the state highway department re-routed the drainage through another area of the parkway. As the developer of this tract, A 30' drainage easement will be created from existing 36" pipes through this tract - as well as Parcels R510 007 000 0438 & R510 007 000 0147(owned by Paddocks, LLC)- and on to the marsh at Old House Creek, for future Town of HHI drainage projects. This area needed for the 30' drainage easement, and it's location thru this parcel as well as the existing PSD lift station would limit the area needed for parking and buildings area- with the required setback requirements.

E. Marketability of this property would be very questionable, with the 30' drainage easement along with the existing HHPD lift station.

F. Water and Sewer is available for this area.

**ZMA130008, The Reserve on Old House Creek  
Attachment D – By Right and Conditional Use Table**

Blank = Not Permitted   P = Permitted By Right   SE = Permitted by Special Exception  
PC = Permitted with Conditions

Use	IL	RM-4
<b>Residential Uses</b>		
Group Living		PC
<b>Household Living</b>		
Single Family		P
Multifamily Residential		P
Manufactured Housing Park		PC
<b>Public and Civic Uses</b>		
Aviation/Surface Passenger Terminal	SE	
<b>Educational Facilities</b>		
Schools, Public or Private		SE
Government Facilities	P	PC
<b>Institutions</b>		
Religious Institutions	PC	PC
Other Institutions		SE
<b>Parks and Open Space</b>		
Cemetery		P
Park, Community		SE
Park, Linear		P
Park, Mini		P
Park, Neighborhood		P
Park, Special Use		P
<b>Utilities</b>		
Major Utility	P	SE
Minor Utility	P	P
Telecommunications Facility	PC	PC
Waste Treatment Plant	SE	SE
<b>Commercial Uses</b>		
<b>Eating Establishments</b>		
With Seating, High Turnover	PC	
Without Seating	P	

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Use	IL	RM-4
<b>Commercial Uses</b>		
<b>Resort Accommodation</b>		
Bed and Breakfast Inn		SE
Inn		SE
<b>Retail Sales and Service</b>		
Community Theater	PC	
Dance Studio	PC	
Funeral Home	P	
Furniture Store	P	
Hardware, Paint, Glass, Wallpaper or Flooring Store	P	
Kennel, Boarding	P	
Landscape Nursery	P	
Veterinary Hospital	P	
Watercraft Sales, Rental or Service	P	
<b>Vehicle Sales and Services</b>		
Auto Rental	P	
Auto Repair	P	
Auto Sales	PC	
Car Wash	P	
Taxicab Service	P	
Towing Service	P	
Truck or Trailer Rental	PC	
<b>Industrial Uses</b>		
Aviation Services	PC	
<b>Light Industrial Services</b>		
Contractor's Office	P	
Other Light Industrial Service	P	
<b>Manufacturing and Production</b>		
Other Manufacturing and Production	P	

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Use	IL	RM-4
<b>Industrial Uses</b>		
<b>Warehouse and Freight Movement</b>		
Moving and Storage	P	
Self-Service Storage	P	
Warehousing	P	
Waste Related Service	P	
<b>Wholesale Sales</b>		
Contractor's Materials	P	
Wholesale Business	P	
Wholesale Business with Accessory Retail Outlet	PC	
<b>Other Uses</b>		
Agriculture		P