



Town of Hilton Head Island

Board of Zoning Appeals Meeting

Monday, November 24, 2025, 2:30 PM

1 Town Center Court, Hilton Head Island, SC
Benjamin M. Racusin Council Chambers

1. **Call to Order**
2. **Welcome and Introduction to Board Procedures**
3. **Adoption of the Agenda**
4. **Approval of the Minutes**
 - a. Regular Meeting Minutes of September 29, 2025
5. **Unfinished Business**
6. **New Business**
 - a. **Public Hearing**

APL-000861-2025 - 1014 WHP, LLC is appealing the LMO Official's written interpretation dated August 12, 2025, regarding whether the proposed facility providing clinically related, outpatient emergency care treatment, outpatient urgent care treatment, and imaging services at 1016 William Hilton Parkway is a permitted use within the LC (Light Commercial) District. The subject property is zoned LC, lies within the Corridor Overlay District, and is also identified as Parcel R552 015 000 0153 0000.
 - b. Adoption of Proposed 2026 Meeting Dates.
7. **Public Comment - Non Agenda Items**
8. **Staff Reports**
9. **Adjournment**

FOIA Compliance: Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Hilton Head Island will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Hilton Head Island ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Municipal Association of South Carolina (MASC) Civility Pledge:

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city or town."



Town of Hilton Head Island BOARD OF ZONING APPEALS MEETING Monday, September 29, 2025, 2:30 PM Minutes

1. Call to Order

Vice Chair Bayless called the meeting to order at 2:30 p.m. In attendance were: Kay Bayless, Peter Kristian, Michael Sackheim, Amy Fee, Robert Johnson and Jeffery Greene.

2. Welcome and Introduction to Board Procedures

Vice Chair Bayless welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

3. Adoption of the Agenda

Vice Chair Bayless asked staff if there were any changes to the Agenda. Melissa Paul-Leto advised there were not. Ms. Bayless advised she wanted to amend the Agenda to add an item under Board Business referring to an issue at our last meeting regarding staff needing to develop a recommendation on how to become assured that there really has been a check on Covenants. Mr. Green seconded. The motion passed unanimously.

4. Approval of the Minutes

a. Regular Meeting Minutes of July 28, 2025

Ms. Fee moved to approve the Minutes of July 28, 2025. Mr. Sackheim seconded. The motion passed unanimously.

5. Unfinished Business

6. New Business

a. Public Hearing

VAR-000830-2025 – Request from Richard Dietrich of The Renovators of SC, on behalf of Andrew and Kimberly Zekany, owners of 77 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1134 0000, for a variance from LMO Section 16-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into each side adjacent use setback angle by approximately one foot and four inches, for a total encroachment of two feet and eight inches.

Melissa Paul-Leto presented the staff report, as included in the meeting packet, regarding a variance request submitted by Richard Dietrich of The Renovators of South Carolina, on behalf of Andrew and Kimberly Zekany, owners of 77 Sandcastle Court. The request sought relief from LMO Section 16-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into the setback angles by approximately one foot and four

inches on both sides, for a total encroachment of two feet and eight inches. Ms. Paul-Leto advised that staff recommended denial of the application based on the Findings of Fact and Conclusions of Law outlined in the staff report.

The Board made comments and inquiries regarding how many of the homes adhere to the setback requirement; they are still able to build the home, they just have to angle it and make it a little smaller; homes in the past have been approved but we are now being more observant of the LMO and notice the decline of the Island character within the subdivision. We want to make sure that it does conform with the LMO.

Following staff's presentation and questions from the Board, Vice-Chair Bayless asked the applicant to make a presentation. Mr. Richard Dietrich stated they have seven homes in there, all of which were not required to do the setback angle, and they are trying to come up with a way to make this work for my clients. We feel that, because there have been so many of them that have already been approved, seven of which were ours, three of which were approved by the Board, that we'd like to just finish up the remaining three and move on. I understand we have to do each one individually.

The Board asked several questions of Mr. Dietrich, including whether the owners will be living in the home or whether it will be a rental property; and if the application is denied will he still be able to build the home?

Vice-Chair Bayless asked for public comment. Mr. Chester Williams stated that requiring this home to meet that setback angle makes it the odd man out there. This one will look different from everything else, and I believe that in itself creates an exceptional condition, and it imposes an unreasonable restriction on the property.

Following discussion by the Board, Vice-Chair Bayless asked for a motion. Mr. Kristian moved to deny the application based on the Findings of Fact and Conclusions of Law as included in the staff report. Ms. Fee seconded. The motion was approved by a vote of 5-1. Mr. Greene was opposed.

7. Public Comment - Non Agenda Items

Ms. Ellen Whaley spoke regarding recent and forthcoming changes to the Land Management Ordinance (LMO.) She emphasized that variances should be granted only in cases of unique hardships, such as issues related to the shape of a property. Ms. Whaley expressed the importance of the LMO in defining the character of neighborhoods and stressed the need for improved communication from the Town, its management team, and Town Council regarding LMO requirements. She stated that builders and developers should clearly understand and convey the direction and changes of the LMO to property owners. Additionally, she encouraged the Board of Zoning Appeals to actively participate in sharing information about LMO updates and their significance to the community.

8. Board Business

Ms. Bayless reported that Town Council has passed a Resolution to update the Land Management Ordinance (LMO) and has appointed a Task Force for this purpose. She noted

that the LMO is currently undergoing an extensive amendment process and stated it was appropriate for the Board to address the matter.

Ms. Bayless moved that the Board of Zoning Appeals request staff to research and prepare suggested methods to ensure that contractors, architects, residential designers, and landowners are fully informed of all restrictions and covenants applicable to a parcel for which a building permit is sought. She further requested that staff recommendations include potential actions by other Town Boards as well as any LMO amendments that may warrant discussion. Mr. Green seconded the motion. Following discussion, which included the need to consult the Town Attorney, the motion was unanimously approved.

9. Staff Reports

a. Update on LMO Priority Amendments

The update on the LMO Priority Amendments will be given at the next scheduled meeting.

10. Adjournment

The meeting adjourned at 4:00 pm

APPROVED: _____



TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT

| | | | |
|-----------------------|------------------------------|--------------|------------------|
| One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908 |
|-----------------------|------------------------------|--------------|------------------|

STAFF REPORT APPEAL

| Case #: | Public Hearing Date: |
|-----------------|----------------------|
| APL-000861-2025 | November 24, 2025 |

| Parcel or Location Data: | Property Owner | Appellant |
|---|--|--|
| 1016 William Hilton Parkway Parcel#: R552 015 000 0153 0000 Zone: Light Commercial (LC) and is within the Corridor Overlay. | Beaufort County Memorial Hospital 955 Ribaut Road Beaufort, SC 29902 | 1014 WHP, LLC 1014 William Hilton Parkway Hilton Head Island, SC 29928 |

Definitions

Only for purposes of this Staff Report, the terms included in this section shall be defined as follows:

1. **Appellant** or **Applicant** means “1014 WHP, LLC”, and representatives of 1014 WHP, LLC - David and Sharon Lomasney.
2. **BZA** means the Town of Hilton Head Island’s Board of Zoning Appeals
3. **BMH Facility** means the proposed Beaufort Memorial Hospital emergency and urgent-care facility located on the Property.
4. **LMO** means the Town of Hilton Head Island’s Land Management Ordinance.
5. **Official** means the individual designated by the Town Manager as the person who administers and enforces the LMO; see LMO Sec. 16-10-105 Appendix A.
6. **Property** means the real property located at 1016 William Hilton Parkway with Tax Map No. R552 015 000 0153 0000
7. **FWI Letter** means the Official’s Formal Written Interpretation dated August 12, 2025, and provided pursuant to LMO Section 16-2-103.R; **See Attachment A.**
8. **Town** means the Town of Hilton Head Island.

Application Summary:

Application APL-000861-2025 is an appeal submitted by the Appellant. The Appellant is challenging the FWI Letter regarding the Property and disputes the determination provided in the FWI Letter concerning the classification of the BMH Facility.

The Property is zoned Light Commercial (LC) and lies within the Corridor Overlay District. Pursuant to LMO Sec. 16-2-103.T, appeals of written interpretations are reviewed by the BZA to determine whether the Official erred in applying or interpreting the provisions of the Ordinance.

Appellant “requests that the Board of Zoning Appeals find that the planned usage of the subject property permitted in the use in the Light Commercial District of the LMO and that the Board, as a result, reverse the interpretation in whole in accordance with and pursuant to LMO Sec. 16-2-103.T.4.d.i.03.”

Applicant’s Request Summary:

Appellant requests that the BZA overturn the FWI Letter, contending that the Official erred by determining that the BMH Facility is a permitted use in the LC District. Specifically, the Appellant asks the BZA to “reverse the interpretation in whole”.

Background:

On July 15, 2025, the Applicant submitted a written request to the Town seeking a FWI from the Official pursuant to LMO Sec. 16-2-103.R. The request pertained to the zoning classification and allowable uses for the Property (*See Attachment A*).

The Applicant requested that the Town interpret:

1. The scope and meaning of the term “medical clinics” as used in the LMO and its applicability to, or differentiation from, the planned usage of the Property; and
2. Whether the planned usage of the Property as an emergency room/urgent care center with ambulance services comports with the purpose of the Light Commercial (LC) District and the definition and intent of “Other Health Services.”

The FWI Letter first addressed the Applicant’s request regarding the meaning of “*medical clinics*”. The LMO does not define this term. Pursuant to LMO Sec. 16-10-101.K, when a term is not defined in the Ordinance, the Official may use definitions from accepted professional sources to interpret its meaning. The Official used *A Planner’s Dictionary (APA, 2004)*, which defines *medical clinics* as:

1. *A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.*

2. *Offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.*

Based on the above definitions, the Official determined that the proposed BMH Facility- offering outpatient emergency, urgent care, and imaging services without overnight or inpatient care — does not constitute a “medical clinic”. Instead, the BMH Facility’s use aligns more appropriately with the *Other Health Services* classification, defined in LMO Sec. 16-10-103.C.2, as a facility providing clinically related, diagnostic, or treatment services other than a hospital or nursing home.

The FWI Letter confirmed that based on the Town’s Official Zoning District Map, the Property is located within the Light Commercial (LC) District and the Corridor Overlay District due to its proximity to William Hilton Parkway. The FWI Letter also addressed the Applicant’s second question, determining whether the proposed BMH Facility fits the purpose of the LC District and the definition and intent of *Other Health Services*.

In the FWI Letter, the Official summarized the project description as follows:

“Based on information provided by representatives for the redevelopment of the 1016 William Hilton Parkway property, I understand the property will be used for the following purposes:

1. The facility will offer emergency care, urgent care, and imaging services all in one location. The facility will contain approximately 10–12 exam rooms, CT scanner, X-ray, Ultrasound, and lab services on site. The facility will operate 24 hours/day, 365 days/year; and will be staffed by qualified emergency physicians. No patients would stay overnight or have an inpatient status.
2. This facility is outpatient only and primarily provides clinical-related treatment and diagnostic services. It does not operate as a nursing home or hospital and does not offer overnight medical or surgical care.”

The Official then reviewed the use definitions established in the LMO, including Other Health Services, Hospital, Nursing Home, and Other Office Uses, as provided in LMO Sec. 16-10-103.C.2 and 16-10-103.F.2. After applying these definitions, the Official determined:

“Given the uses allowed in the LC District and their definitions, I have determined the proposed use of 1016 William Hilton Parkway as described in this letter is considered *Other Health Services*. While I have made this determination, the use could also be classified as *Other Office Uses*. Both uses are allowable principal uses in the LC District.”

The planned usage question stems from an approved Development Plan Review for the Property (DPR-001523-2024). The Town issued a Notice of Action on May 14, 2025. Under LMO Sec. 16-2-103.T, appeals of staff decisions shall be delivered to the Official within fourteen (14) calendar days of the decision. The appeal period for DPR-001523-2024 expired on May 28, 2025, with no appeal filed.

In a letter dated October 23, 2025 (*See Attachment B*), the Town reiterated that both the DPR and Design Review Board (DRB) approvals remain valid and in full effect:

“Pursuant to LMO Sec. 16-2-103.U (Appeals of Official’s Decisions to the Planning Commission) and the S.C. Code Ann. 6-29-900 (Appeal from board of architectural review to circuit court; pre-litigation mediation; filing requirements), all appeals of staff or board approvals must be filed within fourteen (14) or thirty (30) calendar days, respectively, of the decision being appealed.

| Application/ Request Type | Application Number | Date Received | Date Approved/ Issued | Appeal Deadline |
|--------------------------------------|-------------------------------|----------------------|----------------------------------|----------------------------|
| Development Plan Review (DPR) | DPR-001523-2024 | 11/12/2024 | 05/14/2025 | 05/28/2025 |
| *Major Corridor Review (DRB) - Final | DRB-000295-2025 | 03/26/2025 | 05/06/2025 | 06/05/2025 |
| Written Interpretation Request | N/A | 07/15/2025 | 08/12/2025 | 08/26/2025 |
| Appeal Application | APL-000861-2025 | 08/25/2025 | Pending | Pending |

* Prior to both DPR and DRB approval, this project was heard and reviewed at public meetings for the Design Review Board on 01/14/2025, 02/25/2025, and 04/08/2025.

