



**The Town of Hilton Head Island**  
**Regular Planning Commission Meeting**  
**Wednesday, October 6, 2010**  
**9:00 a.m. Benjamin M. Racusin Council Chambers**  
**AGENDA**

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

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Freedom of Information Act Compliance**  
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5. Approval of Agenda**
- 6. Approval of Minutes**  
Regular Planning Commission Meeting of September 15, 2010
- 7. Appearance by Citizens on Items Unrelated to Today's Agenda**
- 8. Unfinished Business**  
None
- 9. New Business - Public Hearing**  
**PPR100001-**  
Application for Public Project Review from the Town of Hilton Head Island for restoration and stabilization to the Port Royal shoreline. These improvements will include restoring an area of eroding beach with sand fill from an offshore borrow site and stabilizing the area with a low crested groin to reduce future sand loss. The project area is located between the Westin Resort and the northeast tip of the Island and is approximately 5,400 linear feet of Atlantic Ocean shoreline. *Presented by: Nicole Dixon*
- 10. Commission Business**  
Adoption of the Planning Commission's Meeting Schedule 2011
- 11. Chairman's Report**
- 12. Committee Reports**
- 13. Staff Reports**
- 14. Adjournment**

**Please note that a quorum of Town Council may result if four (4) or more of  
Town Council members attend this meeting.**



1 **9. NEW BUSINESS**

2 **Proposed Ordinance No. 2010 – 15 Community Standards – Appearance Code**

3 Ms. Jill Foster made the presentation on behalf of staff. The staff recommended that the  
4 Planning Commission provide a recommendation of approval on the (*attached*) municipal code  
5 amendment to Town Council.  
6

7 Even though this is a municipal code amendment which does not require any type of review or  
8 public hearing by the Planning Commission, the Mayor has asked the staff to seek input from the  
9 Planning Commission for Town Council. The Mayor has requested that the Planning  
10 Commission recommend a motion on this issue following today’s presentation.  
11

12 At its 2009 annual workshop, Town Council discussed the lack of maintenance to existing non-  
13 residential development and the negative impact this can have on the community. Some of the  
14 items discussed were commercial buildings in disrepair, parking lots and driveways with pot  
15 holes, and tattered awnings. In January 2010, Town Council adopted a goal “*Commercial*  
16 *Appearance-- Town Role and Direction* as part of their Policy Agenda for 2010: Targets for  
17 Action.  
18

19 The municipal code amendment presented today includes changes to Municipal Code Title 9,  
20 Chapter 1 on “Public Nuisance.” These Island-wide changes will affect only non-residential and  
21 multi-family buildings and structures, property and equipment. The proposed changes expand  
22 the definition of *Nuisance* to include properties, buildings and structures and outdoor equipment  
23 which negatively affect the economic value preservation of property and the surrounding  
24 properties with unmaintained conditions. These include a variety of enforcement actions that can  
25 be taken by the Town:  
26

27 Describe the minimum maintenance and aesthetic standards on: (1) the exterior of buildings  
28 (selective items focusing on the aesthetics of the building and not its safety, which is currently  
29 regulated through other codes); (2) service equipment located on the exterior of the building  
30 (propane tanks, HVAC systems); and (3) property areas (eroded grading; hazardous drainage,  
31 sidewalks, driveways, drive aisles, parking spaces, streets & access easements; and deteriorating  
32 accessory structures such as fences & walls).  
33

34 Ms. Foster stated that during subsequent discussions with the staff, Town Council directed staff  
35 to stay within the following parameters: (1) address only those situations which deal with  
36 aesthetics and maintenance and not those which deal with safety issues; (2) model the ordinance  
37 after parts of the International Property Maintenance Code; (3) regulate only non-residential  
38 structures & multi-family complexes and sites Island-wide; (4) regulate only the exterior of  
39 buildings (selective items focusing on the aesthetics of the building and not its safety).  
40

41 Examples to be regulated could be: (a) deteriorating stucco, roofs, gutters, awnings, decorative  
42 features, chimneys & towers, handrails & guards; (b) equipment located on the exterior of the  
43 building (propane tanks, HVAC systems); and (c) property areas (eroded grading; hazardous  
44 drainage, sidewalks, driveways, drive aisles, parking spaces, streets & access easements; weeds;  
45 and deteriorating accessory structures such as fences & walls).  
46