Both the DPR approval (May 14, 2025) and DRB approval (May 6, 2025) became final upon expiration of the appeal period.

Accordingly, this appeal (APL-000861-2025) concerns only the FWI Letter, not the prior DPR or DRB approvals.

Prior to issuance of the FWI Letter, the zoning and proposed use was reviewed by Town staff — Shawn Colin, then- Assistant Town Manager; Missy Luick, then-Director of Planning; and Shawn Leininger, current Deputy Town Manager — with coordination by Brian Eber, then-Development Services Program Manager; and Trey Lowe, current Development Services Program Manager (*See Attachment C – Town Emails*).

On August 28, 2025, the Appellant filed an appeal under LMO Sec. 16-2-103.T, contending that the Official erred in classifying the proposed BMH Facility as a permitted use in the FWI Letter.

Under LMO Sec. 16-2-103.T.2, any person aggrieved by a decision or written interpretation of the Official may appeal that decision to the BZA. An “aggrieved person” is defined as one who has experienced a special or particularized injury to themselves or their property resulting from the decision or interpretation.

This coordinated determination reflects the Town’s standard administrative process for written interpretations under LMO Sec. 16-2-103.R, ensuring consistency in the application of the ordinance and alignment with the purpose of the LC District.

The Town maintains that the Official’s determination and FWI Letter were accurate and consistent with the LMO.

Staff Conclusion:

Based on the LMO and the full administrative record, the Official correctly determined that the BMH Facility at the Property qualifies as a permitted use under the *Other Health Services* and/or *Other Office Uses* classifications within the Light Commercial (LC) District.

The appeal does not demonstrate that the Official made an error in judgment, applied a standard not found in the Ordinance, nor misapplied any LMO requirement. The Town acted within its authority and followed all procedural requirements established in LMO Sec. 16-2-103.

Applicant’s Grounds for Appeal, Summary of Facts and Conclusions of Law:

Grounds for Appeal:

- Per the application, the Appellant seeks to appeal the FWI Letter, contending that the Official erred in determining that the proposed emergency room/urgent-care facility with ambulance services qualifies as *Other Health Services* and/or *Other Office Uses* permitted in the Light Commercial (LC) District.

Summary of Fact:

- The Appellant submitted a written request for interpretation under LMO Sec. 16-2-103.R on July 15, 2025.
- The Official issued the FWI Letter, concluding the proposed use is a permitted principal use in the LC District.
- The Appellant filed an appeal on August 28, 2025, under LMO 16-2-103.T, asserting that the Official erred in the interpretation.
- The appeal concerns only the FWI Letter and does not challenge the approved Development Plan Review (DPR-001523-2024) or Design Review Board (DRB) approvals, which became final on May 28, 2025, and June 5, 2025, respectively.

Conclusion of Law:

- The Applicant may seek an appeal as set forth in LMO Sec. 16-2-103.T.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- Application was submitted on Aug. 26, 2025, as set forth in LMO Sec. 16-2-102.C and Appendix D-21.

- Notice of the Application was published in the Island Packet on Nov. 9, 2025, as set forth in LMO Sec. 16-2-102.E.2.
- Notice of Application was mailed on Nov. 5, 2025, as set forth in LMO Sec. 16-2-102.E.2.
- The BZA has the authority to render the decision reached here under LMO Sec. 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Sec. 16-2-102.C.
- The application and notice requirements comply with the legal requirements established in LMO Sec. 16-2-102.E.2.

As provided in LMO Sec. 16-2-103.T.5, Board of Zoning Appeals Appeal Review Standards, the Board may modify or reverse a decision or interpretation only on determining that the applicant is an aggrieved person, and making one of the following determinations, which shall be based on evidence in the record:

Summary of Facts and Conclusions of Law:

Criteria 1: The Official made an error in determining whether a requirement of the LMO was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular requirement was or was not met; or (LMO Sec. 16-2-103.T.5.a.i):

Findings of Fact:

- The Property is zoned Light Commercial (LC) and lies within the Corridor Overlay District, as verified by the Town’s Official Zoning District Map.
- The Appellant requested a FWI on July 15, 2025, regarding whether a proposed emergency/urgent care facility with ambulance services qualified as a permitted use in the LC District.
- On August 12, 2025, the Official issued a FWI Letter, concluding the proposed use qualifies as Other Health Services and/or Other Office Uses, both permitted principal uses in the LC District.
- The term “medical clinic” is not defined in the LMO. Pursuant to LMO Sec.16-10-101.K, when a term is undefined, the Official may rely on professional planning resources for interpretation. The Official appropriately referenced *A Planner’s Dictionary (APA, 2004)* to interpret the term.
- Based on this definition and the proposed use characteristics (outpatient services, no overnight stays, no hospital functions), the Official determined the BMH Facility is not a “medical clinic” but rather “Other Health Services” as defined in LMO Sec. 16-10-103.C.2.
- The Official’s interpretation aligns with the purpose statement of the LC District (LMO Sec. 16-3-105.D), which allows community-serving commercial uses at moderate intensities compatible with adjacent development.

Conclusions of Law:

- The record does not show an error in judgment or misreading of facts or regulations. The Official applied accepted interpretive methods under the LMO and relied on credible planning definitions.
- The text of the LMO and consistent administrative precedent support the determination.
- No misinterpretation of facts, plans, or regulations occurred by the Official in the FWI Letter.
- Therefore, this criterion is not satisfied; the Official did not err in determining whether the LMO requirements were met.
- This appeal does not satisfy the criteria as set forth in LMO Sec. 16-2-103.T.5.a.i as no error in judgment or misreading of applicable requirements has been demonstrated.

Summary of Facts and Conclusions of Law:

Criteria 2: The Official made the decision based on a requirement not contained in this Ordinance or other appropriate Town ordinances, regulations, or State law; or (LMO Section 16-2-103.T.5.a.ii):

Findings of Fact:

- The Official’s decision relied solely on definitions and procedural authority established in LMO Chapter 16-10, LMO Sec. 16-2-103.R, and LMO Sec. 16-3-105.D (purpose of the LC District).
- No external standards, unpublished criteria, or non-codified requirements were referenced or used.
- The Official did not apply any external policy or state law other than the enabling provisions of S.C. Code §6-29-800 et seq., which governs local zoning administration.
- The Appellant has not provided evidence that any extra-ordinance standard was introduced or relied upon.

Conclusions of Law:

- The record establishes that the Official’s decision was based entirely on the text of the LMO and consistent interpretation practices.
- This appeal does not meet the criteria as set forth in LMO Sec. 16-2-103.T.5.a.ii because no other external or unauthorized standard was used.

Summary of Facts and Conclusions of Law:

Criteria 3: The Official made an error in applying a requirement of this Ordinance; or (LMO Sec.16-2-103.T.5.a.iii):

Findings of Fact:

- The Town’s Official Zoning District Map shows the Property located in the LC District.
- The LC District allows the use of: “Other Health Services” and “Other Office Uses”
- The Official correctly identified the applicable use definitions in LMO Sec. 16-10-103.C.2 (“Other Health Services”) and LMO Sec. 16-10-103.F.2 (“Other Office Uses”).

- “Other Health Services” explicitly encompasses outpatient medical facilities that provide diagnostic or treatment services other than hospitals or nursing homes.
- The proposed use, as described by Beaufort Memorial Hospital, offers emergency and urgent care services on an outpatient basis, consistent with the plain meaning of “Other Health Services.”
- The Official also noted that the use could alternatively qualify as “Other Office Uses,” which includes offices providing health care services such as diagnosis and treatment in an office setting.
- Both classifications are listed as permitted principal uses in the LC District (Table 16-4-102.A.6).
- The Official applied the proper interpretive standard in classifying the proposed use and did not extend or misapply any provision of the Ordinance.

Conclusion of Law:

- The Official applied the correct zoning and land use standards based on established definitions in the LMO.
- The Official’s application of the LMO was correct and supported by both textual interpretation and policy consistency.
- No misapplication of ordinance provisions has been shown. The use determination is a reasonable and legally defensible application of the LMO’s permitted use framework.
- Therefore, this appeal does not meet the criteria in LMO Sec. 16-2-103.T.5.a.iii, as no misapplication of ordinance requirements has been shown.

BZA Determination and Motion:

The “powers” of the BZA are defined by S.C. Code Ann. §6-29-800, and in exercising the power, the BZA may “hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance... ” its decisions shall be based solely on the record of the appeal, as supplemented by arguments presented at the hearing, and the standards in LMO Sec. 16-2-103.T.5. The BZA may affirm the decision or interpretation, in whole or in part; modify the decision or interpretation, in whole or in part; reverse the decision or interpretation, in whole or in part, as described in LMO Sec. 16-2-103.T.4.d.

The State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA may affirm, modify, or reverse a decision or interpretation. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY:

MC

Michael Connolly
Senior Planner

10/30/2025

DATE

REVIEWED BY:

TL

Trey Lowe
Development Services Program Manager

11/05/2025

DATE

APPROVED BY:

SL

Shawn Leininger, AICP
Deputy Town Manager, Official

11/18/2025

DATE

ATTACHMENTS:

- A) Applicant's Narrative
- B) Oct. 23, 2025 Letter to Applicant
- C) Town Emails

APL-000861-2025

Board of Zoning Appeals
Town of Hilton Head Island
1 Town Center Ct,
Hilton Head Island, SC 29928

Re: Appeal of Written Interpretation by Town of Hilton Head Island dated April 12, 2025
in response to request for Written Interpretation dated July 15, 2025

Dear Board Members:

This letter narrative and the attached documentation are submitted on behalf of 1014 WHP, LLC (the "Applicant") in support of its Application for Appeal of the formal written interpretation issued by the Town of Hilton Head Island ("Town") on August 12, 2025 (the "Interpretation") concerning certain land use provisions of the Town's Land Management Ordinance ("LMO") pertaining to the property located at 1016 William Hilton Parkway, Hilton Head Island, SC (Tax Parcel No. R552 015 000 0153 000) (the "Property").

The Property is located within the Light Commercial District ("LC") zoning district per the Town's Official Zoning Map. The proposed use for the Property, as identified in the Interpretation, consists of:

1. "The facility will offer emergency care, urgent care, and imaging services all in one location. The facility will contain approximately 10-12 exam rooms, CT scanner, XRay, Ultrasound, and lab services on site. The facility will operate 24 hours/day, 365 days/year; and will be staffed by qualified emergency physicians. No patients would stay overnight or have an inpatient status."
2. "This facility is outpatient only and primarily provides clinical related treatment and diagnostic services. It does not operate as a nursing home or hospital and does not offer overnight medical or surgical care."

The Interpretation determined that the proposed use of the Property is a permitted use in the LC District either as an "Other Health Services" use under LMO Section 16-10-103.C.2 or as an "Other Office Use" under LMO Section 16-10-103.F.2.

The Applicant, which owns the property located at 1014 William Hilton Parkway adjacent to the subject Property, disagrees with the Town's Interpretation and contends that the intended use for the Property is not a permissible use under the LMO. Accordingly, the Applicant appeals the Interpretation (pursuant to LMO §16-2-103 T.4) for the following reasons.

A. THE PROPOSED USE OF THE PROPERTY FALLS WITHIN THE DEFINITION OF A MEDICAL CLINIC, A USE SPECIFICALLY EXEMPTED FROM THE OTHER HEALTH SERVICES USE

LMO Section 16-10-103.C.2 defines Other Health Services as:

A facility other than a hospital or nursing home that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. *This use type does not include medical clinics and doctors' or dentists' offices*, or post incarceration facilities.

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The Interpretation recognizes that the LMO does not define the term “medical clinics.” As a result, the Town relied on a reference known as *A Planner's Dictionary* and the rules of interpretation provided for in LMO Section 16-10-101.K, to proffer two definitions for medical clinics. The first definition is:

A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Contrary to the Interpretation's ultimate conclusion, this definition of a medical clinic squarely jibes with the intended use for the Property. In the owner/developer's own words, the Property is intended to be: A “facility” that is “staffed by physicians” who provide “clinical related treatment and diagnostic services” on an outpatient basis only because it “does not offer overnight medical or surgical care.” It is simply illogical to interpret the intended use for the Property as anything other than a medical clinic using the definition provided by the Town.

The second definition of a medical clinic used by the Town is:

Offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bedpatient care.

Once again, using the owner/developer's own words, the intended use of the Property unequivocally falls within this second medical clinic definition inasmuch as the intended use is for a single facility that provides medical treatment on an outpatient (i.e., no bed patient) basis.

LMO Section 16-10-103.C.2 expressly *excludes* Medical Clinics from the permissible uses encompassed by the Other Health Services category. Therefore, the intended use for the Property is not an Other Health Services use and it cannot be deemed a permissible use in the LC District.

B. THE PROPOSED USE IS NOT INCLUDED IN THE OTHER OFFICE USE CLASSIFICATION

LMO Section 16-10-103.F.2 defines Other Office Uses as:

Office Uses other than a contractor's office. This includes establishments that primarily accommodate the provision of business services and professional services in an office setting. Such office uses include, but are not limited to: employment agencies; insurance agents; real estate sales and service; travel agencies; utility company offices; accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; counseling services; court reporting services; architecture, engineering, landscape architecture, urban planning, and other design services; detective agencies; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media and postproduction services; news services; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices. This use type also includes offices providing health care services-including medical treatment, nursing care, preventative care, diagnosis, and physical therapy-in an office setting. Such health services office uses include, but are not limited to, medical doctors' and dentists' offices (with support labs) and psychiatrists' and psychologists' offices. *Such health care office uses do*

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not include hospitals or other health service uses where health care services are provided in a more intensive manner and in a more institutional setting.

As specifically stated in the definition, this category of use is for business and professional services ***in an office setting***. The definition lists a number of “soft” types of office uses and then specifically addresses ***offices*** providing health care services, including medical treatment, nursing care, preventative care, diagnosis, and physical therapy-***in an office setting***. Furthermore, the definition expressly states that “[s]uch health care office uses do not include hospitals or other health service uses where health care services are provided in a more intensive manner and in a more institutional setting.”

The Property is intended to be used for emergency care and urgent care, available 24/hours/day, 365 days/year, at a facility staffed by emergency qualified physicians. The proposed use is not an office. It is essentially a mini-emergency room with numerous ancillary hospital-related services.

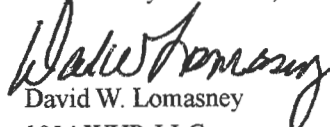
Moreover, the facility is designed to provide medical services by emergency physicians with multiple exam rooms, lab services and hospital-like medical equipment (CT scanner, XRay, Ultrasound) on site. It is plainly clear that the intended health care services will be provided in “a more intensive manner and in a more institutional manner” than those provided by the soft office uses described as Other Office Uses. Therefore, the intended use for the Property cannot be interpreted as an Other Office Use under LMO Section 16-10-103.F.2 and the intended use cannot be deemed a permissible use within the LC District.

C. THE STATED PURPOSE OF A LIGHT COMMERCIAL DISTRICT IS INCONSISTENT WITH THE INTENDED USE FOR THE PROPERTY.

The LMO indicates that the purpose of the LC District is to provide lands for light commercial uses such as offices, banks, restaurants, and lower intensity retail sales and services uses. The use of the word “light” and the phrase “lower intensity” cannot be ignored or minimized. These words express a meaning and intent for the properties in this zoning district to be used for services far less intensive and intrusive to neighboring properties than an emergency care/urgent care facility that operates 24 hours/day, 365 days/year, staffed by qualified emergency physicians. Neighboring businesses (including restaurants and business offices) and residential communities (including the HHI Motorcoach Resort) will undoubtedly suffer the negative consequences, including noise, traffic and the pervasive dramatic aura relating to the constant intake and discharge of emergency patients, of having this type of facility next door.

While the Applicant recognizes and appreciates the value of this medical facility for the community at large, the facility and its uses do not, however, comply with LMO. Accordingly, the Applicant respectfully requests that the Board of Zoning Appeals find that the planned usage of the subject Property is not encompassed within either the Health Services Uses or Other Office Uses classifications and is not a permitted use in the Light Commercial District of the LMO and that the Board, as a result, reverse the Interpretation in whole in accordance with and pursuant to LMO §16-2-103 T.4.d.i.02.

Respectfully submitted,


David W. Lomasney
1014 WHP, LLC



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TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

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Tamara Becker
Steve Alfred
Melinda Tunner

Marc Orlando
Town Manager

Via email

dwl97@aol.com

slomasney00@aol.com

ekubec@ns-lawfirm.com

August 12, 2025

1014 WHP. LLC
David W. Lomasney
Sharon A. Lomasney
1014 William Hilton Parkway
Hilton Head Island, SC 29938

Re: Zoning Interpretation: 1016 William Hilton Parkway, Hilton Head Island

Dear Mr. and Mrs. Lomasney:

This letter is in reference to your request for a formal written interpretation from the Land Management Ordinance (LMO) Official per LMO Section 16-2-103.R for the property located at 1016 William Hilton Parkway, also identified as parcel R552 015 000 0153 0000. This letter will verify the zoning of the parcel as well as provide an Official determination of the use that is being proposed on the parcel. Also, as requested in your letter dated July 15, 2025, this letter will provide Official interpretation for the following:

1. The scope and the meaning of "medical clinics" as used in the zoning ordinance and its applicability to or differentiation from the planned usage of the Property, and
2. Whether the planned usage of the Property as an emergency room/urgent care center with ambulance services comports with expressed purpose of the Light Commercial (LC) District and both the definition and intent of "Other Health Services."

The subject property is located within the LC (Light Commercial District) zoning district as identified on the Town of Hilton Head Island's Official Zoning Map. The property is located in the Corridor Overlay District because it is located within 450 feet of an arterial road.

The Town's Land Management Ordinance (LMO) lists permitted uses, conditional uses, and special exceptions for the LC district in Section 16-3-105.D.

Based on information provided by representatives for the redevelopment of the 1016 William Hilton Parkway property, I understand property will be used for the following purposes:

1. "The facility will offer emergency care, urgent care, and imaging services all in one location. The facility will contain approximately 10-12 exam rooms, CT scanner, X-Ray, Ultrasound, and lab services on site. The facility will operate 24 hours/day, 365 days/year; and will be staffed by qualified emergency physicians. No patients would stay overnight or have an inpatient status."
2. "This facility is outpatient only and primarily provides clinical related treatment and

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Mr. & Mrs. Lomasney
August 11, 2025
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diagnostic services. It does not operate as a nursing home or hospital and does not offer overnight medical or surgical care.”

The relevant uses of the LC district and their definitions are listed below.

1. LMO Section 16-10-103.C.2 defines Other Health Services as: “A facility other than a hospital or nursing home that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This use type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities.”
2. LMO Section 16-10-103.C.2 defines Hospital as: “A facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity, and may provide obstetrical care. This use type does not include nursing homes. It also does not include medical clinics and doctors' or dentists' offices.”
3. LMO Section 16-10-103.C.2 defines a Nursing Home as: “A facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours, which is operated for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care, but have limited capacity to care for their health care needs.”
4. LMO Section 16-10-103.F.2 defines Other Office Uses as: “Office Uses other than a contractor's office. This includes establishments that primarily accommodate the provision of business services and professional services in an office setting. Such office uses include, but are not limited to: employment agencies; insurance agents; real estate sales and service; travel agencies; utility company offices; accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; counseling services; court reporting services; architecture, engineering, landscape architecture, urban planning, and other design services; detective agencies; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media and postproduction services; news services; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices. This use type also includes offices providing health care services—including medical treatment, nursing care, preventative care, diagnosis, and physical therapy—in an office setting. Such health services office uses include, but are not limited to, medical doctors' and dentists' offices (with support labs) and psychiatrists' and psychologists' offices. Such health care office uses do not include hospitals or other health service uses where health care services are provided in a more intensive manner and in a more institutional setting.”

Medical clinics is a term not defined by the LMO. As a result, the LMO Official, per LMO Section 16-10-101.K, is authorized to use definitions used in accepted sources to interpret the meaning of those terms. For this review “*A Planner’s Dictionary*” was used to define this term as follows:

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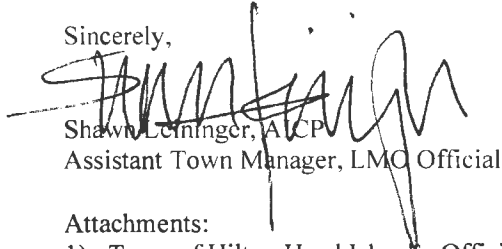
Mr. & Mrs. Lomasney
August 11, 2025
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- 1) Medical Clinics - A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.
- 2) Medical Clinics - Offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

Given the uses allowed in the LC District and their definitions, I have determined the proposed use of 1016 William Hilton Parkway as described in this letter is considered Other Health Services. While I have made this determination, the use could also be classified as "Other Office Uses." Both uses are allowable principle uses in the LC District.

Please contact me at either (843) 715-4321 or shawnl@hiltonheadislandsc.gov if you have further questions.

Sincerely,

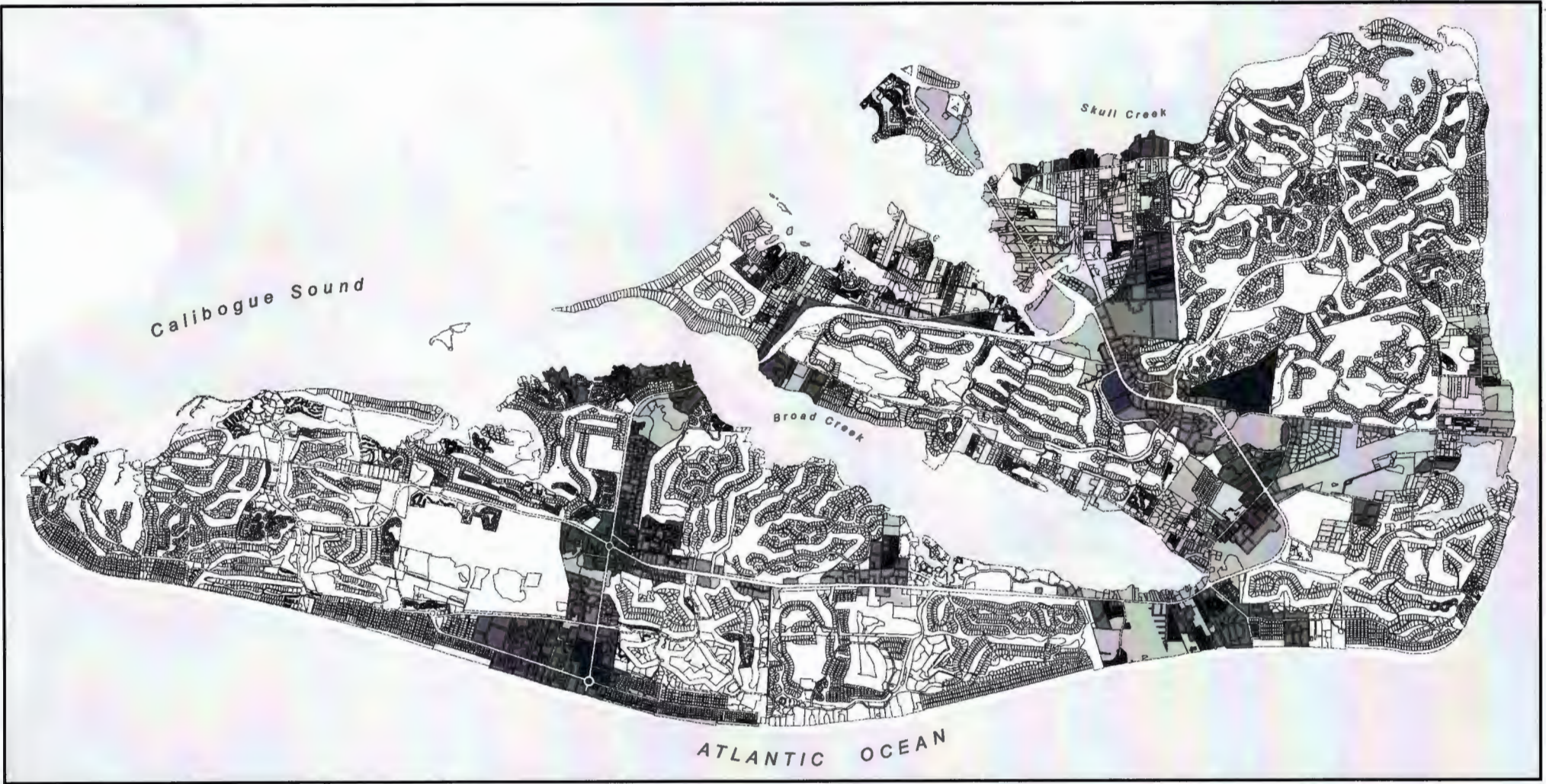


Shawn Leminger, ACP
Assistant Town Manager, LMO Official

Attachments:

- 1) Town of Hilton Head Island's Official Zoning Map
- 2) LMO Section 16-2-103.R
- 3) LMO Section 16-3-105.D
- 4) LMO Section 16-10-103.C.2
- 5) LMO Section 16-10-103.F.2
- 6) LMO Section 16-10-101.K
- 7) *A Planner's Dictionary* (Page 113)

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Town of Hilton Head Island
OFFICIAL ZONING DISTRICT MAP

Effective Date*: October 7, 2014
 Last Update**: March 2, 2021

* Effective Date is the most recent date the zoning map was adopted by Town Council.
 ** Last Update is the date the zoning map was last amended by Town Council.

The official zoning map is a compilation of all official zoning districts, including those established by the Town Council, and is subject to change by Town Council.

The official zoning map is a compilation of all official zoning districts, including those established by the Town Council, and is subject to change by Town Council.