47 Ms. Foster discussed these concerns and presented several photographs of commercial property  
48 as examples: (1) Heritage Plaza with a sink hole/broken sidewalk; (2) a south end building - the  
49 former Technical College of the Lowcountry building - with a broken stairway; and (3) a south

1 end shopping center with a number of pot holes. Pot holes are a particular problem on Hilton  
2 Head Island. The Town's current Building Code regulations are not able to catch some of these  
3 problems. Ms. Foster and the Planning Commission discussed a number of aesthetics concerns  
4 with regard to peeling paint and excessive mold on buildings.  
5

6 Mayor Tom Peebles stated that the full Town Council has not seen today's proposal (it has only  
7 been reviewed by the Planning & Development Standards Committee).  
8

9 Ms. Foster and the Planning Commission then discussed several issues with regard to aesthetics.  
10 They also discussed issues with regard to safety, code enforcement, and the appeal process.  
11

12 Brian Hulbert, Staff Attorney for the Town, provided statements in clarification of code  
13 enforcement issues. Mr. Hulbert and the Planning Commission discussed several issues  
14 including code violation, the notification process, and the appeal process. The staff anticipates a  
15 joint effort between Building Inspectors and Code Enforcement Officers.  
16

17 Chairman Vadnais asked why concerns with aesthetic issues, such as peeling paint and excessive  
18 mold, were excluded from today's proposal by the P&DS Committee (staff was unable to speak  
19 for the committee). Ms. Foster reviewed staff's method of research, some of which was gleaned  
20 from other municipalities. The staff and Planning Commission discussed concerns with the huge  
21 enforcement effort that is associated with aesthetic issues (because they are often subjective and  
22 difficult to enforce).  
23

24 Ms. Foster stated the amendments regulate the exterior of a commercial building and the site  
25 itself. They do not regulate the interior of a building. The staff and the Planning Commission  
26 discussed the Purpose Statement, responsibilities, negative economic impacts, enforcement  
27 issues, and safety issues.  
28

29 Commissioner Crews presented statements regarding the sensitivity of the issue and the desire to  
30 deal with these problems. We might be trying to 'cure a symptom' rather than 'dealing with the  
31 cause'. Commissioner Crews stated that the notion of an 'appearance police' is somewhat  
32 troubling (as far as government regulation goes). Chairman Vadnais stated that he believes just  
33 the opposite – the proposal does not go far enough.  
34

35 Commissioner Leary and Commissioner Docherty presented statements in agreement with  
36 Chairman Vadnais. The proposed effort will provide needed protection for property values both  
37 commercial and residential values.  
38

39 The Planning Commissioners discussed this issue at length. They also discussed economic  
40 values and economic incentives, as well as code enforcement. It will be important to define  
41 negative impact.  
42

43 Mr. Charles Cousins presented statements regarding Town Council's direction to the staff and  
44 the staff's efforts in not being 'heavy handed'. Mr. Cousins and the Planning Commission  
45 discussed concerns with current economic conditions and the level of commitment shown by  
46 some commercial property owners in properly maintaining their property.  
47  
48  
49

1 The staff and the Planning Commission discussed the standard of ‘public nuisance’ and the  
2 subject term, ‘negative impact’. They also discussed compliance issues associated with notices  
3 of action provided by the Design Review Board.  
4

5 Chairman Vadnais stated that today’s amendment does not go far enough. It’s a start, but it  
6 should be broader. Rather than code enforcement, for example, ‘writing a ticket for too much  
7 mold’ Commissioner Crews recommended that group of individuals (like a Design Review  
8 Board) makes these types of aesthetic determinations.  
9

10 At the completion of the discussion, Chairman Vadnais requested public comments: Mr. Kumar  
11 Viswanathan, citizen, presented statements regarding the regulation and the need to address the  
12 long-term cause and trends (rather than just short term). Chester C. Williams, Esq., presented  
13 statements with regard to the need for objective standards. There is too much subjectivity with  
14 today’s proposal. Mrs. Mary Amonitti presented statements in regard to code enforcement in  
15 other municipalities.  
16

17 Mr. Brian Hulbert provided details regarding the Town’s current code enforcement process. Ms.  
18 Foster presented details regarding the staff’s method of research in developing the proposal  
19 including details regarding similar efforts by other municipalities.  
20

21 At the completion of final discussion by the Planning Commission, Chairman Vadnais requested  
22 that a motion be made on Proposed Ordinance No. 2010 – 15 Community Standards –  
23 Appearance Code that returns this item to the staff for additional review. The staff should  
24 broaden the proposed appearance code standards; and, look into the administrative process for  
25 the appeal procedure.  
26

27 Commissioner Leary **made** the motion as stated by Chairman Vadnais. Commissioner Docherty  
28 **seconded** the motion. The motion **passed** with a vote of 6-0-0.  
29

30 **10. COMMISSION BUSINESS**

31 None  
32

33 **11. CHAIRMAN’S REPORTS**

34 Chairman Vadnais stated that he will present the Planning Commission’s Semi-Annual Activity  
35 Report (January – June 2010) to Town Council on Tuesday, September 21, 2010.  
36

37 **12. COMMITTEE REPORTS**

38 Mr. Shawn Colin presented a summary of the Comp Plan Committee meeting on September 13th.  
39

40 **13. STAFF REPORTS**

- 41 1. Mrs. Jayme Lopko presented the Quarterly Report to the Planning Commission.
  - 42 2. Mrs. Lopko presented the Project Update to the Planning Commission.
- 43  
44  
45  
46  
47

1 Chet Williams, Esq., stated that the Planning Commission Minutes from the September 1, 2010  
2 meeting contain an error with regard to the applicant's postponement of APL100006.  
3

4 **14. ADJOURNMENT**

5 The meeting was adjourned at 5:10pm.  
6

7 Submitted By:

Approved By:

8  
9  
10 \_\_\_\_\_  
11 Kathleen Carlin  
12 Administrative Assistant

\_\_\_\_\_

Al Vadnais  
Chairman

DRAFT



**TOWN OF HILTON HEAD ISLAND  
COMMUNITY DEVELOPMENT DEPARTMENT**

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

**STAFF REPORT  
PUBLIC PROJECT REVIEW**

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<b>Case #:</b>	<b>Name of Project or Development:</b>	<b>Public Hearing Date:</b>
PPR100001	Port Royal Sound Shoreline Renourishment and Stabilization	October 6, 2010

<b>Parcel Data or Location:</b>	<b>Applicant</b>
Between the Westin Resort and the northeast tip of the Island	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928

**Application Summary:**

The proposed application is for a Public Project Review from the Town of Hilton Head Island for renourishment and stabilization to the Port Royal shoreline. These improvements will include renourishing an area of eroding beach with sand fill from an offshore borrow site and stabilizing the area with a low crested groin to reduce future sand loss.

**Staff Recommendation:**

**Staff recommends the Planning Commission find this application to be compatible with the Town's Comprehensive Plan for location, character, and extent based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.**

**Background:**

The Town of Hilton Head Island has long recognized that its beaches are a vital asset to residents and the Island's economy. Beginning in 1990, the Town embarked on an ambitious beach renourishment program. In an effort to maintain the Island's beaches in the best possible condition, the Town utilizes beach renourishment as part of its long-term strategy.

Town Council has approved funding the Port Royal Sound Shoreline Renourishment project for \$12.5 million from the beach preservation fee, a 2% tax on short-term rental accommodations, in the Town's fiscal year 2011 budget.

The proposed project is required due to the erosion along this specific area of shoreline. Since about 1999, portions of the proposed project shoreline have experienced recession rates varying from 60 to 130 feet per year.

The Town has held numerous public meetings starting in 2006 with various Town boards and committees, adjacent property owners of the project area and the community at large, and the Port Royal Property Owners Association and their Beach Committee to discuss the proposed project, its funding and any project implications. The Town has received several letters and phone calls all in support of the proposed renourishment project.

**Description of Project:**

The project area is located between Barnacle Road (just north of the Westin Resort) and the northeast tip of the Island (near the Port Royal Beach Club) and is approximately 5,400 linear feet of Atlantic Ocean shoreline. The Town is planning on beginning the project in January 2011 and is expecting it to take approximately nine months to complete.

Approximately 1 million cubic yards of beach quality sand fill will be dredged from an offshore borrow site located on the eastern side of the Port Royal Sound. After completing a sand search investigation, the Town finds the proposed sand source is highly suitable for use as beach fill material on the north end of the Island. The sand will be pumped from the borrow area to the fill site through a submerged pipeline.