1 inch = 4,000 feet

| RESIDENTIAL ZONING DISTRICTS | MIXED-USE & BUSINESS ZONING DISTRICTS | CONSERVATION & RECREATION DISTRICTS |
|--------------------------------|---------------------------------------|-------------------------------------|
| RS-3 SINGLE FAMILY | NC NEIGHBORHOOD COMMERCIAL | CON CONSERVATION |
| RS-5 SINGLE FAMILY | MS MAIN STREET | PR PARKS AND RECREATION |
| RS-6 SINGLE FAMILY | SPC SEA PINES COMMERCIAL | |
| RM-4 LOW TO MODERATE DENSITY | LC LIGHT COMMERCIAL | |
| RM-8 MODERATE DENSITY | CC COMMUNITY COMMERCIAL | |
| RM-12 MODERATE TO HIGH DENSITY | MED MEDICAL | |
| | IL LIGHT INDUSTRIAL | |
| | PD-1 PLANNED DEVELOPMENT | |
| | MF MARSHFRONT MIXED USE | |
| | S STONEY MIXED USE | |
| | MV MITCHELVILLE | |
| | WMU WATER-ORIENTED MIXED USE | |
| | RD RESORT DEVELOPMENT | |
| | CR COLIGNY RESORT | |

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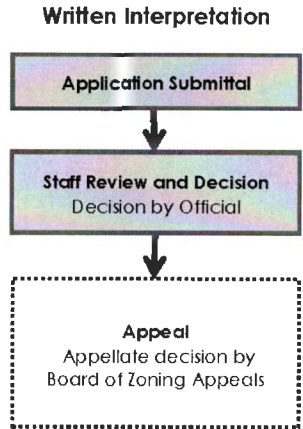
Sec.16-2-103. Application Specific Review Procedures

R. Written Interpretation

1. Purpose

The purpose of this subsection is to establish procedures and standards for rendering formal written interpretations of this **Ordinance**.

2. Applicability



The **Official** is authorized to and shall be responsible for making interpretations of this **Ordinance**—including, but not limited to, interpretations of:

- a. The text of this **Ordinance**;
- b. Zoning district boundaries; and
- c. Whether an unspecified **use** is comparable to a listed **use** or not, and whether any unspecified **use** should be allowed in a zoning district or prohibited in that district.

3. Written Interpretation Procedure

a. Application Submittal

An **application** for a Written Interpretation shall be submitted in accordance with Sec. 16-2-102.C, except that **applications** may be submitted only by **persons** with a direct interest in the matter requested for interpretation (e.g., **landowner** or contract purchaser of a relevant property, **applicant** for or holder of an affected permit). The **application** shall include a statement of the **applicant's** direct interest.

b. Staff Review and Action

On receiving an **application**, the **Official** shall review and render an interpretation in accordance with Sec. 16-2-102.D. The **Official's** written interpretation shall be limited to the matters for which an interpretation is requested and shall be based on the standards in Sec. 16-2-103.R.4, Written Interpretation Standards.

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c. Post-Decision Actions and Limitations

i. **Notice of Decision**

The **Official** shall provide notice of the interpretation in accordance with Sec. 16-2-102.H.1.

ii. **Appeal**

Appeals from the **Official's** interpretation are governed by Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals and SC Code Ann. 6-29-800.

4. Written Interpretation Standards

a. Zoning Map Boundaries

Interpretation of zoning district boundaries on the **Official Zoning Map** shall be in accordance with the criteria in Sec. 16-1-107.C, Zoning District Boundaries.

b. Unspecified Uses

Interpretation of whether an unspecified **use** is similar to a **use** or is prohibited in a zoning district shall be based on Sec. 16-4-102.A.5, Interpretation of Unlisted Uses, and whether the interpretation is in accordance with the **Comprehensive Plan**.

c. Text Provisions

Interpretation of text provisions and their application shall be based on the standards in Sec. 16-10-101, General Rules for Interpretation, and the following considerations:

- i. The plain language used in the text, considering (a) any defined term set out in Sec. 16-10-105, General Definitions, and (b) the common and accepted usage of other words in the text;
- ii. The general purposes served by the provision and this **Ordinance**; and
- iii. The **Comprehensive Plan**.

5. Official Record of Interpretations

The **Official** shall maintain a record of written interpretations that shall be available in the Town Hall for public inspection, on reasonable request, during normal business hours.

6. Effect of Interpretation

A written interpretation shall be binding on subsequent decisions by the **Official** in applying the same provision of this **Ordinance** in the same circumstance.

LC
Light Commercial District

1. Purpose

The purpose of the Light Commercial (LC) District is to provide *lands* for light commercial *uses* such as offices, banks, restaurants, and lower intensity retail sales and services *uses*. Permitted *uses* are generally auto-oriented and easily accessed.

2. Allowable Principal Uses

| USE CLASSIFICATION/TYPE | | USE-SPECIFIC CONDITIONS | MINIMUM NUMBER OF OFF-STREET PARKING SPACES | |
|-------------------------------|----|-------------------------|---|---------------|
| Residential Uses | | | | |
| <i>Family Compound</i> | PC | Sec. 16-4-102.B.1.e | 2 per du | |
| <i>Family Subdivision</i> | PC | Sec. 16-4-102.B.1.f | 2 per du | |
| <i>Group Living</i> | P | | 1 per 3 rooms | |
| <i>Mixed-Use</i> ³ | PC | Sec. 16-4-102.B.1.a | Residential | 1.125 per du |
| | | | Nonresidential | 1 per 650 GFA |

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| | | | | |
|---|----|---------------------|---|-----------------------|
| LC | | | | |
| Light Commercial District | | | | |
| Multifamily | P | | 1 bedroom | 1.4 per du |
| | | | 2 bedroom | 1.7 per du |
| | | | 3 or more bedrooms | 2 per du |
| Recreational Vehicle | PC | 16-4-102.B.1.c | 1 per Recreational Vehicle | |
| Recreational Vehicle (RV) Park | P | | 1 per 300 GFA of office and clubhouse | |
| Single-Family | P | | 2 per du + 1 per 1,250 GFA over 4,000 GFA | |
| Workforce Housing | PC | Sec. 16-4-102.B.1.D | See Sec. 16-5-107.D.2 | |
| Public, Civic, Institutional, and Educational Uses | | | | |
| Community Service Uses | P | | 1 per 400 GFA | |
| Education Uses | P | | Colleges and High Schools | 10 per classroom |
| | | | Elementary and Junior High/Middle Schools | 4 per classroom |
| | | | Other Education Uses | See Sec. 16-5-107.D.2 |

| | | | | |
|---|----|---------------------|-------------------------------------|--|
| LC | | | | |
| Light Commercial District | | | | |
| <i>Government Uses</i> | P | | Fire Stations | 4 per bay + 1 per 200 GFA of office area |
| | | | Other | 1 per 200 GFA of office area |
| <i>Major Utilities</i> | SE | | 1 per 1,500 GFA | |
| <i>Minor Utilities</i> | P | | n/a | |
| <i>Public Parks</i> | P | | See Sec. 16-5-107.D.2 | |
| <i>Religious Institutions</i> | P | | 1 per 3 seats in main assembly area | |
| Telecommunication Antenna, Collocated or Building Mounted | PC | Sec. 16-4-102.B.2.e | n/a | |
| <i>Telecommunication Towers, Monopole</i> | PC | Sec. 16-4-102.B.2.e | 1 | |
| Health Services | | | | |
| <i>Other Health Services</i> | P | | 1 per 225 GFA | |
| Resort Accommodations | | | | |
| <i>Hotels</i> | P | | 1 per guest room | |
| Commercial Recreation | | | | |

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| | | | | |
|---|----|---------------------|---|--|
| LC | | | | |
| Light Commercial District | | | | |
| <i>Indoor Commercial Recreation Uses</i> | P | | 1 per 3 <i>persons</i> + 1 per 200 GFA of office or similarly used area | |
| <i>Outdoor Commercial Recreation Uses</i> Other than <i>Water Parks</i> | PC | Sec. 16-4-102.B.5.b | Golf Courses, Miniature Golf Courses, or Driving Ranges | 1 per tee |
| | | | Stadiums | 1 per 4 spectator seats |
| | | | Other | 1 per 3 <i>persons</i> max. occupancy + 1 per 200 GFA of office or similarly used area |
| Office Uses | | | | |
| <i>Contractor's Office</i> | PC | Sec. 16-4-102.B.6.a | 1 per 350 GFA of office/administrative area | |
| <i>Other Office Uses</i> | P | | 1 per 350 GFA | |
| Commercial Services | | | | |

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| | | | |
|----------------------------------|----|---------------------|---|
| LC | | | |
| Light Commercial District | | | |
| <i>Animal Services</i> | PC | Sec. 16-4-102.B.7.b | 1 per 225 GFA |
| <i>Bicycle Shops</i> | PC | Sec. 16-4-102.B.7.c | 1 per 200 GFA |
| <i>Convenience Stores</i> | PC | Sec. 16-4-102.B.7.d | 1 per 200 GFA |
| <i>Eating Establishments</i> | P | | 1 per 100 sf of <i>gross floor area</i> and outdoor eating area |
| <i>Grocery Stores</i> | P | | 1 per 200 GFA |
| <i>Landscape Businesses</i> | PC | Sec. 16-4-102.B.7.f | 1 per 200 GFA |
| <i>Liquor Stores</i> | SE | Sec. 16-4-102.B.7.g | 1 per 200 GFA |
| <i>Nightclubs or Bars</i> | PC | Sec. 16-4-102.B.7.h | 1 per 70 GFA |
| <i>Open Air Sales</i> | PC | Sec. 16-4-102.B.7.i | 1 per 200 sf of sales/display area |
| <i>Shopping Centers</i> | PC | Sec. 16-4-102.B.7.j | 1 per 335 GFA |
| <i>Tattoo Facilities</i> | PC | Sec. 16-4-102.B.7.k | 1 per 200 GFA |

| | | | |
|--|----|---------------------|---|
| LC | | | |
| Light Commercial District | | | |
| <i>Other Commercial Services</i> | P | | See Sec. 16-5-107.D.2 |
| Vehicle Sales and Services | | | |
| <i>Auto Rentals</i> | P | | See Sec. 16-5-107.D.2 |
| <i>Auto Repairs</i> | PC | Sec. 16-4-102.B.8.b | 2 per service bay + 1 per 200 GFA of office and waiting area |
| <i>Auto Sales</i> | P | | See Sec. 16-5-107.D.2 |
| <i>Car Washes</i> | P | | 10 per wash unit for automatic wash + 5 per bay for manual wash |
| <i>Gas Sales</i> | PC | Sec. 16-4-102.B.8.d | |
| <i>Taxicab Services</i> | P | | 1 per 200 GFA of office or waiting area |
| <i>Watercraft Sales, Rentals, or Services</i> | PC | Sec. 16-4-102.B.8.e | 1 per 200 GFA |
| Industrial Uses | | | |
| <i>Light Industrial, Manufacturing, and Warehouse Uses</i> | PC | Sec. 16-4-102.B.9.a | 1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office and administrative area |

| | | | | |
|--|--------------------|---------------------|--|----------------|
| LC | | | | |
| Light Commercial District | | | | |
| <i>Self-Service Storage</i> | PC | Sec. 16-4-102.B.9.c | 1 per 15,000 GFA of storage and office area | |
| <i>Waste Treatment Plants</i> | SE | | See Sec. 16-5-107.D.2 | |
| <i>Wholesale Sales</i> | P | | 1 per 1,000 GFA | |
| Other Uses | | | | |
| <i>Agriculture Uses</i> | P | | Stables or Riding Academies | 1 per 5 stalls |
| | | | Other | n/a |
| 3. Development Form Standards | | | | |
| MAX. DENSITY (PER NET ACRE) | | LOT COVERAGE | | |
| Residential ⁴ | 4 du | | Max. <i>Impervious Cover</i> | 60% |
| <i>Hotel</i> | 35 rooms | | Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i> | 16% |
| Nonresidential ^{1,2} | 10,000 GFA | | | |
| MAX. BUILDING HEIGHT | | | | |
| <i>All Development</i> | 45 ft ⁵ | | | |
| USE AND OTHER DEVELOPMENT STANDARDS | | | | |

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| |
|---|
| <p>LC Light Commercial District</p> |
| <p>See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.</p> |
| <p>TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i>; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable</p> <ol style="list-style-type: none"> 1. The <i>gross floor area</i> per <i>building</i> shall be 20,000 square feet for <i>buildings</i> devoted to <i>Commercial Services</i> or <i>Industrial Uses</i>. 2. Each <i>building</i> shall be separated by a minimum of 15 feet. 3. The minimum number of off-street parking spaces for <i>mixed-use development</i> that contains <i>workforce housing</i> shall be calculated based on Section 16-5-107.D.2. 4. For <i>development</i> that converts nonresidential square footage to residential <i>use</i> refer to Sec. 16-10-102.B.1. 5. May be increased by up to ten percent on demonstration to the <i>Official</i> that: |
| <p>a. The increase is consistent with the character of <i>development</i> on surrounding <i>land</i>;</p> |
| <p>b. <i>Development</i> resulting from the increase is consistent with the purpose and intent of the <i>building height</i> standards;</p> |
| <p>c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed <i>development</i>, or (2) results in improved site conditions for a <i>development</i> with <i>nonconforming site features</i>;</p> |
| <p>d. The increase will not pose a danger to the public health or safety;</p> |
| <p>e. Any adverse impacts directly attributable to the increase are mitigated; and</p> |
| <p>f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.</p> |

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Sec.16-10-103. Use Classifications, Use Types, and Definitions

C. Health Services

1. Description

Health Services includes **uses** providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. **Uses** include **hospitals, nursing homes**, and medical labs. Health Services **uses** do not include medical and dental offices and clinics (which constitute an **Office use**), assisted living facilities or group homes (which focus on providing personal care rather than medical care to residents, and constitute a **Group Living use**). **Accessory uses** may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, **maintenance** facilities, staff residences, and limited accommodations for members of patients' families.

2. Use Types and Definitions

Hospital

A facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity, and may provide obstetrical care. This **use** type does not include **nursing homes**. It also does not include medical clinics and doctors' or dentists' offices.

Nursing Home

A facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated **persons** over a period exceeding twenty-four hours, which is operated for the express or implied purpose of providing intermediate or skilled nursing care for **persons** who are not in need of **hospital** care, but have limited capacity to care for their health care needs.

Other Health Services

A facility other than a **hospital** or **nursing home** that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This **use** type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities.

F. Office Uses

1. Description

Establishments that primarily accommodate activities conducted in an office setting, and generally focusing on professional offices or business service offices. Office **Uses** also include health services offices. A special type of Office **Use** is the **contractor's office**. Office **Uses** do not include offices that are accessory to a **principal use** in another **use** category, or government administration offices (considered a government use), or banks or financial institutions (considered a Commercial Services **Use**). Except for doctors' or dentists' offices, **accessory uses** may include cafeterias, child care facilities, recreational or fitness facilities, incidental commercial **uses**, or other amenities primarily for the use of employees of the business or in the **building** in which the establishment is located. In doctors' and dentists' offices, **accessory uses** may include support labs.

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2. Use Types and Definitions

Contractor's Office

A **contractor's office** is a suite of rooms, or **building** used to house **construction** services, including builders and specialty contractors such as firms involved in roofing, installing doors and windows, painting, flooring, heating and air conditioning, general contracting, plumbing, electrical, or other similar businesses where the majority of client contact generally occurs at the job **site**. No contractor materials are stored or housed at the **site**.

Other Office Uses

Office **Uses** other than a **contractor's office**. This includes establishments that primarily accommodate the provision of business services and professional services in an office setting. Such office **uses** include, but are not limited to: employment agencies; insurance agents; real estate sales and service; travel agencies; utility company offices; accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; counseling services; court reporting services; architecture, engineering, landscape architecture, urban planning, and other design services; detective agencies; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media and postproduction services; news services; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices. This **use** type also includes offices providing health care services—including medical treatment, nursing care, preventative care, diagnosis, and physical therapy—in an office setting. Such health services office **uses** include, but are not limited to, medical doctors' and dentists' offices (with support labs) and psychiatrists' and psychologists' offices. Such health care office **uses** do not include **hospitals** or other health service **uses** where health care services are provided in a more intensive manner and in a more institutional setting.

AR-000861-2025

Sec.16-10-101. General Rules for Interpretation

K. Term Not Defined

If a term used in any chapter of this **Ordinance** is not defined, the **Official** is authorized to interpret its meaning through the Interpretation procedure (see Sec. 16-2-103.R, Written Interpretation) based upon the definitions used in accepted sources—including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

APL-000861-2025

clear zone

cluster subdivision

ners, the lot lines will be extended in a straight line to a point of intersection. (*Ashland, Ore; Sandy, Ore.*)

■ **clear zone** An area beyond the curb radius, so specified, which shall be kept clear of all objects to provide emergency vehicle clearance. (*Monroe County, Fla.*)

■ **clinic** (*See also health care facility; hospital; sanitarium/sanitorium*) A building, other than a hospital as herein defined, used by two or more licensed physicians for the purpose of receiving and treating patients. (*Boise City, Idaho*)

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility. (*Blacksburg, Va.*)

An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions. (*Muskegon, Mich.*)

A facility for examining and treating patients with medical problems on an out-patient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours. (*Nashville and Davidson County, Tenn.*)

A building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only. (*Camas, Wash.*)

■ **clinic, medical or dental** (*See also office building, medical*) A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. (*Santa Rosa, Calif.*)

Offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care. (*Johnstown, Colo.*)

■ **close** A small square or rectangular space providing road access to several house use lots and performing the same function as a cul-de-sac. Its landscape consists of grassy areas and benches, informal play grounds, and native trees formally disposed. A close requires high maintenance. The width of the close must correspond to the standard turning radius requirements. (*Monroe County, Fla.*)

■ **clothing store** (*See also retail sales establishment, specialty*) Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops. (*Cudahy, Wisc.*)

Stores selling or accepting for sale clothing at retail. (*Troy, Ohio*)

■ **club** (*See also fraternal organization; membership organization*) Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. (*Stonington, Conn.*)

A nonprofit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. (*Maple Grove, Minn.*)

An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit; includes lodge. (*Albuquerque, N.Mex.*)

■ **club, civic** Buildings and facilities, owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business. (*Dewey Beach, Del.*)

■ **club, private** Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to ren-

der a service which is customarily done as a business. (*Dewey Beach, Del.*)

■ **clubhouse** A building to house a club or social organization not conducted for private profit, as documented by state or federal records, and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place. (*Hartford, Conn.*)

■ **cluster development** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features. (*Omaha, Nebr.*)

Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area. (*California Planning Roundtable*)

A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or preservation of sensitive land areas. (*Clarkdale, Ariz.*)

A form of planned residential development that concentrates buildings on a part of the site (the cluster area) to allow the remaining land (the open space) to be used for recreation, common open space, or preservation of environmentally sensitive areas. The open space may be owned by either a private or public entity. (*Loveland, Colo.*)

An approach to designing a site that maximizes the conservation of open space and which clusters development. (*Wayne County, Ohio*)

■ **cluster subdivision** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space. (*Muskegon, Mich.*)

A residential use that divides land into not more than the number of lots permissible in a conventional subdivision of the same property in the same zone, but where the size of individual lots may be reduced in order to gain common open space. (*Deering, N.H.*)

APL-000861-2025

Received
07/15/25

July 15, 2025

Mr. Marc Orlando
Town Manager
Town of Hilton Head Island
1 Center Court
Hilton Head Island, SC 29928

Re: Zoning Interpretation: 1016 William Hilton Parkway, Hilton Head Island

Dear Mr. Orlando:

We are the principal owners of 1014 WHP, LLC, owner of the commercial property located at 1014 William Hilton Parkway on Hilton Head Island. It has recently come to our attention that the owner or developer of an adjacent parcel, 1016 William Hilton Parkway ("Property"), is seeking to develop the Property for use as a satellite emergency room/urgent care medical facility with ambulance services.

I understand that the Property is located within the Light Commercial (LC) zoning district as identified on the Town of Hilton Head Island's Official Zoning Map. The Property is also located in the Corridor Overlay District.

The LMO indicates that the purpose of the LC District is to provide lands for light commercial uses such as offices, banks, restaurants, and lower intensity retail sales and services uses. Various permitted and conditionally permitted uses (and one special exception use) are allowed within the LC District; however, the only use with the LC District remotely related to the planned emergency room/urgent medical care center is a permitted use for "Other Health Services."

Section 16-10-103.C.2 of the LMO defines "Other Health Services" as:

A facility other than a hospital or nursing home that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This use type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities.

APL-000861-2025

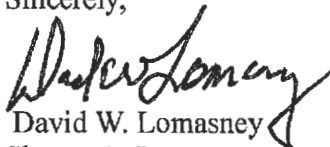
We believe that the planned use of the Property as an emergency room/urgent care medical facility does not comply with the expressed purpose of the LC District, is expressly prohibited by the exclusion of "medical clinics" under LMO §16-10-103 C.2 and it is not an otherwise permissible use within the "Other Health Services" definition. Nor do we believe that planned emergency/urgent medical care center is an allowed use under any of the permissible uses within the LC District zoning ordinance. Therefore, we object to the continued development of the Property for such usage.

Accordingly, this will serve as our Application to obtain a formal written interpretation of the zoning ordinance from the Town of Hilton Head Island pursuant to LMO §16-2-103.R. Specifically we are seeking an interpretation as to (a) the scope and meaning of "medical clinics" as used in the zoning ordinance and its applicability to or differentiation from the planned usage of the Property and (b) whether the planned usage of the Property as an emergency room/urgent care center with ambulance services comports with expressed purpose of the LC District and both the definition and intent of "Other Health Services."

Please note that we have directed this Application to you on the advice of Town staff due to the absence of a current Planning Director.

Please contact us at your convenience if you have any questions or need additional information with regard to the foregoing.

Sincerely,



David W. Lomasney
Sharon A. Lomasney
1014 WHP. LLC
Hilton Head Island, SC 29928
(845) 750-4572
Dwl97@aol.com
Slomasney00@aol.com

Edward Kubec, Esq.
Novit and Scarminach, P.A.
52 New Orleans Road , Suite 400
Hilton Head Island, SC 29928
(843) 785-5850
ekubec@ns-lawfirm.com

Cc Edward Kubec, Esq.

APL-000861-2025

Project Narrative: Beaufort Memorial Hospital ED & UC

General Project Description:

The proposed development is located at 1016 William Hilton Parkway, Hilton Head Island. It consists of redeveloping the site of the existing 8,000 sf Goodwill building with a new single-story, 11,225 sf Satellite Emergency Room with parking and supporting infrastructure. A backup emergency generator with 96-hour run time is proposed behind the rear pull-thru ambulance canopy. Traffic circulation will utilize a single in and outbound driveway onto US-278 and full access onto Dunnagan's Alley at the rear.

This facility is outpatient only and primarily provides clinical related treatment and diagnostic services. It does not operate as a nursing home or hospital and does not offer overnight medical or surgical care.

Zoning: *Light Commercial* District Development Standards within the Highway Corridor Overlay District for a use considered "Other Health Services":

- **Setback Requirements:**
 - Front (US278- Willam Hilton Parkway): 50'
 - Rear (Dunnagan's Alley and Santee Cooper power easement): 20'
 - Side (Deli-west and Brewery & Car storage facility-east): 20'
- **Buffer Requirements:**
 - Front: Type E (50' or 35')
 - Rear: Type A (20' or 10')
 - Side: 6' landscape strip between parking stalls and property line
- **Impervious Surface Coverage: 60% Max**
 - 59% impervious coverage proposed (reduction from existing 62%)

Stormwater runoff from the existing building and parking flow north and south respectively to the discharge to the existing roadway drainage systems. The proposed building finish floor and ancillary equipment elevation will be set above the Town DFE of 11.0 MSL (NAVD 88).

Utilities exist consisting of a water main, fire hydrant, water service, privately owned grinder pumpstation and force main, electrical power and natural gas and are available for connection to serve the new building. A proposed 20" transmission water main easement has been requested along our US278 frontage, so we have provided a copy of this SIPSD plat for coordination purposes.

Parking is required at the ratios shown below:

- "Other Health Services": 1 spaces/ 225 square feet
 - $11,400/225 = 51$ spaces minimum
 - 51 stalls are proposed
 - 3 ADA spaces provided (1 Van Accessible)

Landscaping, Lighting, and Signage will be prepared after the preliminary site plan is endorsed by Town staff and refined during the final DRB approval process.

APL-000861-2025

From: Mason Deal <mason.deal@iheruc.com>
Sent: Tuesday, May 14, 2024 1:46 PM
To: Shawn Colin <shawnc@hiltonheadislandsc.gov>; rrinihi@gmail.com
Subject: RE: Zoning for Medical Use

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Shawn,
Good talking with you this morning!

In response to your question, the desire for said property is to construct a new and innovative medial use for the community, which will be a department of a local hospital. The facility will offer emergency care, urgent care, and imaging services all in one location. The facility will contain approximately 10-12 exam rooms, CT scanner, X-Ray, Ultrasound, and lab services on site. The facility will operate 24 hours/day, 365 days/year; and will be staffed by qualified emergency physicians. No patients would stay overnight or have an inpatient status. The building would be approximately 11-12k sf.

I am attaching a couple of picture examples of other locations.

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TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
(843) 341-4600 Fax (843) 842-7728
www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

October 23, 2025

Alexander Brown, Jr.
Mayor Pro Tempore

Mr. Ed Kubec, Esq.
Novit & Scarminach, P.A.
52 New Orleans Road Suite 400
Hilton Head Island, SC 29928

Council Members

Patsy Brison
Steve DeSimone
Tamara Becker
Steve Alfred
Melinda Tunner

RE: 1016 William Hilton Parkway Interpretation Request Appeal

Marc Orlando
Town Manager

Dear Mr. Kubec:

This correspondence is provided to clarify the Town of Hilton Head Island's ("Town") actions related to a development project on the property located at 1016 William Hilton Parkway ("Property"). Specifically, this letter addresses the following items related to an approved Development Plan Review ("DPR"), Major Corridor Review ("DRB"), and written interpretation request for the Property:

1. Sequence of application filings, approvals, and appeal deadlines associated with the referenced property;
2. Confirm the Town of Hilton Head Island's position regarding the effect of a successful appeal of the requested written interpretation; and,
3. Status of the appeal hearing.

Sequence of Application Filings, Approvals, and Appeal Deadlines

Below please find a table outlining the referenced applications and requests, the date received by the Town, the date approved or issued by the Town, and the associated appeal deadline as established by the Town's Land Management Ordinance ("LMO").