Considering the extremely high rate of erosion at this location, sand fill alone cannot successfully address the ongoing shoreline retreat problem and provide sufficient protection to upland development. The proposed low crested groin is intended to reduce the shoreline erosion rate following the sand fill placement, maintain a more consistent shoreline along the Port Royal Sound shoreline, and allow for continued alongshore sand transport from the Atlantic Ocean shoreline to the Port Royal Sound shoreline.

The project site is located along a section of shoreline that is designated as Critical Habitat for wintering piping plover. The project is intended to stabilize and maintain the critical habitat area. The Town also intends to minimize potential project-related effects to

nesting sea turtles in the area by ensuring the fill component of the project is completed by May, which is the beginning of the nesting window of the turtles. The Town will access the beach from an upland location which will minimize the area of disturbance.

**Location, Character, and Extent:**

LMO Section 16-3-1201. Applicability and Purpose

*The Planning Commission shall review any new street, structure, utility, square, park, or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, and make a determination of compatibility with the Comprehensive Plan for location, character and extent.*

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

**Findings of Fact:**

- Notice of the Public Project Application was published in the Island Packet on August 29, 2010 as set forth in LMO 16-3-110 and 16-3-111.
- Notice of the Public Project Application was posted and mailed as set forth in LMO 16-3-110 and 16-3-111.
- A public hearing will be held on October 6, 2010 as set forth in LMO 16-3-1204A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1204.

**Conclusion of Law:**

- The Public Project Review application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1204A.

**Summary of Facts and Conclusions of Law, for the LOCATION, CHARACTER and EXTENT of the project:**

**Findings of Fact:**

- The project location is between the Westin Hotel and the northeast tip of the Island, near the Port Royal Beach Club.
- The proposed sand source is highly suitable for use as beach fill material on the north end of the Island. Once the fill is placed, a low crested groin will be constructed to reduce the shoreline erosion rate, maintain a more consistent shoreline, and allow for continued alongshore sand transport. The project is intended to stabilize and maintain the critical habitat in that area, such as that for nesting sea turtles and piping plover.

- Approximately 1 million cubic yards of beach quality sand fill will be dredged from an offshore borrow site located on the eastern side of the Port Royal Sound.

The adopted Comprehensive Plan and its appendices address this project in the following areas:

➤ **Natural Resources Element**

*Current Policies:*

- 3.3. To prevent the eventual disappearance of the dry sand beach, the Town renourishes the beach periodically. The Town also conducts semi-annual surveys of beach conditions.
- 3.3. The Town adopted a Beach Management Plan in 1991 (updated in 2008) which inventoried and evaluated existing conditions along the beach, and identified needed improvements to facilities and regulations.

*Goals:*

- 3.3.C. The goal is to maintain beach ecosystem for wildlife (e.g. Sea turtle nesting, island glass lizard habitat, piping plover Critical Habitat).

*Implementation Strategies:*

- 3.5.H. Support beach renourishment activities.

➤ **Economic Development Element**

*Current Policies:*

- 7.5. Preservation of natural assets - Continual protection, nourishing and replenishing of beaches, dunes and native vegetation is vital to the future economic potential of the Island.

➤ **Priority Investment Element**

*10-year Capital Improvements Plan:*

- 11.2 Beach renourishment is listed as a project in the Town's CIP.

➤ **Beach Management Plan**

*The Town's intent in pursuing the renourishment program is:*

- To protect, preserve, restore, stabilize and enhance the beach/dune system through beach renourishment and other appropriate means, to provide for the protection of life and property, and to act as a buffer from high tides, storm surge, hurricanes, and erosion;
- To prohibit development from moving seaward onto new dunes or beach areas formed as a result of the Town's beach renourishment projects and efforts;
- To provide an important basis for a tourism industry that generates annual revenue for the State of South Carolina and the Town;
- To provide habitat for numerous species of plants and animals which are threatened or endangered, or which may become threatened or endangered as a result of the loss of the beach/dune system;

- To provide habitat for beach/dune system vegetation that is unique and extremely important to the vitality and preservation of the system; and
- To create a recreational beach at high tide.

*Implementation Strategies:*

- Goal 1.2.A. Continue beach renourishment and collection of beach preservation fee.

**Conclusions of Law:**

➤ *For the **Location** of the project:*

- Staff concludes that the project is compatible with the adopted Comprehensive Plan and its appendices as described in the Natural Resources Element, Economic Development Element, Priority Investment Element and the Beach Management Plan for the location of the project.
- Because of the rate of erosion this area has been experiencing, this location along the Port Royal Sound Shoreline has been identified as one which needs stabilization and renourishment.