Pursuant to LMO Sec. 16-2-103.U (Appeals of Official's Decisions to the Planning Commission) and the S.C. Code Ann. §6-29-900 (Appeal from board of architectural review to circuit court; pre-litigation mediation; filing requirements), all appeals of staff or board approvals must be filed within fourteen (14) or thirty (30) calendar days, respectively, of the decision being appealed.

| Application/ Request Type | Application Number | Date Received | Date Approved/ Issued | Appeal Deadline |
|----------------------------------|-----------------------|------------------|--------------------------|--------------------|
| Development Plan Review (DPR) | DPR-001523-2024 | 11/12/2024 | 05/14/2025 | 05/28/2025 |

Mr. Ed Kubec, Esq.
 October 23, 2025
 Page 2

| | | | | |
|--------------------------------------|-----------------|------------|------------|------------|
| *Major Corridor Review (DRB) - Final | DRB-000295-2025 | 03/26/2025 | 05/06/2025 | 06/05/2025 |
| Written Interpretation Request | N/A | 07/15/2025 | 08/12/2025 | 08/26/2025 |
| Appeal Application | APL-000861-2025 | 08/25/2025 | Pending | Pending |

* Prior to both DPR and DRB approval, this project was heard and reviewed at public meetings for the Design Review Board on 01/14/2025, 02/25/2025, and 04/08/2025.

Both the DPR approval (May 14, 2025) and DRB approval (May 6, 2025) became final upon expiration of the appeal period, May 28, 2025, and June 5, 2025, respectively. The Town received no appeals within either appeal period. Accordingly, the DPR and DRB approvals remain valid and in full effect under the LMO and applicable S.C. Code.

Town Position Regarding Pending Appeal

The Town received a request for a written interpretation on July 15, 2025. Pursuant to requirements established in LMO Sec. 16-2-103.R, the Town Official issued an interpretation on August 12, 2025 (“*Written Interpretation*”), which consequently established the appeal deadline date of August 26, 2025. The Town received a timely appeal of the Written Interpretation on August 25, 2025.

Although an appeal of the Written Interpretation to the Board of Zoning Appeals was received timely (*see* LMO Sec. 16-2-103.T), the appeal of the Written Interpretation did not reopen, extend, or otherwise affect the vested rights granted by the prior DPR and DRB approvals (*see* LMO Sec. 16-2-102.J). In further support of the Town’s position, LMO Sec. 16-2-103.R clearly establishes that a “written interpretation shall be binding on *subsequent* [emphasis added] decisions by the Official in applying the same provision of this Ordinance in the same circumstance”. Therefore, any decision by the Official prior to a written interpretation is not affected. Here, the Written Interpretation issued on August 12, 2025, does not apply to decisions prior to the issuance date, specifically it does not affect the DPR or DRB approvals issued in May 2025.

Status of Appeal Hearing

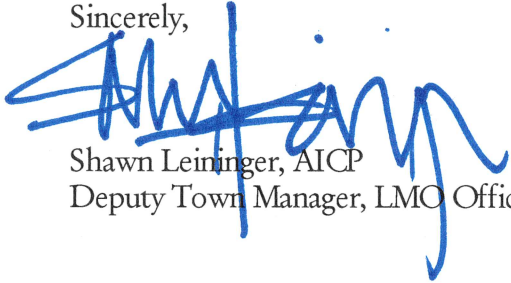
The appeal of the Official’s Written Interpretation application was scheduled to be reviewed at the Board of Zoning Appeals meeting on September 29, 2025. At the request of the applicant, the application was withheld from this meeting and was rescheduled for October 27, 2025. The October meeting was inadvertently canceled.

Recognizing the Town’s position that Written Interpretation shall only affect subsequent decisions by the Official, please advise if your client intends to continue to pursue this appeal. If so, Town staff will work with the Board of Zoning Appeals to schedule a special meeting.

Mr. Ed Kubec, Esq.
October 23, 2025
Page 3

Please contact me at (843) 715-4321 or shawnl@hiltonheadislandsc.gov if you have any questions regarding this communication.

Sincerely,



Shawn Leininger, AICP
Deputy Town Manager, LMO Official

cc: Curtis Coltrane, Town Attorney
Brittany Ward, Staff Attorney
Trey Lowe, Development Services Manager



RE: 1016 William Hilton Parkway

From Missy Luick <missyl@hiltonheadislandsc.gov>

Date Wed 4/16/2025 4:42 PM

To Patrick Jordan <patrickjordanmd@gmail.com>

Cc Trey Lowe <TreyL@hiltonheadislandsc.gov>; Shawn Colin <shawnc@hiltonheadislandsc.gov>; Shawn Leininger <shawnl@hiltonheadislandsc.gov>

1 attachment (264 KB)

1016 WILLIAM HILTON PKWY ZONING VERIFICATION LETTER.PDF;

Dr. Jordan,

Based on a thorough review of the services that are to be rendered at the proposed urgent care facility located at 1016 William Hilton Parkway that were provided to the Town by the applicant, Town Staff, with consultation with the LMO Official at the time, prepared the attached Zoning Verification Letter stating the use as Other Health Services. After further analysis in response to your email, I, as the current LMO Official, concur with the determination stated in the attached Zoning Verification Letter.

Although the applicant's name, Beaufort Memorial Hospital, contains the word "hospital", the services being rendered at the proposed urgent care facility do not include anything that would fall under the Use Definition for a Hospital defined in LMO Sec. 16-10-103.C.2 as *a facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity, and may provide obstetrical care. This use type does not include nursing homes. It also does not include medical clinics and doctors' or dentists' offices.* Also, although urgent and immediate care facilities are not explicitly mentioned any of the LMO use definitions, the services being provided at the proposed urgent/immediate care facility most closely align with those listed in Other Health Services, which LMO Sec. 16-10-103.C defines as *a facility other than a hospital or nursing home that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This use type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities.* Additionally, it should be noted that LMO Sec. 16-10-101.C states that *unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities,* and based on these reasons and analysis, the Town has determined the use proposed at 1016 William Hilton Parkway to be Other Health Services.

Please let us know if you have any additional questions.

Kind Regards,
Missy



Missy Luick

DIRECTOR OF PLANNING

Office: (843) 341-4693

Mobile: (843) 816-3129

Website: hiltonheadislandsc.gov

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

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Alan R. Perry
Mayor

David Ames
Mayor ProTem

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Marc Orlando
Town Manager

Via email

Russell.Baxley@bmhsc.org

May 28, 2024

Russell Baxley, MHA
President and CEO
955 Ribaut Road | Beaufort, SC 29902

RE: Use/Zoning Verification: 1016 William Hilton Parkway/R552 015 000 0153 0000

Dear Mr. Baxley:

As requested in an email from Mason Deal dated 05/22/2024 this letter serves as a zoning verification for the property located at 1016 William Hilton Parkway, also identified as parcel R552 015 000 0153 0000. The subject property is located within the LC (Light Commercial District) zoning district as identified on the Town of Hilton Head Island's Official Zoning Map. The property is also located in the Corridor Overlay District because it is located within 450 feet of an arterial road.

The zoning verification request specifically references whether an emergency / urgent care facility with imaging services is permitted on the referenced property. The Town's Land Management Ordinance (LMO) lists permitted uses, conditional uses, and special exceptions in Section 16-3-105.D. In the LC District, "Other Health Services" are permitted within the Light Commercial District.

Section 16-10-103.C.2 of the LMO defines **Other Health Services** as: "A facility other than a *hospital* or *nursing home* that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This *use* type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities."

Based on this definition, an emergency / urgent care facility with imaging services, as described in the zoning verification request, is a permitted use in the LC District.

Please contact me at either (843) 341-4641 or michaelc@hiltonheadislandsc.gov if you have further questions.

Sincerely,

Michael Connolly

Michael Connolly,
Senior Planner

Attachment: "Sec.16_3_105._D (LC)"



Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Missy Luick
Sent: Tuesday, April 8, 2025 3:22 PM
To: Patrick Jordan <patrickjordanmd@gmail.com>
Cc: Trey Lowe <TreyL@hiltonheadislandsc.gov>
Subject: RE: 1016 William Hilton Parkway

Patrick,
Thank you for your email.

Please let me look into the use determination on this project and get back to you.

Missy



Missy Luick
DIRECTOR OF PLANNING
Office: (843) 341-4693
Mobile: (843) 816-3129
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Patrick Jordan <patrickjordanmd@gmail.com>
Sent: Tuesday, April 8, 2025 2:01 PM
To: Missy Luick <missyl@hiltonheadislandsc.gov>
Subject: Fwd: 1016 William Hilton Parkway

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Dear Ms. Luick,

I wanted to reach out in regards to your correspondence with Mr. Alford regarding the proposed Satellite Emergency Facility project at 1016 William Hilton Parkway. It has been categorized as an "Other Health Services" under the Land Management Ordinance, and that is defined as follows:

A facility other than a hospital or nursing home that primarily provided clinically related, diagnostic, treatment, or rehabilitative services including alcohol, drug abuse and mental health services. This use type does not include medical clinics and doctors or dentists' offices, or post incarceration facilities.

This proposed Satellite Emergency Facility is both a department of a hospital as well as an urgent care medical clinic which are clearly excluded in the "Other Health Service" Classification. How was the LMO interpreted to allow for the construction of such a facility?

What exactly is this project considered to be in order to be in compliance with the LMO? Thanks for your assistance with addressing these concerns.

Much appreciated,

Patrick Jordan, MD

From: **Steve Alfred** <SteveA@hiltonheadislandsc.gov>
Date: Wed, Feb 19, 2025 at 2:17 PM
Subject: 1016 William Hilton Parkway
To: Patrick Jordan <patrickjordanmd@gmail.com>

From: Missy Luick <missyl@hiltonheadislandsc.gov>
Date: February 11, 2025 at 4:12:53 PM EST
To: Steve Alfred <SteveA@hiltonheadislandsc.gov>
Cc: Marc Orlando <marco@hiltonheadislandsc.gov>, Shawn Leininger <shawnl@hiltonheadislandsc.gov>
Subject: RE: 1016 William Hilton Parkway

Mr. Alfred,

As a part of the Major Development Plan Review (DPR) process, this project will be required to go to the Planning Commission for informational purposes only. The Planning Commission can make comments and suggestions regarding the project that the applicant can incorporate into the project.

Major DPR's are approved administratively and are not required to go to Town Council.

I'd be happy to alert you when this project is planned be placed on a Planning Commission agenda.

Yes, of course, you can share this response with Patrick Jordan and Joel Taylor.

Please let me know if you have any other questions,
Missy



Missy Luick

DIRECTOR OF PLANNING

Office: (843) 341-4693

Mobile: (843) 816-3129

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Steve Alfred <SteveA@hiltonheadislandsc.gov>
Sent: Tuesday, February 11, 2025 11:48 AM
To: Missy Luick <missyl@hiltonheadislandsc.gov>
Cc: Marc Orlando <marco@hiltonheadislandsc.gov>; Shawn Leininger

<shawnl@hiltonheadislandsc.gov>

Subject: Re: 1016 William Hilton Parkway

Thanks so much, Missy. What, if any, approval is required by the Planning Commission and/or Town Council? Also, may I share your responses with Patrick Jordan and Joel Taylor? Steve

Sent from my iPad

On Feb 9, 2025, at 4:23 PM, Missy Luick
<missyl@hiltonheadislandsc.gov> wrote:

Mr. Alfred,

At the Marshes Community Engagement meeting, you asked about the status of the proposed Beaufort Memorial Hospital Satellite Emergency Facility at 1016 William Hilton Parkway and what Town approvals were required.

The project requires a Major Development Plan Review (DPR) and a Major Corridor Review (DRB).

To date, the proposed Satellite Emergency Facility has made 3 submittals related to their Major Development Plan application. The latest plan corrections report was issued on 1/21/25 with outstanding corrections to resolve. The project has achieved Conceptual approval of the Major Corridor Review. The applicant has recently applied for their Final Major Corridor Review, which is currently under review.

The project also will require associated Building Permits once the planning approvals are complete.

Please let me know if you have any additional questions about this project.

Thank you,
Missy

<image001.png>

Missy Luick

DIRECTOR OF PLANNING

Office: (843) 341-4693

Mobile: (843) 816-3129

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island

1 Town Center Court,

Hilton Head Island, SC 29928

<image002.png>

<[image003.png](#)>

<[image004.png](#)>

<[image005.png](#)>

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Zoning for Medical Use

From Brian Eber <briane@hiltonheadislandsc.gov>

Date Wed 5/29/2024 2:57 PM

To russell.baxley@bmhsc.org <russell.baxley@bmhsc.org>

Cc Shawn Colin <shawnc@hiltonheadislandsc.gov>; Shawn Leininger <shawnl@hiltonheadislandsc.gov>; Missy Luick <missyl@hiltonheadislandsc.gov>; mason.deal@iheruc.com <mason.deal@iheruc.com>; Michael Connolly <MichaelC@hiltonheadislandsc.gov>

 2 attachments (492 KB)

1016 William Hilton Pkwy Zoning Verification letter.pdf; Sec.16_3_105_D (LC).pdf;

Mr. Baxley,

I received a zoning request from Mr. Deal about a property at 1016 William Hilton Property.

We have prepared a letter that confirms the use of the property as an emergency/urgent care facility within this zoning district.

Please know that we are looking forward to working with you if you decide to develop the property.

Please feel free to contact me if you have any questions.