➤ *For the **Character** of the project:*

- Staff concludes that the project is compatible with the adopted Comprehensive Plan and its appendices as described in the Natural Resources Element, Economic Development Element and the Beach Management Plan for the character of the project.
- The project will restore an area of eroding beach with sand fill from an offshore borrow site and stabilize the area with a low crested groin to reduce future sand loss.
- The project will also serve to protect the natural resources along this section of shoreline, as this area is designated as critical habitat for wintering piping plover. The project is intended to stabilize and maintain the critical habitat area as well as minimize potential project-related effects to the nesting sea turtles in the area.

➤ *For the **Extent** of the project:*

- Staff concludes that the project is compatible with the adopted Comprehensive Plan and its appendices as described in the Natural Resources Element, Economic Development Element, Priority Investment Element and the Beach Management Plan for the extent of the project.
- Approximately 1 million cubic yards of sand fill will be dredged from an offshore borrow site to prevent the eventual disappearance of dry sand beach along the Port Royal Sound Shoreline and to protect the natural assets the beach has to offer.

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

**Finding of Fact:**

- The Town’s adopted Capital Improvement Program (CIP) addresses this project as being scheduled for the year 2011.

**Conclusion of Law:**

- Staff concludes that the adopted CIP supports this application because the project is in the Town’s fiscal year 2011 budget.

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

**Finding of Fact:**

- Other documents or actions address this project:
- Town Council’s 2010 Policy Agenda: Targets for Action  
Top Priority - Port Royal Beach Erosion Project

**Conclusion of Law:**

- Staff concludes that Town Council’s 2010 Policy Agenda supports this application because it lists the Port Royal Beach Erosion Project as a Top Priority.

**LMO Official Determination**

**Determination:** Staff determines that this application is compatible with the Comprehensive Plan for the location, character, and extent as based on the above Findings of Fact and Conclusions of Law.

**Planning Commission Determination and Motion:**

**The Planning Commission’s role is to determine if the application is compatible with the Comprehensive Plan for location, character, and extent.** See attached Notice of Action Form for motion format.

**PREPARED BY:**

N.D.

Nicole Dixon  
*Senior Planner*

September 20, 2010

DATE

**REVIEWED BY:**

J.L.

Jayne Lopko, AICP  
*Senior Planner*

September 20, 2010

DATE

**REVIEWED BY:**

T.B.L.