Brian



Brian Eber, CFM, CSPR, CEPSCI
DEVELOPMENT SERVICES MANAGER

Office: (843) 341-4682

Mobile: (843) 247-4798

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island

1 Town Center Court,
Hilton Head Island, SC 29928

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

David Ames
Mayor ProTem

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Marc Orlando
Town Manager

Via email

Russell.Baxley@bmhsc.org

May 28, 2024

Russell Baxley, MHA
President and CEO
955 Ribaut Road | Beaufort, SC 29902

RE: Use/Zoning Verification: 1016 William Hilton Parkway/R552 015 000 0153 0000

Dear Mr. Baxley:

As requested in an email from Mason Deal dated 05/22/2024 this letter serves as a zoning verification for the property located at 1016 William Hilton Parkway, also identified as parcel R552 015 000 0153 0000. The subject property is located within the LC (Light Commercial District) zoning district as identified on the Town of Hilton Head Island's Official Zoning Map. The property is also located in the Corridor Overlay District because it is located within 450 feet of an arterial road.

The zoning verification request specifically references whether an emergency / urgent care facility with imaging services is permitted on the referenced property. The Town's Land Management Ordinance (LMO) lists permitted uses, conditional uses, and special exceptions in Section 16-3-105.D. In the LC District, "Other Health Services" are permitted within the Light Commercial District.

Section 16-10-103.C.2 of the LMO defines **Other Health Services** as: "A facility other than a *hospital* or *nursing home* that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This *use* type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities."

Based on this definition, an emergency / urgent care facility with imaging services, as described in the zoning verification request, is a permitted use in the LC District.

Please contact me at either (843) 341-4641 or michaelc@hiltonheadislandsc.gov if you have further questions.

Sincerely,

Michael Connolly

Michael Connolly,
Senior Planner

Attachment: "Sec.16_3_105._D (LC)"

D. Light Commercial (LC) District

| <h1 style="margin: 0;">LC</h1> <h2 style="margin: 0;">Light Commercial District</h2> | | | | |
|---|----|-------------------------|---|--|
| 1. Purpose | | | | |
| The purpose of the Light Commercial (LC) District is to provide <i>lands</i> for light commercial <i>uses</i> such as offices, banks, restaurants, and lower intensity retail sales and services <i>uses</i> . Permitted <i>uses</i> are generally auto-oriented and easily accessed. | | | | |
| 2. Allowable Principal Uses | | | | |
| USE CLASSIFICATION/TYPE | | USE-SPECIFIC CONDITIONS | MINIMUM NUMBER OF OFF-STREET PARKING SPACES | |
| Residential Uses | | | | |
| <i>Group Living</i> | P | | 1 per 3 rooms | |
| <i>Mixed-Use</i> ³ | PC | Sec. 16-4-102.B.1.a | Residential | 1.125 per du |
| | | | Nonresidential | 1 per 650 GFA |
| <i>Multifamily</i> | P | | 1 bedroom | 1.4 per du |
| | | | 2 bedroom | 1.7 per du |
| | | | 3 or more bedrooms | 2 per du |
| <i>Recreational Vehicle</i> | PC | 16-4-102.B.1.c | 1 per <i>Recreational Vehicle</i> | |
| <i>Recreational Vehicle (RV) Park</i> | P | | 1 per 300 GFA of office and clubhouse | |
| <i>Single-Family</i> | P | | 2 per du + 1 per 1,250 GFA over 4,000 GFA | |
| <i>Workforce Housing</i> | PC | Sec. 16-4-102.B.1.D | See Sec. 16-5-107.D.2 | |
| Public, Civic, Institutional, and Educational Uses | | | | |
| <i>Community Service Uses</i> | P | | 1 per 400 GFA | |
| <i>Education Uses</i> | P | | Colleges and High Schools | 10 per classroom |
| | | | Elementary and Junior High/Middle Schools | 4 per classroom |
| | | | Other <i>Education Uses</i> | See Sec. 16-5-107.D.2 |
| <i>Government Uses</i> | P | | Fire Stations | 4 per bay + 1 per 200 GFA of office area |
| | | | Other | 1 per 200 GFA of office area |
| <i>Major Utilities</i> | SE | | 1 per 1,500 GFA | |
| <i>Minor Utilities</i> | P | | n/a | |
| <i>Public Parks</i> | P | | See Sec. 16-5-107.D.2 | |
| <i>Religious Institutions</i> | P | | 1 per 3 seats in main assembly area | |
| Telecommunication Antenna, Collocated or Building Mounted | PC | Sec. 16-4-102.B.2.e | n/a | |

Created: 2022-04-07 15:54:14 [EST]

(Supp. No. 7)

| | | | | |
|--|----|---------------------|---|--|
| Telecommunication Towers, Monopole | PC | Sec. 16-4-102.B.2.e | 1 | |
| Health Services | | | | |
| Other Health Services | P | | 1 per 225 GFA | |
| Resort Accommodations | | | | |
| Hotels | P | | 1 per guest room | |
| Commercial Recreation | | | | |
| Indoor Commercial Recreation Uses | P | | 1 per 3 persons + 1 per 200 GFA of office or similarly used area | |
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| | | | Stadiums | 1 per 4 spectator seats |
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| Office Uses | | | | |
| Contractor's Office | PC | Sec. 16-4-102.B.6.a | 1 per 350 GFA of office/administrative area | |
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| Commercial Services | | | | |
| Animal Services | PC | Sec. 16-4-102.B.7.b | 1 per 225 GFA | |
| Bicycle Shops | PC | Sec. 16-4-102.B.7.c | 1 per 200 GFA | |
| Convenience Stores | PC | Sec. 16-4-102.B.7.d | 1 per 200 GFA | |
| Eating Establishments | P | | 1 per 100 sf of gross floor area and outdoor eating area | |
| Grocery Stores | P | | 1 per 200 GFA | |
| Landscape Businesses | PC | Sec. 16-4-102.B.7.f | 1 per 200 GFA | |
| Liquor Stores | SE | Sec. 16-4-102.B.7.g | 1 per 200 GFA | |
| Nightclubs or Bars | PC | Sec. 16-4-102.B.7.h | 1 per 70 GFA | |
| Open Air Sales | PC | Sec. 16-4-102.B.7.i | 1 per 200 sf of sales/display area | |
| Shopping Centers | PC | Sec. 16-4-102.B.7.j | 1 per 335 GFA | |
| Tattoo Facilities | PC | Sec. 16-4-102.B.7.k | 1 per 200 GFA | |
| Other Commercial Services | P | | See Sec. 16-5-107.D.2 | |
| Vehicle Sales and Services | | | | |
| Auto Rentals | P | | See Sec. 16-5-107.D.2 | |
| Auto Repairs | PC | Sec. 16-4-102.B.8.b | 2 per service bay + 1 per 200 GFA of office and waiting area | |
| Auto Sales | P | | See Sec. 16-5-107.D.2 | |

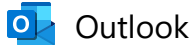
Created: 2022-04-07 15:54:14 [EST]

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| | | | | |
|--|--------------------|---------------------|---|----------------|
| Car Washes | P | | 10 per wash unit for automatic wash + 5 per bay for manual wash | |
| Gas Sales | PC | Sec. 16-4-102.B.8.d | | |
| Taxicab Services | P | | 1 per 200 GFA of office or waiting area | |
| Watercraft Sales, Rentals, or Services | PC | Sec. 16-4-102.B.8.e | 1 per 200 GFA | |
| Industrial Uses | | | | |
| Light Industrial, Manufacturing, and Warehouse Uses | PC | Sec. 16-4-102.B.9.a | 1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office and administrative area | |
| Self-Service Storage | PC | Sec. 16-4-102.B.9.c | 1 per 15,000 GFA of storage and office area | |
| Waste Treatment Plants | SE | | See Sec. 16-5-107.D.2 | |
| Wholesale Sales | P | | 1 per 1,000 GFA | |
| Other Uses | | | | |
| Agriculture Uses | P | | Stables or Riding Academies | 1 per 5 stalls |
| | | | Other | n/a |
| 3. Development Form Standards | | | | |
| MAX. DENSITY (PERNET ACRE) | | | LOT COVERAGE | |
| Residential ⁴ | 4 du | | Max. Impervious Cover | 60% |
| Hotel | 35 rooms | | Min. Open Space for Major Residential Subdivisions | 16% |
| Nonresidential ^{1,2} | 10,000 GFA | | | |
| MAX. BUILDING HEIGHT | | | | |
| All Development | 45 ft ⁵ | | | |
| USE AND OTHER DEVELOPMENT STANDARDS | | | | |
| See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection. | | | | |
| TABLE NOTES: | | | | |
| P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable | | | | |
| 1. The gross floor area per building shall be 20,000 square feet for buildings devoted to Commercial Services or Industrial Uses . | | | | |
| 2. Each building shall be separated by a minimum of 15 feet. | | | | |
| 3. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2. | | | | |
| 4. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1. | | | | |
| 5. May be increased by up to ten percent on demonstration to the Official that: | | | | |
| a. The increase is consistent with the character of development on surrounding land ; | | | | |
| b. Development resulting from the increase is consistent with the purpose and intent of the building height standards; | | | | |
| c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed development , or (2) results in improved site conditions for a development with nonconforming site features ; | | | | |
| d. The increase will not pose a danger to the public health or safety; | | | | |

| |
|---|
| e. Any adverse impacts directly attributable to the increase are mitigated; and |
| f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent. |

(Revised 5-17-2016 - Ordinance 2016-07; revised 9-17-2019 - Ordinance2019-20; revised 11-4-2020 -Ordinance 2020-26)



FW: Zoning for Medical Use

From Michael Connolly <MichaelC@hiltonheadislandsc.gov>

Date Tue 5/28/2024 3:52 PM

To Brian Eber <briane@hiltonheadislandsc.gov>

2 attachments (454 KB)

zzz1016 William Hilton Pkwy - MC.docx; Sec.16_3_105_D (LC).pdf;



Michael Connolly

SENIOR PLANNER

Office: (843) 341-4641

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island

1 Town Center Court

Hilton Head Island, SC 29928



From: Michael Connolly

Sent: Tuesday, May 21, 2024 4:29 PM

To: Brian Eber <briane@hiltonheadislandsc.gov>

Subject: RE: Zoning for Medical Use

Please see attached.

We need the ZVER number for EnerGov.

Thank you,



Michael Connolly

SENIOR PLANNER

Office: (843) 341-4641

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island

1 Town Center Court

Hilton Head Island, SC 29928



From: Brian Eber <briane@hiltonheadislandsc.gov>

Sent: Tuesday, May 21, 2024 4:22 PM

To: Michael Connolly <MichaelC@hiltonheadislandsc.gov>
Subject: RE: Zoning for Medical Use

I would put the letter together and then we can input that information when we are done.

Use his name for now.

Thank you for paying attention to details.

Brian



Brian Eber, CFM, CSPR, CEPSCI
DEVELOPMENT SERVICES MANAGER

Office: (843) 341-4682
Mobile: (843) 247-4798
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Michael Connolly <MichaelC@hiltonheadislandsc.gov>
Sent: Tuesday, May 21, 2024 4:20 PM
To: Brian Eber <briane@hiltonheadislandsc.gov>
Subject: RE: Zoning for Medical Use

Thank you,

Did they provide the contact information for the applicant?

I need the name, title, and mailing address for the letter.

Thank you,



Michael Connolly

SENIOR PLANNER
Office: (843) 341-4641
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

From: Brian Eber <briane@hiltonheadislandsc.gov>
Sent: Tuesday, May 21, 2024 4:18 PM
To: Michael Connolly <MichaelC@hiltonheadislandsc.gov>
Subject: RE: Zoning for Medical Use

It is the goodwill site just down the road from town hall.

1016 WHP and parcel # R552 015 000 0153 0000

Brian



Brian Eber, CFM,CSPR,CEPSCI
DEVELOPMENT SERVICES MANAGER

Office: (843) 341-4682
Mobile: (843) 247-4798
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Michael Connolly <MichaelC@hiltonheadislandsc.gov>
Sent: Tuesday, May 21, 2024 3:56 PM
To: Brian Eber <briane@hiltonheadislandsc.gov>
Subject: RE: Zoning for Medical Use

Hi Brian,

We need the parcel number or the address to create a ZVER, and to verify the zone.

Once we get the PIN, I can start working on it.

Thank you,



Michael Connolly
SENIOR PLANNER

Office: (843) 341-4641
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

From: Brian Eber <briane@hiltonheadislandsc.gov>
Sent: Tuesday, May 21, 2024 3:31 PM
To: Michael Connolly <MichaelC@hiltonheadislandsc.gov>
Subject: Fwd: Zoning for Medical Use

Michael please work up a zoning verification for the property. I would also confirm the main question that he had in the email below.

Thank you
Brian

Brian Eber, CFM,CSPR,CEPSCI
DEVELOPMENT SERVICES MANAGER

Office: (843) 341-4682
Mobile: (843) 247-4798
Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Missy Luick <missyl@hiltonheadislandsc.gov>
Sent: Tuesday, May 21, 2024 3:28 PM
To: Brian Eber <briane@hiltonheadislandsc.gov>
Subject: FW: Zoning for Medical Use

Brian,
Please assign a zoning verification letter to someone on your team. Shawn C has been involved on this request.

Thank you,
Missy



Missy Luick

DIRECTOR OF PLANNING

Office: (843) 341-4693

Mobile: (843) 816-3129

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

From: Shawn Colin <shawnc@hiltonheadislandsc.gov>
Sent: Tuesday, May 21, 2024 3:24 PM
To: Mason Deal <mason.deal@iheruc.com>; rrinihi@gmail.com
Cc: Missy Luick <missyl@hiltonheadislandsc.gov>; Brian Eber <briane@hiltonheadislandsc.gov>; Shawn Leininger <shawnl@hiltonheadislandsc.gov>
Subject: RE: Zoning for Medical Use

Mason,

Give me a day or two and we will provide you official zoning verification letter. I do not need anything additional from you at this time.



Shawn Colin, AICP

ASSISTANT TOWN MANAGER
COMMUNITY DEVELOPMENT

Office: (843) 341-4696

Mobile: (843) 816-3949

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

From: Mason Deal <mason.deal@iheruc.com>
Sent: Sunday, May 19, 2024 2:26 PM

To: Shawn Colin <shawnc@hiltonheadislandsc.gov>; rrinihi@gmail.com

Subject: RE: Zoning for Medical Use

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Shawn,

Received your voicemail on Friday! You mentioned our use as described would fit under "Other Health Services" which would be allowed under current zoning. Great news!

You mentioned having us submit the description formally to request a zoning determination, then you would write a "zoning determination and feasibility letter".

How can we do that? Can we email or do we need to write up something similar to what we previously sent and physically mail it to you?

From: Shawn Colin <shawnc@hiltonheadislandsc.gov>

Sent: Tuesday, May 14, 2024 2:27 PM

To: Mason Deal <mason.deal@iheruc.com>; rrinihi@gmail.com

Subject: RE: Zoning for Medical Use

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mason,

Thanks for this additional detail. I will review and follow up with you later this week.

Kind regards,



Shawn Colin, AICP

ASSISTANT TOWN MANAGER
COMMUNITY DEVELOPMENT

Office: (843) 341-4696

Mobile: (843) 816-3949

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

From: Mason Deal <mason.deal@iheruc.com>

Sent: Tuesday, May 14, 2024 1:46 PM

To: Shawn Colin <shawnc@hiltonheadislandsc.gov>; rrinihi@gmail.com

Subject: RE: Zoning for Medical Use

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Shawn,
Good talking with you this morning!

In response to your question, the desire for said property is to construct a new and innovative medical use for the community, which will be a department of a local hospital. The facility will offer emergency care, urgent care, and imaging services all in one location. The facility will contain approximately 10-12 exam rooms, CT scanner, X-Ray, Ultrasound, and lab services on site. The facility will operate 24 hours/day, 365 days/year; and will be staffed by qualified emergency physicians. No patients would stay overnight or have an inpatient status. The building would be approximately 11-12k sf.

I am attaching a couple of picture examples of other locations.

-----Original Appointment-----

From: Mason Deal

Sent: Friday, May 10, 2024 3:06 PM

To: Mason Deal; shawnc@hiltonheadislandsc.gov; Robert Rini

Subject: Zoning for Medical Use

When: Tuesday, May 14, 2024 9:00 AM-9:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 275 447 379 914

Passcode: tvCmzN

Dial-in by phone

+1 682-324-9431,,298456467# United States, Fort Worth

[Find a local number](#)

Phone conference ID: 298 456 467#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

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TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

Via email

David Ames
Mayor ProTem

May 23, 2024

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Walter Wilkins
NAI Carolina Charter
1227 May River Road, Suite 100
Bluffton, SC 29910

Marc Orlando
Town Manager

RE: Use/Zoning Verification: 1016 William Hilton Parkway/R552 015 000 0153 0000

Dear Mr. Wilkins:

This letter is in reference to your request for a zoning verification letter for the property located at 1016 William Hilton Parkway, also identified as parcel R552 015 000 0153 0000. Please be aware that it is not a Town of Hilton Head Island policy to conduct a detailed site analysis; therefore, this correspondence will verify zoning only.

The subject property is located within the LC (Light Commercial District) zoning district as identified on the Town of Hilton Head Island's Official Zoning Map. The property is located in the Corridor Overlay District because it is located within 450 feet of an arterial road.

The Town's Land Management Ordinance (LMO) lists permitted uses, conditional uses, and special exceptions in Section 16-3-105.D, which is attached to this letter.

The LMO defines **Other Health Services** as: "A facility other than a *hospital* or *nursing home* that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This *use* type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities.." 1663 · 1983

Other Health Services is an Allowable Principle Use in the LC district.

Please contact me at either (843) 341-4641 or michaelc@hiltonheadislandsc.gov if you have further questions.

Sincerely,

Michael Connolly

Michael Connolly,
Senior Planner

Attachment: "Sec.16_3_105._D (LC)"

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Created: 2022-04-07 15:54:14 [EST]

(Supp. No. 7)

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| Landscape Businesses | PC | Sec. 16-4-102.B.7.f | 1 per 200 GFA | |
| Liquor Stores | SE | Sec. 16-4-102.B.7.g | 1 per 200 GFA | |
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| Other Commercial Services | P | | See Sec. 16-5-107.D.2 | |
| Vehicle Sales and Services | | | | |
| Auto Rentals | P | | See Sec. 16-5-107.D.2 | |
| Auto Repairs | PC | Sec. 16-4-102.B.8.b | 2 per service bay + 1 per 200 GFA of office and waiting area | |
| Auto Sales | P | | See Sec. 16-5-107.D.2 | |

| | | | | |
|--|--------------------|---------------------|---|----------------|
| Car Washes | P | | 10 per wash unit for automatic wash + 5 per bay for manual wash | |
| Gas Sales | PC | Sec. 16-4-102.B.8.d | | |
| Taxicab Services | P | | 1 per 200 GFA of office or waiting area | |
| Watercraft Sales, Rentals, or Services | PC | Sec. 16-4-102.B.8.e | 1 per 200 GFA | |
| Industrial Uses | | | | |
| Light Industrial, Manufacturing, and Warehouse Uses | PC | Sec. 16-4-102.B.9.a | 1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office and administrative area | |
| Self-Service Storage | PC | Sec. 16-4-102.B.9.c | 1 per 15,000 GFA of storage and office area | |
| Waste Treatment Plants | SE | | See Sec. 16-5-107.D.2 | |
| Wholesale Sales | P | | 1 per 1,000 GFA | |
| Other Uses | | | | |
| Agriculture Uses | P | | Stables or Riding Academies | 1 per 5 stalls |
| | | | Other | n/a |
| 3. Development Form Standards | | | | |
| MAX. DENSITY (PER NET ACRE) | | | LOT COVERAGE | |
| Residential ⁴ | 4 du | | Max. Impervious Cover | 60% |
| Hotel | 35 rooms | | Min. Open Space for Major Residential Subdivisions | 16% |
| Nonresidential ^{1,2} | 10,000 GFA | | | |
| MAX. BUILDING HEIGHT | | | | |
| All Development | 45 ft ⁵ | | | |
| USE AND OTHER DEVELOPMENT STANDARDS | | | | |
| See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection. | | | | |
| TABLE NOTES: | | | | |
| P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable | | | | |
| 1. The gross floor area per building shall be 20,000 square feet for buildings devoted to Commercial Services or Industrial Uses . | | | | |
| 2. Each building shall be separated by a minimum of 15 feet. | | | | |
| 3. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2. | | | | |
| 4. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1. | | | | |
| 5. May be increased by up to ten percent on demonstration to the Official that: | | | | |
| a. The increase is consistent with the character of development on surrounding land ; | | | | |
| b. Development resulting from the increase is consistent with the purpose and intent of the building height standards; | | | | |
| c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed development , or (2) results in improved site conditions for a development with nonconforming site features ; | | | | |
| d. The increase will not pose a danger to the public health or safety; | | | | |

| |
|---|
| e. Any adverse impacts directly attributable to the increase are mitigated; and |
| f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent. |

(Revised 5-17-2016 - Ordinance 2016-07; revised 9-17-2019 - Ordinance2019-20; revised 11-4-2020 -Ordinance 2020-26)

November 18, 2025

Moore & Van Allen

Town of Hilton Head Island
Board of Zoning Appeals
1 Town Center Court
Hilton Head Island, SC 29928

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Charleston, SC 29401-1428

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

Re: 1016 William Hilton Parkway

Dear Members of the Board of Zoning Appeals:

I represent Beaufort Memorial Hospital (“BMH”) with respect to the appeal filed by 1014 WHP, LLC challenging the written interpretation, dated August 12, 2025, that an emergency/urgent care facility is a permissible use on BMH’s property located at 1016 William Hilton Parkway. For the reasons set forth below, BMH respectfully requests that you deny the appeal.

As a threshold matter, 1014 WHP, LLC lacks standing to pursue this appeal because it is not “aggrieved” by the written interpretation that is the subject of this appeal. Under S.C. Code Ann. § 6-29-800(B) and Section 16-2-103.T.2.a. of the Town’s Land Management Ordinance (“LMO”), only persons who are “aggrieved” by the zoning official’s written interpretation may appeal an interpretation. A person is “*aggrieved*” if there is some special or particularized injury to that *person* or that *person’s* property resulting from the decision or written interpretation.” LMO § 16-2-103.T.2.b. (emphasis original).

In this case, 1014 WHP, LLC has not been aggrieved by the written interpretation it received on August 12, 2025. The written interpretation itself did not cause any special or particularized injury to 1014 WHP, LLC because the interpretation did not grant BMH any development rights or approvals with respect to BMH’s property. In fact, BMH received from the Town in 2024, which was more than a year ago, a zoning verification letter confirming that an emergency/urgent care facility is permitted on its property, which BMH then relied on to proceed with development. However, neither 1014 WHP, LLC nor any other person appealed that determination to the BZA. Because written interpretations issued by a zoning official are only prospective in nature under LMO § 16-2-103.R., the written interpretation of August 12, 2025 has no impact on that prior verification letter or BMH’s development activities. Therefore, the written interpretation does not cause any special or particularized injury to 1014 WHP, LLC or its property, and its appeal should be denied for lack of standing accordingly. *See Beaufort Realty Co. v. Beaufort County*, 346 S.C. 298, 551 S.E.2d 588 (Ct. App. 2001) (ruling that appellant did not have standing to appeal zoning administrator’s decision exempting plats because the filing of the plats was not causally connected to any alleged harm suffered by appellant or its members).

With respect to the merits of the appeal, the written interpretation issued by the Town is thorough and well-reasoned. BMH has little, if anything, to add to that interpretation, which is clearly

Charlotte, NC
Charleston, SC

correct. Yet to the extent that the BZA considers the relevant provisions of the LMO to be ambiguous, BMH urges the BZA to construe them strictly so as to realize the property's highest utility and not to impliedly extend the LMO to cases not clearly within their scope and purpose. *Helicopter Solutions, Inc. v. Hinde*, 414 S.C. 1, 13, 776 S.E.2d 753, 759 (Ct. App. 2015). Indeed, South Carolina law dictates that zoning ordinances must be construed "to allow people to use their property so as to realize its highest utility." *Kean/Sherratt P'ship by Keane v. Hodge*, 292 S.C. 459, 465, 357 S.E.2d 193, 196 (Ct. App. 1987). When these principles of law are applied to the LMO provisions in question, an emergency/urgent care facility is clearly permissible in the Light Commercial and Corridor Overlay zoning districts.

For these reasons, BMH respectfully requests that the BZA deny 1014 WHP, LLC's appeal.

Sincerely,

MOORE & VAN ALLEN PLLC



E. Brandon Gaskins

EBG



The Town of Hilton Head Island
Board of Zoning Appeals
2026 Meeting Schedule

| BZA Powers and Duties | Application Procedure |
|---|---|
| <p>The Board of Zoning Appeals has the following powers:</p> <ul style="list-style-type: none"> A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of Title 16 of the Municipal Code, Land Management Ordinance. B. To hear and decide requests for variance from the Design and Performance Standards of the Land Management Ordinance. C. To review and take action on applications for uses by special exception; and D. To review and take action on appeals of Planning Commission action on certain traffic analysis plans. | <p>Applications for Variance and Special Exception must be completed and submitted not later than 30 days prior to the meeting at which the application will be considered. In addition, Applications for Appeal must be filed not later than 14 days from the date of the decision being appealed.</p> <p>An Application Check-In Conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. Application Check-In Conferences must be scheduled by appointment with the Community Development Department staff.</p> |

| <u>BZA PUBLIC MEETING DATE</u> | <u>APPLICATION DEADLINE</u> |
|---|-----------------------------|
| January 26, 2026 | December 27, 2025 |
| February 23, 2026 | January 24, 2026 |
| March 23, 2026..... | February 22, 2026 |
| April 27, 2026..... | March 28, 2026 |
| *May 18, 2026..... | April 18, 2026 |
| June 22, 2026..... | May 23, 2026 |
| July 27, 2026..... | June 27, 2026 |
| August 24, 2026..... | July 25, 2026 |
| September 28, 2026..... | August 29, 2026 |
| October 26, 2026..... | September 26, 2026 |
| November 23, 2026..... | October 24, 2026 |
| December 28, 2026..... | November 28, 2026 |
| <p><i>*The May meeting is moved to the third Monday of the month due to Memorial Day.</i></p> | |

Regular meetings are generally held on the 4th Monday of each month at 2:30 p.m. in Benjamin M. Racusin Council Chambers, subject to change with notice.