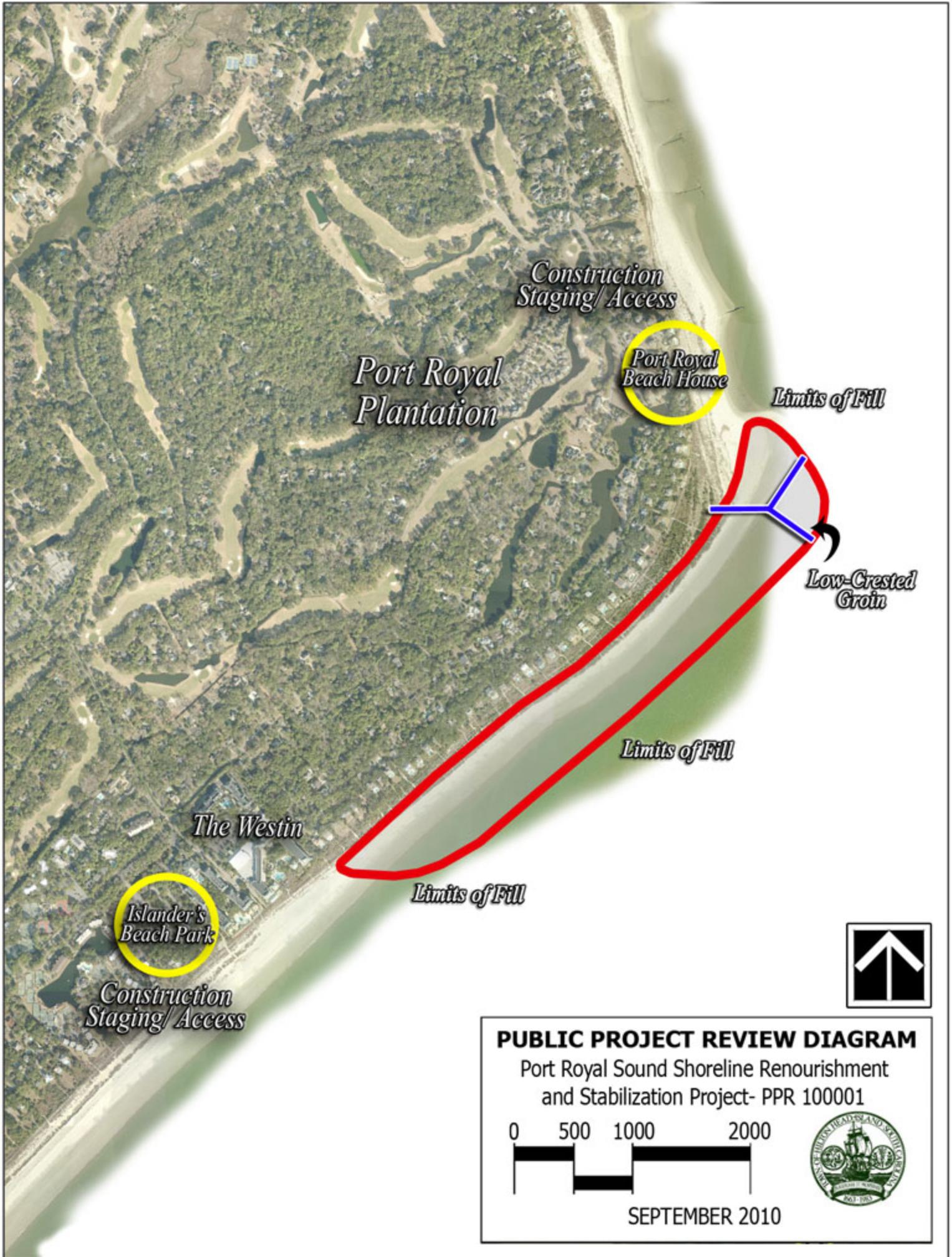
Teri B. Lewis, AICP  
*LMO Official*

September 20, 2010

DATE

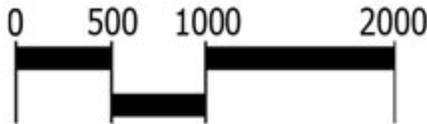
**ATTACHMENTS:**

A) Vicinity Map



**PUBLIC PROJECT REVIEW DIAGRAM**

Port Royal Sound Shoreline Renourishment  
and Stabilization Project- PPR 100001



SEPTEMBER 2010



# The Town of Hilton Head Island PLANNING COMMISSION 2011 Meeting Schedule

Application for changes to Zoning Maps or Master Plan Maps, Public Project Reviews, Major Traffic Analysis, Street Names and LMO Text Amendments are heard by the Planning Commission on the **first** and **third** Wednesdays of each month.

The **first meeting** of each month **begins at 9:00am**. The **second meeting** of each month **begins at 3:00pm**. All meetings are held in Council Chambers at Town Hall, One Town Center Court. Changes to meeting dates and times will be posted.

PUBLIC MEETING DATES	APPLICATION DEADLINES
January 5, 2011 * January 19, 2011	November 19, 2010 * December 3, 2010
February 2, 2011 * February 16, 2011	December 17, 2010 * <i>December 30, 2010</i>
March 2, 2011 * March 16, 2011	January 14, 2011 * January 28, 2011
April 6, 2011 * April 20, 2011	February 18, 2011 * March 4, 2011
May 4, 2011 * May 18, 2011	March 18, 2011 * April 1, 2011
June 1, 2011 * June 15, 2011	April 15, 2011 * April 29, 2011
July 6, 2011 * July 20, 2011	May 20, 2011 * June 3, 2011
August 3, 2011 * August 17, 2011	June 17, 2011 * July 1, 2011
September 7, 2011 * September 21, 2011	July 22, 2011 * August 5, 2011
October 5, 2011 * October 19, 2011	August 19, 2011 * September 2, 2011
November 2, 2011 * November 16, 2011	September 16, 2011 * September 30, 2011
December 7, 2011 * December 21, 2011	October 21, 2011 * November 4, 2011

*The December 30th application deadline date is changed due to the holidays.*

\* 3:00pm meeting

All applications for review by the Planning Commission must be received by the Community Development Information Center a minimum of forty-five (45) days prior to the public meeting date. Please refer to Chapter 3 of the Town's Land Management Ordinance for additional information.